

City of Adrian
Chapter 106: Zoning Ordinance
Full Zoning Text

Revision Date: As adopted by Adrian City Commission, September 2, 2025
To take effect September 15, 2025

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Article 1: Introduction

SECTION 106-01 TITLE AND AUTHORITY

A. ENACTMENT AND AUTHORITY

The City Commission of the City of Adrian in the County of Lenawee under the authority of the Michigan Zoning Enabling Act, PA 110 of 2006 of the State of Michigan, as amended, hereby ordains, enacts and publishes this Ordinance.

B. Title

This Ordinance shall be commonly known as the "City of Adrian Zoning Ordinance."

C. Effective Date

This Ordinance shall become effective seven (7) days from the date of publication of notice of adoption.

SECTION 106-02 PURPOSE

The City of Adrian Zoning Ordinance is hereby established per the needs of the City. The text, map, and schedules contained herein shall constitute this Ordinance. This Ordinance is expressly adopted for the following purposes:

1. To protect and promote the public health, safety, and general welfare of the City.
2. To control and guide the orderly growth and development of the City in accordance with the Comprehensive Plan and to implement its growth and development goals and policies including:
 - a) To encourage a wide range of housing opportunities.
 - b) To ensure that the residential housing environment is safe, healthy and free of blight.
 - c) To preserve the character and value of historic areas and structures.
 - d) To preserve and enhance the appearance and viability of the Central Business District.
 - e) To ensure the orderly development and operation of industrial uses.
3. To guard against community impacts which can adversely affect those positive qualities that make up the distinctive character of the city, and which can adversely affect its social and economic climate.
4. To promote and protect the value of land and buildings which are appropriate to the various districts established by this Ordinance.
5. To prevent conflicts between the use of land and buildings.

SECTION 106-03 ZONING MAP

The zoning districts detailed in these regulations are mapped according to [the Official Zoning Map. \(see Appendix B\)](#)

SECTION 106-04 CONFLICTING PROVISIONS

If a conflict arises between the regulations in Chapter 106 and other chapters, the regulations of Chapter 106 take precedence.

SECTION 106-05 PERMITS AND CERTIFICATES

No development activity shall occur on any property within this jurisdiction until the applicable permit, approval, and certificate for such activity have been approved by the official with the authority to approve as outlined in Articles 2 and 3 of this Chapter.

SECTION 106-06 INTERPRETATION, VESTED RIGHTS, SEVERABILITY,

A. Interpretation

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; the word "building" includes the word "structure," and "dwelling" includes "residence"; the word "person" includes "corporation," "co-partnership," "association," as well as an individual; the word "shall" is mandatory and directive. In addition, the rules of construction listed shall apply to the extent not inconsistent with the previous sentence.

Terms not defined in Chapter 106 shall have the meanings assigned to them in other portions of the City of Adrian Code of Ordinances.

Terms not defined in Chapter 106 or elsewhere in the City of Adrian Code of Ordinances shall have the meaning customarily assigned to them.

B. Vested Rights

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

C. Severability

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in such ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building, or structure, such ruling shall not affect the application of such provision to any other parcel, lot, use, building, or structure not specifically included in such ruling.

SECTION 106-07 DEFINITIONS AND RULES OF MEASUREMENT

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

A

Access Management (Access Control): A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access to Property, Reasonable: A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or certain vehicle turning movements prohibited for improved safety and traffic operations.

Accessory Building or Structure: A supplemental building or structure on the same parcel of land as the principal building(s), structure (s), or use(s), the use of which is incidental or secondary to that of the principal building or use.

Accessory Dwelling: See Dwelling, Accessory

Accessory Use: A use that is both incidental and secondary to the primary use on the same parcel. This use does not alter the primary use nor serve property other than the parcel where the primary use is located.

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Adaptive Reuse: The development of a new use for an older building or for a building originally designed for a special or specific purpose.

Adequate Lateral Support: The control of soil movement on a site as determined by accepted engineering standards.

Adjacent: In general, the land or property directly adjoining by way of a property line, with the property in question. When used in connection with Section 106-86_Off-Street Parking, adjacent means the land directly adjoining the building referred to as the principal use to which such space for vehicle storage or parking is required.

Adult Day Care Center: A facility other than a private residence, which provides care for more than six (6) adults for less than twenty-four (24) hours a day.

Adult Day Care Home: A private residence, in which six (6) adults or less are given care and supervision for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period.

Adult Foster Care Facility, State-Licensed: Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to PA 218 of 1979, as amended. These acts provide for the following types of residential structures:

- a) **Adult Foster Care Small Group Home:** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- b) **Adult Foster Care Large Group Home:** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- c) **Adult Foster Care Family Home:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty-four (24) hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Adult Uses:

Any of the following:

- a) **Adult Arcade or Mini Motion-Picture Theater:** Any place to which the public is permitted or invited where coin-operated or slug-operated, or electronically, electrically or mechanically controlled still or motion-picture machines, projectors or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images displayed are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined in this Ordinance).
- b) **Adult Bookstore, Adult Novelty Store or Adult Video Store:** A commercial establishment that offers for sale or rental for any form of consideration and that has as a substantial or significant portion of its stock-in-trade, books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations, recordings, other audio matter, and novelties or devices that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities

or specified anatomical areas. The adult bookstore, adult novelty store, or adult video store may have other principal business purposes that do not involve the offering for sale or rental materials that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as adult bookstore, adult novelty store, adult video store so long as a substantial or significant portion of its business includes the offering for sale or rental for consideration the specified materials that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

- c) **Adult Booth:** A small enclosed or partitioned area inside an adult regulated use that is (1) designed or used for the viewing of books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations, recordings, and novelties or devices that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas by one or more persons, and (2) is accessible to any person, regardless of whether a fee is charged for access. "Adult booth" does not include a foyer through which any person can enter or exit the establishment, or a rest room.
- d) **Adult Cabaret:** A nightclub, cafe, restaurant, lounge, bar or similar establishment (which may or may not include the service of food or beverages), where male or female employees regularly provide live performances emphasize anatomical areas or sexual activities for the observation or entertainment of patrons, guests, and/or members. Adult cabaret also includes an establishment that permits, provides, or features full or partial nudity.
- e) **Adult Motel:** A hotel, motel, or similar commercial establishment that (1) offers accommodations to the public for any form of consideration; and (2) provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; and (3) has a sign visible from the public right-of-way that a) advertises the availability of this adult type of photographic reproductions, or b) offers a sleeping room for rent for a period of time that is less than 10 hours, or c) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.
- f) **Adult Model Studio:** Any place where a person who displays specified anatomical areas is regularly provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. An adult model studio shall not include a proprietary school licensed by the State of Michigan or a college, junior college, or university supported entirely or in part by public taxation, a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation, or in a structure (1) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing, and (2) where in order to participate in a class a student must enroll at least three days in advance of the class, and (3) where no more than one nude or seminude model is on the premises at any one time.

- g) **Adult, Nude, Partially Nude Dancing.** A business having as its principal activity the live presentation of or display of nude or partially nude male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For this Article, nude or partially nude will mean having any or all of the specified anatomical areas exposed as defined herein
- h) **Adult Personal Service Business:** A commercial business having as a principal activity a person, while nude or partially nude, providing personal services for another person on an individual basis. Such a business includes, but is not limited to, the following activities and services: modeling studios, body painting studios, wrestling studios, individual theatrical performances or dance performances, barber shops or hair salons, car washes, convenience stores or other commercial business establishments where food or goods and services are sold, and tattoo parlors where services are being performed by a person who is nude or partially nude. "Nude" or "partially nude" is defined as having attire that reveals specified anatomical areas as defined in this section.
- i) **Adult Theater:** A commercial establishment that is a movie or performance theater, concert hall, auditorium, or similar commercial establishment, either indoor or outdoor in nature, that, for any form of consideration, regularly features live performances that are distinguished or characterized by their emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by guests, patrons, and/or members. An adult theater does not include a theater, concert hall, auditorium, or similar establishment that, for any fee or consideration, regularly features live performances that are not distinguished or characterized by their emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the primary purpose of the performance.

Agriculture Sales: On-site sale of feed, grain, fertilizers, pesticides and similar goods. Typical uses include nurseries, hay, feed and grain stores.

Agricultural Services: Provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include crop dusting and tree service firms.

Agriculture: Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises, or uses, but no farms shall be operated as piggeries, or chicken brooders or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals, except for consumption by persons residing on the premises.

Alley: Any dedicated public or private right-of-way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alteration: Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Amusement Center: Any indoor or outdoor place that is maintained or operated for the amusement, patronage, or recreation of the public to include any coin-controlled amusement device of any description, commonly known as baseball, football, pinball amusements, pool tables, miniature golf course, or driving range.

Animal, Domestic Pet: An animal that is commonly considered capable of being trained or can adapt to living in a human environment and being of use to human beings, including by way of example: bird (caged), fish, turtle, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated.

Animal, Exotic: Any animal of a species not indigenous to the State of Michigan and not a domesticated animal, including any hybrid animal that is part exotic animal.

Animal, Farm: See Livestock.

Animal, Non-Domesticated (Wild): Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

Animal, Dangerous: A dangerous animal means an animal which meets any of the following criteria:

- a. Has killed a person or domestic animal or caused a person or domestic animal serious bodily injury without provocation, including, but not limited to, injuries resulting in hospital confinement or reconstructive surgery;
- b. Is owned, possessed, harbored, or trained for animal fighting; and
- c. Any animal deemed dangerous by a court of law.

Antennae, Reception: See Reception Antennae.

Aquifer: A geologic formation, group of formations, or part of a formation capable of storing and yielding a significant amount of groundwater to wells or springs.

Arcade, Game or Video: The use of a building or a portion of a building for the location, operation, and placement of five (5) or more mechanical amusement devices. Mechanical amusement devices shall mean any device, apparatus, mechanical equipment or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

Arcade, pedestrian: An area contiguous to a street or plaza that is open and unobstructed to a height of not less than 12 feet and that is always accessible to the public. Any portion of an arcade occupied by building columns, landscaping, statuary, pools, or fountains shall be considered part of the arcade to compute a floor-area premium credit. The term "arcade" shall not include off-street loading areas, driveways, off-street parking areas, or open pedestrian walkways. The floor of any arcade shall be level with the adjoining street or plaza.

Architectural Feature, Significant: Any building, structure, or portion thereof, that is sufficiently distinctive or unusual in design or construction as to warrant the preservation and minimal alteration of its original form.

Arterial: See "Street."

As-Built Plans: Construction plans in accordance with all approved field changes.

Assembly Hall: A facility used to provide meeting space for social gatherings and other events. This includes banquet and rental halls.

Assisted Living: A facility established for profit or nonprofit, which provides nursing/assisted care and related medical services on a 24-hour per day basis to two or

more individuals because of illness, disease, or physical or mental infirmity. Provides care for those persons not in need of hospital care

Auditorium: (see Assembly Hall)

Auto (Automobile): Any motorized vehicle intended to be driven on roads or trails, such as cars, trucks, vans, and motorcycles.

Automobile Dealership: A building or premises used primarily for the sale of new and used automobiles and other motor vehicles such as motorcycles, boats, and recreational vehicles. Such a dealership may include outdoor display and accessory indoor maintenance and repair.

Automobile Gasoline Station: An establishment which includes buildings and premises for the primary purpose of retail sales of gasoline. An automobile gasoline service station may also include an area devoted to sales of automotive items and convenience goods (mini-mart) primarily sold to patrons purchasing gasoline. An establishment which provides vehicle maintenance or repair is not included within this definition.

Automobile Repair Establishment (Major Repair): An automotive repair establishment which may conduct, in addition to activities defined below as "minor repairs", one (1) or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, and collision service.

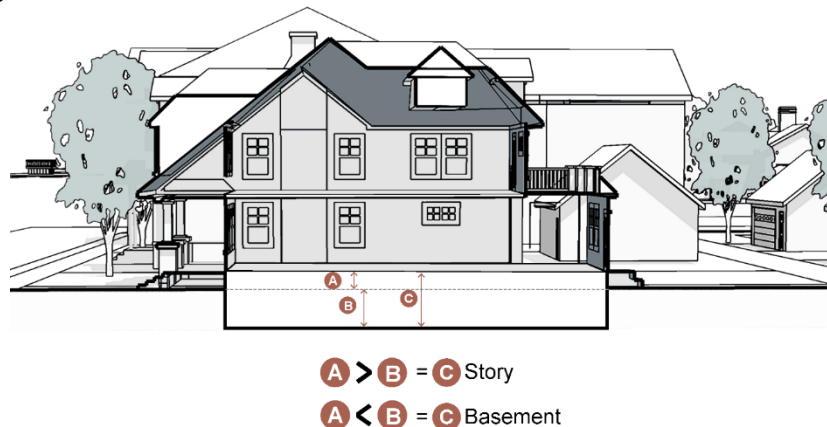
Automobile Service Establishments (Routine Maintenance and Minor Repair): A building or premises used primarily to provide general maintenance on automobiles; but excluding tire recapping or grooving or any major mechanical repairs, collision work, or painting. An automobile maintenance/service establishment may also sell gasoline but is distinct from an automobile gasoline station.

Awning: A roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof at a pitch of a structure over a window, walkway, door, or the like.

B

Base Flood: A flood event having a one percent (1%) chance of being equaled or exceeded in any given year.

Basement: Basement or cellar shall be that which is defined in the City of Adrian Building Code.

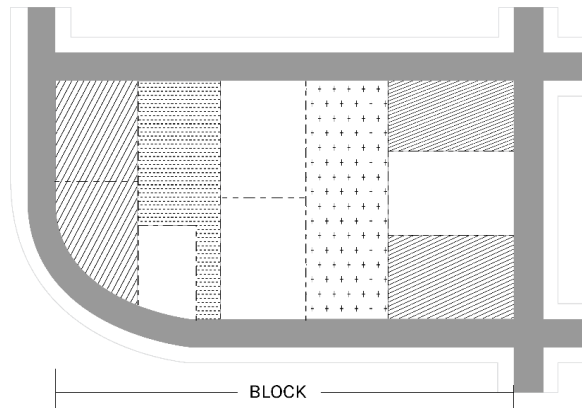


Bedroom: A room or area within a dwelling unit designed and intended to provide sleeping accommodation for one or more human beings.

Bed and Breakfast: Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation. A bed and breakfast is distinguished from a motel in that a bed and breakfast establishment has only one (1) set of kitchen facilities and is architecturally consistent with surrounding homes.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

Bio-Diesel Fuel, retail sale: An establishment operating on the same site and as an integral part of a Bio-Diesel processing operation



Block: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Brewery: An establishment that produces barrels of ale, beer or malt liquor for on-site consumption and wholesale distribution, with an annual production capacity of 15,000 barrels (465,000 US gallons), as allowed by the Michigan Liquor Control Commission

Brewpub: A restaurant or bar which also includes a facility for the manufacture and processing of beer, malt liquor or distilled spirits or similar beverage products with a combined annual production capacity of less than 465,000 US Gallons (15,000 barrels), and with 25 percent or more of its annual production sold on-site at retail.

Brewery, Micro . / Micro-Distillery: A facility for the manufacture and processing of beer, malt liquor or distilled spirits of similar beverage products with a combined annual production capacity of less than 465,000 US Gallons (15,000 barrels), and with 75 percent or more of its annual production sold off-site.

Building: Any structure, either temporary or permanent, having a roof and walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind.

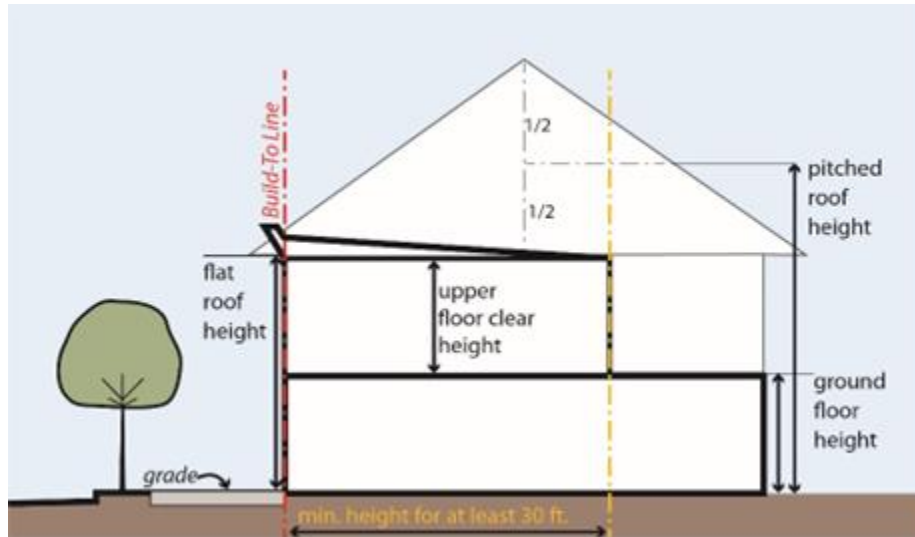
Building Face: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Building Coverage: The percentage of the lot area that is covered by building area, which includes the total horizontal area when viewed in plan.

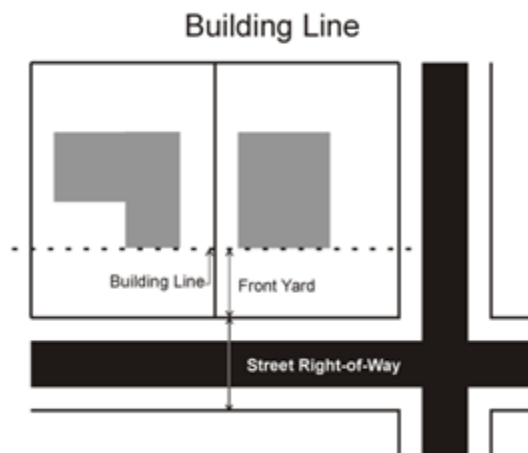
Building Official: The individual or company hired by the City and delegated to administer the City Building Code and City Zoning Ordinance.

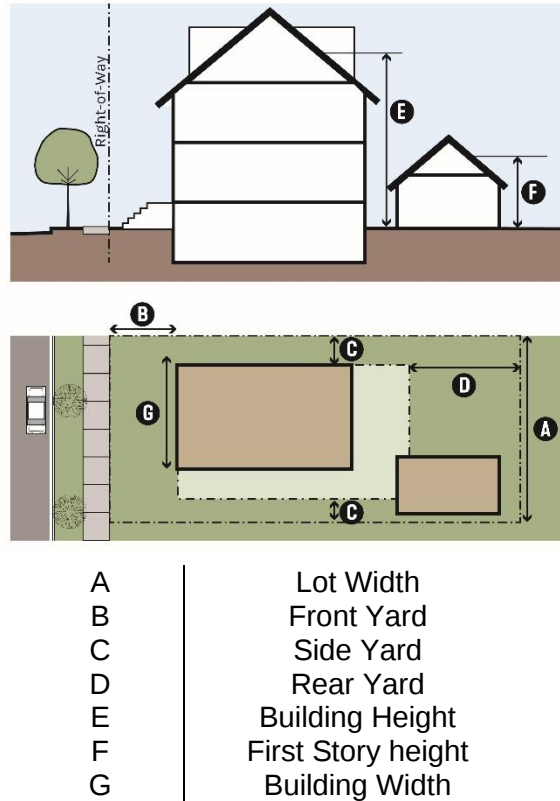
Building Height: The vertical distance measured from the finished grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average grade.

- Ground floor height shall be measured from the average fronting sidewalk grade to the second story finished floor elevation.
- Upper floor clear height shall be measured from finished floor elevation to finished ceiling elevation.
- Sill height shall be measured from the average fronting sidewalk grade to the top of the ground floor windowsill.



Building Line: A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.





Building Permit: An authorization issued by the Planning and Zoning Administrator to move, erect or alter a structure within the City.

Building, Principal: A building in which is conducted the principal uses of the lot on which such building is located.

C

Caliper: The diameter of a trunk measured as follows:

- Existing trees are measured at four and one-half (4.5) feet above the average surrounding grade; and,
- Trees which are to be planted shall be measured twelve (12) inches above the average surrounding grade if the tree caliper is more than four (4) inches, or if the tree caliper is less than four (4) inches, it shall be measured at six (6) inches above the average surrounding grade.

Canopy: With reference to structures, a roof-like cover, including an awning, that projects from the wall of a building over a door, entrance, or window; or a free-standing or projecting cover above an outdoor service area, such as at a gasoline service station.

Car Wash: Any building or structure or portion thereof containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track mounted units and similar high volume washing establishments, but shall not include hand washing operation.

Caretaker (Living Quarters): An independent residential dwelling unit or living area designed for and occupied by no more than two (2) persons, where at least one (1) is employed to provide services or to look after goods, buildings, or property on the parcel on which the living quarters are located.

Carport: A shelter for vehicles consisting of a roof extended from a wall of a building or a partially open structure consisting of a roof and possibly walls.

Cemetery: Land used or intended to be used for burial of the human dead and dedicated for such purposes. Cemeteries include accessory columbaria and mausoleums but exclude crematoria.

Certificate of Zoning Compliance: A document signed by the designated City official as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance.

Child Care Organization: A facility for the care of children under 18 years of age, as licensed and regulated by the state under Act No. 116 of the PAs of 1973 and the associated rules promulgated by the State Department of Social Services.

City Attorney: The duly licensed person or firm employed by the City Commission and representing the City in legal matters.

City Commission: The City of Adrian City Commission.

City Engineer: The duly licensed person or firm employed by the City of Adrian and representing the City in engineering matters such as drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues.

City Planner: The persons or firms employed by the City of Adrian and representing the City in planning, zoning, and development related matters.

City Clerk: The Clerk of the City of Adrian.

Clinic, Medical or Dental: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients but may not include facilities for overnight patient care or major surgery.

Club or Fraternal Organization: An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit and as distinguished from a fraternity or sorority house associated with a college or university. The facilities owned or used by such organization may be referred to as a "club" in this Ordinance.

Co-Location: Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the City.

Commercial Recreational Facilities. Recreation facilities operated as a business and open to the public for a fee.

- **Indoor Facilities:** A recreational structure or place which is built, installed, or established to serve a particular indoor purpose including, but not limited to bowling alley, arcade, ice rink, court sports, trampoline/bounce centers, and similar uses.

- **Outdoor Facilities:** A structure or place which is built, installed, or established to serve a particular outdoor purpose. Mini-golf, amusement parks, driving range, tennis courts, and similar uses.

Commercial Use: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee for more than seven (7) days during a calendar year.

Commercial Vehicle: Any vehicle bearing or required to bear commercial license plates.

Common Elements: The portions of the condominium project other than the condominium units.

Common Land: A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and/or occupants of individual building units in a subdivision or a planned unit development.

Common Open Space: An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowner's association.

Community Center: A building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which alcoholic beverages are not normally dispensed or consumed.

Community Garden: An area of land operated by a not-for-profit to grow and harvest food crops primarily for the use of its members who typically cultivate individual plots.

Community Development Department: The Community Development Department of the City of Adrian.

Comprehensive Plan: The City of Adrian Comprehensive Plan including graphic and written proposals showing the general location of all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof, as adopted by the Adrian City Commission. Also referred to as the Master Plan.

Concrete Processing/Dispensing Structure: is designed to dispense concrete into delivery trucks and is commonly part of a batching plant or concrete mixing plant.

Condominium: A system of separate ownership of individual units and/or multi-unit projects according to PA 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

Condominium Act: Michigan Act 59 of 1978, as amended.

Condominium, Consolidating Master Deed: The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed. See also "Condominium, master deed."

Condominium, Contractible: A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents and in accordance with the Adrian Code of Ordinances and the Condominium Act, Act 59 of the PAs of 1978, as amended.

Condominium, Conversion: A condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.

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Condominium, Convertible Area: A unit or a portion of the condominium referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provisions in the condominium documents and in accordance with the Adrian Code of Ordinances and the Condominium Act.

Condominium, Expandable: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with the Adrian Code of Ordinances and the Condominium Act.

Condominium, General Common Element: The common elements other than the limited common elements. See also "Common Elements."

Condominium, Limited Common Element: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners. See also "Common Elements."

Condominium, Master Deed: The condominium document recording the condominium project as approved by the Planning and Zoning Administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project. See also "Condominium, Consolidating Master Deed."

Condominium, Project: The equivalent to "subdivision," as used in this Ordinance and the subdivision regulations.

Condominium Project, Manufactured: A condominium project in which mobile or manufactured homes are intended to be located upon separate sites which constitute individual condominium units.

Condominium, Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to, a platted subdivision. A residential site condominium project shall be considered equivalent to a platted subdivision for purposes of regulation of this Ordinance.

Condominium Subdivision Plan: The site, survey and utility plans, and sections as relevant, showing the existing and proposed structures and improvements including the location on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries, and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements and any other information required by Section 66 of Michigan PA 59 of 1978, as amended.

Condominium Unit: That portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. See also Dwelling, Condominium.

Condominium Unit Site: The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot", for purposes of determining compliance of a site condominium subdivision with provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Contractor Yard: A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or

associate with building or construction. A contractor's yard may include outdoor storage, or a combination of both.

Convalescent Home or Nursing Home: A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the PAs of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

Court: An open space bounded on two (2) or more sides by a building or buildings.

Courtyard: An open-to-the-sky outdoor area enclosed by a building on at least two sides. Parking is not permitted in a courtyard.

Crematory/Crematoria: A location containing properly installed, certified apparatus intended for use in the act of cremation.

Cul-de-sac: A dead-end public or private street, generally short in distance, which terminates in a circular or semicircular section of street which allows for vehicle turnaround.

Curb Cut: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

D

Dangerous or Hazardous Materials: Any substances or materials that, by reason of their toxic, caustic, odor, corrosive, abrasive, explosive or otherwise injurious properties, may be detrimental or deleterious to the environment or the health of any person handling or otherwise coming into contact with such material or substance.

Day-Care Center: See Child care organization.

Deceleration Lane: An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

Deck: A platform, commonly constructed of wood, which is typically attached to a house and which is used for outdoor leisure activities.

Dedication: The intentional appropriation of land by the owner to public use.

Density: The number of dwelling units situated on or to be developed per net or gross acre of land. For purposes of calculating maximum density, only twenty-five percent (25%) of the acreage determined to be wetlands protected by the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended, shall be calculated toward the total site acreage. All open bodies of water, land within the 100-year floodplain elevation, public rights-of-way and areas within overhead utility line easements are excluded from this calculation. Actual density shall also be determined by compliance with all setbacks, parking, open space and other site design requirements.

Detention Basin or Facility: A man-made or natural water collector facility designed to collect surface water to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or man-made outlets.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. A development may include a site plan, a plot (building) plan, a condominium plan, a plat, or a manufactured housing community.

Distillery: License issued by the Michigan Liquor Control Commission to manufacture spirits. The Distiller must be located in Michigan. The Commission acts as the wholesaler of spirits and resells to Michigan retailer licensees.

Distribution Center (distribution warehouse): A warehouse where goods are received or stored for delivery to the ultimate customer at remote locations. (see Warehouse)

District, Zoning: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations, and other appropriate regulations.

Dormitory or Residence Hall: is a facility used for housing students, which is owned and controlled by an educational institution and which are to be distinguished from hotels, motels, and boarding houses. The terms "dormitory" and "residence hall" are to be used synonymously.

Drainageways and Streams: Existing permanent or intermittent watercourses.

Drive-in: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure. A drive-in restaurant is distinct from a drive-through restaurant in that most drive-in patrons consume food and beverages while in the vehicle and parked on the premises.

Drive-through Window Facilities: A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

Dumpster or Trash Receptacle: Any accessory exterior container used for the temporary storage of rubbish, pending collection Recycling stations and exterior compactors shall be dumpsters or trash receptacles.

Dwelling: A building, or enclosed structure, or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof. Dwelling Units may be constructed and classified as part of different developments as defined below:

- a) **Dwelling, attached:** A dwelling unit attached to one (1) or more dwelling units by a common wall.
- b) **Dwelling, Accessory:** A complete dwelling on the same lot as a primary dwelling with a separate entrance that is on the same lot as a primary dwelling. The accessory is subordinate in size and location and is either occupied by the property owner or the primary dwelling is occupied by the property owner. An accessory dwelling can be attached or detached.
- c) **Dwelling, condominium:** A single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.
- d) **Dwelling, detached:** A dwelling unit which is not attached to any other dwelling unit by any means.
- e) **Dwelling, Efficiency:** A dwelling unit of not more than one (1) room in addition to a kitchen and a bathroom. Also referred to as a studio unit.
- f) **Dwelling, Manufactured:** A structure constructed after June 15, 1976 that is manufactured in accordance with the federal manufactured housing construction and safety standards (HUD code) in effect at the time of construction. A manufactured home shall not include modular homes, motor homes, or travel trailers. Manufactured homes constructed on lots outside of a manufactured home park shall be on a permanent foundation.

- g) **Dwelling, Mobile Home:** A mobile home is a manufactured dwelling constructed between January 1, 1962 and June 15, 1976 per the State of Michigan Mobile home law in effect at the time of construction.
- h) **Trailer, Residential:** A residential trailer is a manufactured dwelling that does not meet the federal manufactured housing construction and safety standards (HUD code) or the construction requirements of the State of Michigan mobile home law.
- i) **Dwelling, Modular:** A prefabricated building that consists of modules that are assembled in a factory according to the same state, local, and regional building codes as site-built homes and configured and assembled on site.
- j) **Dwelling, Multiunit:** A building designed exclusively for, and containing three (3) or more dwelling units.
- k) **Dwelling, Single:** An attached or detached building designed exclusively for one household.
- l) **Dwelling, Site Built:** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.
- m) **Dwelling, Duplex:** A detached building designed exclusively for and containing two (2) dwelling units only.

E

Easement: A grant of a non-possessory property interest that provides the easement holder permission to use another's land.

Emergency Matters: A building codes or enforcement situation that poses an immediate threat to life, health, safety, or structural integrity of a building or the public. (see [Section 106-11 Enforcement Procedures](#))

Endangered Species Habitat: An area where a plant or animal listed as an endangered species by state or federal agencies naturally grows or lives or identified habitat sites designated on the Michigan Natural Features Inventory.

Environmental Contamination: The presence or release of a hazardous substance or other substance in a quantity that is or may become injurious to the environment or to the public health, safety, or welfare.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill, drainage and the like shall be considered a part of erection.

Essential Public Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, or water transmission or distribution systems, collection, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare. Essential services do not include wireless communication towers.

Excavation: Any breaking of ground, except common household gardening and ground care.

Existing Use: The use of a lot, parcel, or structure existing prior to the effective date of this ordinance.

Exterior Insulation Finishing System (EIFS): a general class of non-load bearing building cladding systems that provides exterior walls with an insulated, water-resistant, finished surface.

F

Facade: The exterior wall of a building facing the front yard or in the case of lots with multiple frontages, the Primary Frontage.

Family:

- a) An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit, or
- b) A collective number of individuals domiciled together whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, federation, organization, or group of individuals whose domestic relationship is of a transitory or seasonal nature, nor shall it include residents of a state-licensed residential facility, except to the extent permitted by law.

Family Day-Care Home: See "Child care organization" or "Adult foster care facility."

Family Foster Care Home: See "Adult foster care facility" or "Child care organization."

Fence: A structure intended for use as a barrier to property ingress or egress or a screen from objectionable vista, noise, and/or for decorative use.

Fenestration: Openings in the building wall, including windows, doors, and open areas.

Filling: The depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care.

Financial Services: Establishments such as banks, savings and loan institutions, credit unions, brokerage houses, check cashing business, and similar establishments.

Fitness Center or Health Club: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors or specialists in sports medicine. As defined herein, "personal fitness center" shall not include spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Area: Land which on the basis of available floodplain information is subject to a one (1) percent or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

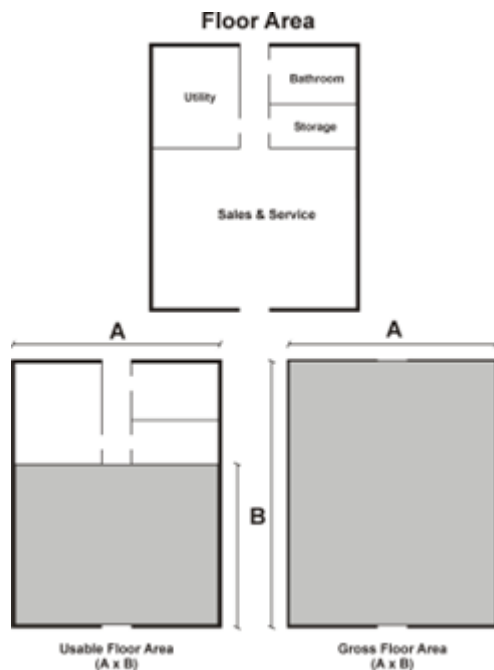
Flood Insurance Study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, and may include a flood hazard boundary-floodway map.

Floodplain: Land at a specified elevation subject to periodic flooding that have been defined by the Federal Emergency Management Agency (FEMA) as flood hazard areas (i.e., lands within the 100-year flood boundary) in the flood insurance study for the City of Adrian.

Floodway: The channel of a river or other watercourse and the adjacent land areas which must be reserved to discharge the base flood.

Floor Area, Gross or Total: The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, courtyards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

Floor Area, Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement excludes areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.



Floor Area, Net: For the purposes of computing parking requirements, the net floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from this computation of useable floor area. Useable floor area shall be measured from the interior faces of the exterior walls, and total net floor area for a building shall include the sum of the useable floor area for all floors.

Floor Area, Useable: For the purposes of computing parking requirements, the useable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or

customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from this computation of useable floor area. Useable floor area shall be measured from the interior faces of the exterior walls, and total useable floor area for a building shall include the sum of the useable floor area for all floors.

Foot candle: A unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot.

Foster Family Home and Foster Family Group Home: See "Child Care Organization" or "Adult Foster Care Facility".

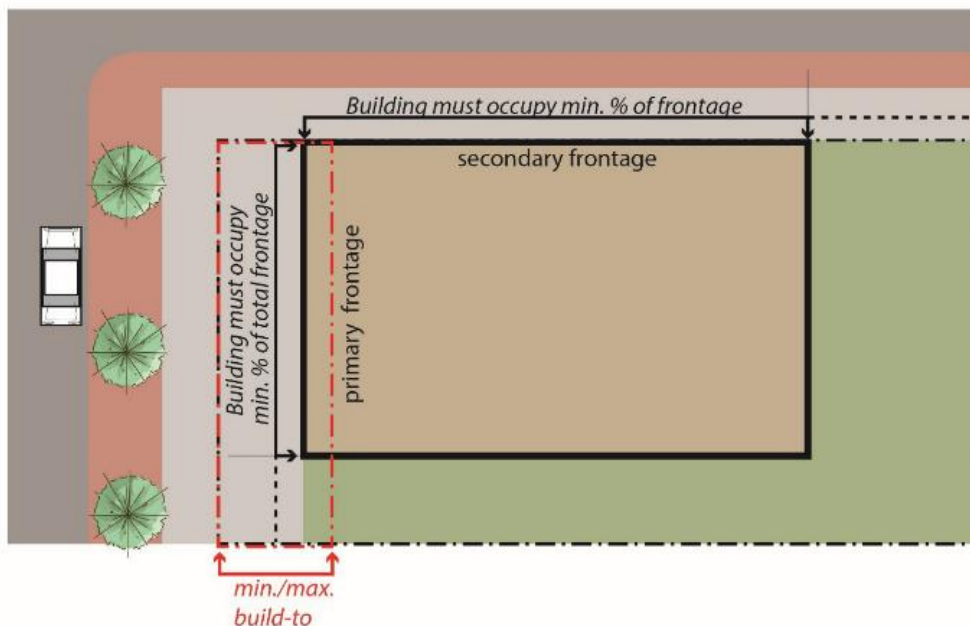
City of Adrian

Fraternity or Sorority House: is a building, rented, occupied or owned by a national or local chapter of a regularly organized college fraternity or sorority which is officially recognized by a college or university, or by or on its behalf by a building corporation or association composed of members of such fraternity or sorority, as a place of residence

Frontage: The linear dimension measured along the public street right-of-way line or along the private road access easement.

Frontage, Primary: The primary frontage applies to parcels that front on more than one street. The primary frontage shall be considered the property line that abuts the street onto which most of the principal structures face within 500 feet of the subject site, subject to Planning and Zoning Administrator's approval.

Frontage, Secondary: Applies to parcels that front on more than one street. The secondary property lines are those which are not the Primary Frontage.



Frontage Road: A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bidirectional in design. The frontage road provides specific access points to private properties while maintaining separation between the arterial street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

Funeral Home or Mortuary Establishment: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. A funeral home or mortuary establishment shall not include crematoria.

G

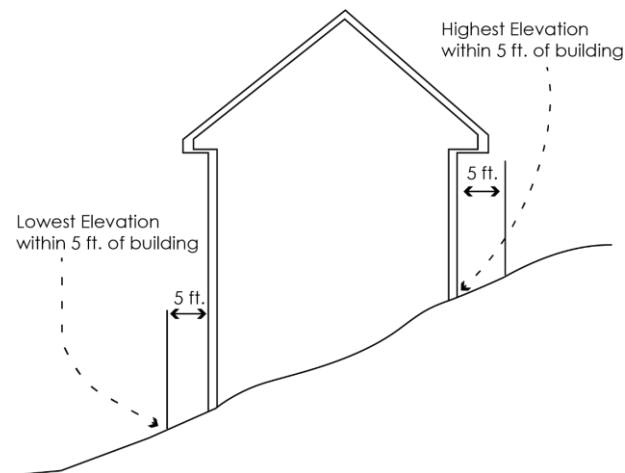
Garage, (also Carport) Private or Public: An accessory building or portion of a principal building designed or used solely for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garden Center: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

Glare: The effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Golf Course: A public or private open area of fairways, greens and rough and may include a clubhouse and related accessory uses provided that all structures and activities shall be an integral part of the intended main recreational land use. Further, all clubhouses, restaurants, pro-shop facilities, etc., shall be secondary in nature to the golf course and may not be continued if the principal golf course activity shall cease or become the minor activity of the facility.

Grade, Average: The arithmetic average of the lowest and highest-grade elevations in an area within five (5) feet of the foundation line of a building or structure.



Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line six (6) feet from the exterior wall of the structure.

Grade, Natural: The elevation of the ground surface in its natural state before construction begins.

Greenbelt: A landscaped area between the property line and the front building or parking setback line; this area also includes a front yard parking lot setback area.

Ground Cover: The herbaceous plants that grow over an area of ground.

Group Living. See also “Child Care Organizations” or “Adult Care Facility, State-Licensed.”

- a) An Adult Care Facility as defined in Public Act 218 of 1979, as amended
- b) A Childcare Organization as defined in Act No. 116 of the Public Acts of 1973, as amended.
- c) Assisted Living Facility
- d) Dormitory
- e) Fraternity or Sorority
- f) Nursing/Convalescent Home
- g) Rooming/Boarding House
- h) Rehabilitation Center (live-in facilities with up to six beds)
- i) Transitional Residences

H

Hard Surface: For a single-family home, hard surface consists of gravel, brick, asphalt or concrete meeting the construction specifications of the City of Adrian.

Hazardous Substance: A chemical or other material that is or may become injurious to the public health, safety, or welfare, or to the environment. The term "hazardous substance" includes, but is not limited to, any of the following:

- Hazardous Substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96.510, 94 State. 2767.
- Hazardous Waste as defined in Part 111 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
- Regulated Substance as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
- Hazardous Substance as defined in Part 201 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
- Used oil.
- Animal waste or byproducts, or carcasses.

High-Rise Residential Building: A structure designed for residential occupancy, no greater than one hundred twenty-five (125) feet in height and containing more than five (7) habitable stories, with multiple dwelling units. Such structures must adhere to applicable fire safety, egress, and structural stability standards as defined by the International Building Code (IBC) and local fire ordinances.

Home Occupation: An occupation, activity, or hobby that is traditionally or customarily carried on within the walls of a dwelling unit, such as sewing, millinery and similar domestic crafts, instruction in a craft or fine art, offices of self-employed professionals, sales representatives and the like, and educational tutoring (e.g. music lessons and tutoring of students), provided that such traditional or customary home occupations meet all of the criteria to be a permitted use. See [Section 106-71-D](#).

Home Office: Meeting the same conditions as a home occupation, an office utilized by members of a family residing on the premises, and conducted entirely within the dwelling, for an occupation where no customers or clients are seen at the office.

Hospital: An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including the related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are integral parts of the facilities.

Hotel: A series of attached, semidetached, or detached rental units which provide lodging on a temporary basis and are offered to the public for compensation. The term "hotel" shall include tourists' cabins and homes, motor courts, and motels. A hotel shall not be considered or construed to be a multiple-family dwelling.

Housing Shelter: See Shelter Care Facility, Residential.

I-J

Incinerator Facilities: A facility that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil or municipal solid waste, not including animal or human remains.

Impact Assessment: An assessment of the ecological, social, economic, and physical impacts of a project on and surrounding the development site.

Impervious Surface: A man-made material which covers the surface of land and substantially reduces the infiltration of storm water to a rate of five percent (5%) or less. Impervious surface shall include, but not limited to pavement, buildings, structures, decks, patios, gazebos, and pools.

Industrial, Heavy: The basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial, Light: The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Industrial Park: A planned, coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

Junk: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

Junkyard: See "Salvage yard."

K

Kennel, Commercial: Any lot or premises on which more than three (3) dogs, cats, or domestic animals four (4) months of age or older are kept, either permanently or temporarily, for breeding, boarding, training, sale, protection, hobby, transfer, or handling.

L

Laboratory: An establishment devoted to research and experimental studies, including testing and analyzing, but not including manufacturing of any nature.

Landscape Buffer: A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing singularly or in combination to serve as a visual and noise barrier.

Landfill: A tract of land that is used to collect and dispose of "solid waste" as defined and regulated in Michigan PA 641 of 1979, as amended.

Laundromat: A self-service facility where people can wash and dry their clothes using coin- or card-operated machines.

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

Live-Work Unit means a unit which contains separate areas intended for Residential and Non-Residential uses, that share a common wall with direct access between the Residential and Non-Residential areas and where the dwelling unit is the principal residence of the business operator.

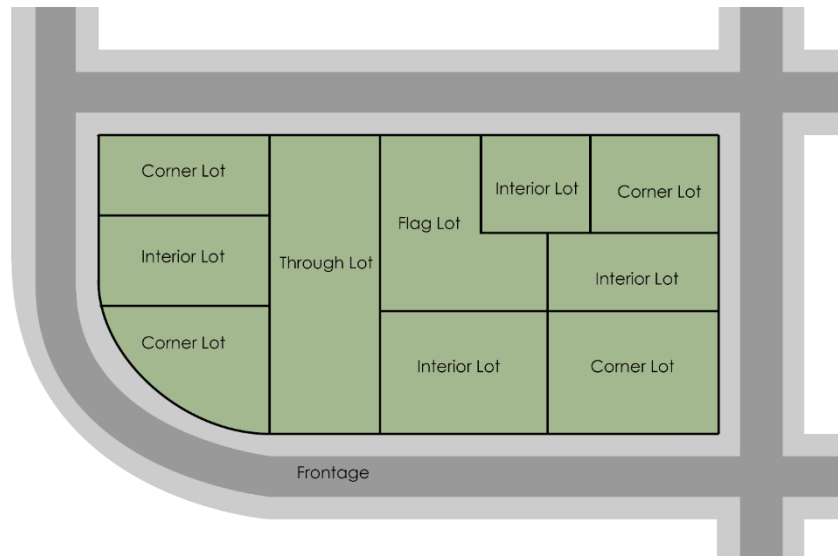
Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot: A parcel of land occupied or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on

public records. Each such lot shall also have its front lot line abutting a public street or approved private road.

Lot Area, Gross: The area contained within the lot lines or property boundary including street right-of-way if so included.

Lot Area, Net: The total area of a horizontal plane within the lot lines of a lot, exclusive of any public street rights-of-way or private road easements, or the area of any lake. The lot area shall be used in determining compliance with minimum lot area standards.



Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one (1) or more streets, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred fifty (150) feet.

Lot, Coverage: The part or percent of a lot occupied by buildings and accessory buildings.

Lot, Depth: The horizontal distance between the front and rear lot lines, measured along the midpoint between side lot lines.

Lot, Flag: A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide access to the public road.

Lot Frontage: The length of the front lot line.

Lot, Interior: A lot other than a corner lot which, except for a "through lot," has only one (1) lot line fronting on a street.

Lot Line: A line bounding a lot, parcel, or general common element if there is no limited common element, which separates the lot, parcel, or general common element if there is no limited common element, from another lot, parcel, general common element if there is no limited common element, existing street right-of-way, approved private road easement, or ordinary high-water mark.

Lot Line, Front: The lot line which separates the lot from the existing street right-of-way or approved private road easement that provides access to the lot. In the case of a corner lot or through lot, the line separating such lot from that street which is designated as the Primary Frontage in the plat and the request for zoning compliance permit.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, it means an imaginary line

ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

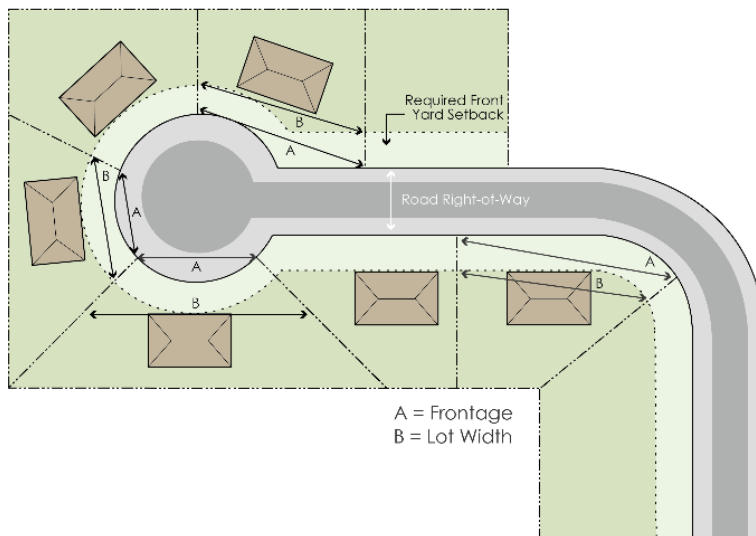
Lot Line, Side: Any lot line other than a front or rear lot line.

Lot, Nonconforming: A lot of record which does not meet the dimensional requirements of this Ordinance.

Lot of Record: A tract of land that is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Lenawee County, Michigan; or a tract of land described by metes and bounds which is the subject of a deed or land contract which is likewise recorded in the Office of the Register of Deeds. When two (2) lots in a recorded plat have been combined into a single building site, said lots shall be deemed a single lot of record according to this Ordinance.

Lot, Through (also called a double frontage lot): An interior lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, 1 street will be designated as the Primary Frontage in the plat and the request for a zoning compliance permit.

Lot Width: The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.



Lot, Zoning: A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record, or portions thereof.

M

Manufactured Home: See dwelling, manufactured.

Manufactured Home Park: A parcel or tract of land under the control of a person, group or firm upon which three (3) or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile

City of Adrian

home and which is not intended for use as a temporary trailer park. Also referred to as Mobile Home Park.

Marijuana Facility: A business with a state-licensed operator according to PA 281.

1. **Marijuana Processor:** Commercial entity that purchases in-state and transfers in state to a provisioning center or processor according to PA 281.
2. **Marijuana Provisioning Center:** a commercial entity that sells, supplies, or provides marijuana to qualifying customers according to PA 281.
3. **Marijuana Compliance Facility:** a licensed business that tests cannabis products to ensure they meet state safety and quality standards before being sold according to PA 281
4. **Marijuana Secure Transporter** is a state-licensed business authorized to safely transport cannabis products and related cash between licensed marijuana facilities according to PA 281.
5. **Marijuana Growing Facility** is a licensed location where cannabis plants are cultivated for medical or recreational use under state regulations and in accordance with PA 281.

Massage: Treatment of external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting, or tapping with the hand or any instrument, electric, magnetic or otherwise, with or without supplementary aids.

Massagist: Any person who is licensed by the State of Michigan to administer to another person, for any form of consideration, a massage, alcohol rub, fomentation, bath, electric or magnetic massage procedure, or manipulation of the body or other similar procedure

Massage Facility: Any place where a massage, and/or an alcohol rub, fomentation, bath, physiotherapy, manipulation of the body or similar treatment is performed by a Massagist.

Master Deed: See “Condominium, master deed.” Also, consolidated master deed.

Master Plan: See “Comprehensive Plan.”

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Microbrewery or Microbrewer: see Brewery, Micro

Mobile Home: See Dwelling, Manufactured.

Modular Home: A dwelling which consists of prefabricated units transported to the site on a removable undercarriage or flat-bed and assembled for permanent location on the lot.

Motel: A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom and closet space which provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle. A motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

Motor Freight: A building for handling and temporary storage of freight pending transfers between locations. A terminal does not store goods but rather is devoted to the transportation of goods.

Mural: An artwork installation that is a 2D representation of visual art that is painted, drawn, or affixed in a structurally sound and workmanlike manner on the exterior wall of a building or structure and generally does not include a commercial; message or advertise a product or service. While it may reflect themes or identity, a mural typically

City of Adrian

does not contain commercial messaging like a business or organization name or promotional text. A Mural does not represent a sign as defined by this ordinance.

N

Natural Features: Features including soils, wetlands, floodplains, water bodies, topography, vegetative cover, and geological formations.

Non-Conforming Building or Structure: A building or portion thereof, existing at the effective date of this Ordinance, as amended, and that does not currently conform to the provisions of this Ordinance in the district in which it is located.

Non-Conforming Lot: A lot lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not currently conform to the dimensional standards for the district in which it is located.

Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, as amended, and that does not currently conform to the use regulations of the district in which it is located.

Nuisance Factors: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people and traffic.

Nursery: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees. (see Outdoor Display, Sales)

Nursing Home (see Convalescent Home)

O-P

Obscuring Screen: A visual barrier between adjacent areas or uses. The screen may consist of structures, such as a wall or fence, or living plant material.

Occupancy, Change Of: A discontinuance of an existing use and the substitution of a use of a similar or different kind or class, or the expansion of a use.

Occupied: Used in any manner at the time in question.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Offset: The distance between the centerlines of driveways or streets across the street from one another.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, to provide access for entrance and exit for the parking of more than two (2) vehicles.

Open Space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, lawns, decorative planting, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, wetlands and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel but may include a recreational clubhouse or recreation center.

Outdoor Display, Sales, or Storage: Outdoor display, sales, or storage that is accessory to a permitted commercial use or a business operated substantially outside of any building, including: retail sales of garden supplies and equipment (including but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture); sale of building and lumber supplies; automobiles, recreational vehicles, boats, mobile homes, garages, swimming pools, playground equipment, mowing equipment, farm implements, construction equipment and similar materials or equipment; rental and leasing establishments; and year-round flea markets farmer's markets, roadside stands, and auctions.

Parapet Wall: An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Parcel or Tract: A continuous area of acreage of land which can be described as provided for in the Michigan Land Division Act.

“Park-and-Sell” Vehicle Sales: An unattended facility or lot where licensed vehicles, not owned by the facility operator or owner, are displayed for sale and where the facility owner or operator is paid a fee or commission for the use of the space or facility.

Parking, Off-Street, see Off-Street Parking Lot

Parking Space: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and which is accessible for the parking of permitted vehicles.

Pawnshop: Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations and the approved plans and specifications of a development.

Person: Any individual, partnership, corporation, trust, firm, joint stock corporation, association, or other organization; any governmental body including federal, state, county or local agencies.

Personal Services Establishment: A business providing personal services to patrons including but not limited to small electronics and appliance repair shops; shoe repair; dressmakers and tailors; hair styling, piercing, and tanning salons; licensed massage and tattoo parlors; travel agencies; and decorating and upholstery shops.

Pet: (see Animal, domestic)

Pet Boarding Facility: A facility for the daily observation and care of dogs, cats, or other household pets, but not including farm animals or livestock, which may provide ancillary services such as grooming and training, adoption and rescue, but not breeding. The facility may be operated for profit and may offer overnight stays but does not include the long-term raising of animals more commonly associated with a kennel.

Pet Care Facility: Any establishment, or part thereof, or premises maintained for the purpose of providing socialization, training, or temporary boarding, in the absence of the owner, for pets owned by the general public for which a fee is charged.

Petitioner, Applicant or Developer: A person, as defined herein, who may hold any recorded or unrecorded ownership or leasehold interest in land. This definition shall be construed to include any agent of the person.

Place of Worship: A building, the primary use of which is regular assembly of persons for religious worship or services, together with accessory uses.

Planned Unit Development (PUD): A form of land development comprehensively planned as a single development which permits flexibility in building, siting, and useable open spaces. A PUD may contain a mix of housing types and non-residential uses.

Planning Commission: The City of Adrian Planning Commission.

Plat: A map or chart of a subdivision of land which has been approved with the Michigan Land Division Act, Michigan PA 288 of 1967, as amended.

Playscape: A set of playground equipment that is designed in an integrated pattern.

Poolroom or Billiard Hall: An establishment wherein the substantial or significant portion of all useable floor area is devoted to the use of pool or billiard tables. See "Recreation Facility (Indoor)".

Ponds and Lakes: Natural or artificial impoundments that retain water year-round.

Primary Containment Facility: A tank, pit, container, pipe, or vessel for first containment of a hazardous substance.

Primary Use: The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur. See also "Accessory Use."

Principal Building or Structure: A building or structure in which is conducted the primary use of the lot upon which it is situated.

Principal Use: The primary use to which the premises are devoted and the purpose for which the premises exist.

Public and Quasi-Public Institutional Buildings, Structures, and Uses: Buildings, structures, and uses of governmental agencies and nonprofit organizations including, but not limited to, office buildings, police stations, fire stations, municipal parking lots, post offices, libraries, museums, and community centers.

Public Park: Any developed land intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

Public Open Space: Any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

Public Utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, public water, telephone lines, cable television services, communication, and construction and maintenance of streets.

Q-R

Reception Antenna: An exterior apparatus capable of receiving communications for radio, television or wireless networking technology, including satellite dishes and other satellite reception antennae but excluding facilities considered to be essential public services or those preempted from city regulation by applicable state, Federal Communication Commission (FCC), or federal laws or regulations.

Recreational Equipment and Vehicles: Portable structures, machines or devices, self-propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, constructed or modified to provide temporary living quarters or for recreational camping, or travel use and such trailers and other devices as shall be primarily intended for such transporting of all such structures,

machines, or devices. Motorcycles, bicycles, minibikes and such vehicles as jeeps, four-wheel drives and pickup trucks with attached cabs which do not exceed the roofline of the vehicle are specifically excluded from the provisions of this Ordinance. This does not include a temporary building, structure or use, permitted to exist during periods of construction of the principal building, structure or use. Recreational equipment and vehicles include but are not limited to:

- a. **Travel Trailer:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.
- b. **Pickup Camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.
- c. **Motor Home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as either a Class A or Class B recreational vehicle. A Class A or bus type recreational vehicle has the luggage compartment below the living quarter. The Class C recreational vehicle is a van with the bed over the cab and is much larger than a passenger van due to the bed over the cab.
- d. **Van/Camper:** A is a recreational vehicle intended for temporary human habitation, sleeping and/or eating. This class of recreational vehicles includes conversion vans and camper vans which may contain a refrigerator as well as water and electrical facilities. This class closely resembles passenger vans, but some models may be taller to allow for extra head room. On an industry-wide basis, this type of recreational vehicle is classified as a Class B recreational vehicle.
- e. **Folding Tent Trailer:** A folding structure, mounted on wheels and designed for travel and vacation use.
- f. **Boats and Boat Trailers:** Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- g. **Other recreational equipment** includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Recreation Facility (Indoor): An establishment which provides indoor exercise facilities and/or indoor court and field sports facilities, and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities and bowling alleys. Auditoriums and stadiums are not included.

Recreation Facility (Outdoor): A publicly or privately owned facility designed and equipped for the conduct of sports activities and other customary recreational activities outside of an enclosed building such as, but not limited to tennis courts, swimming pools, archery ranges, golf courses, miniature golf courses, golf driving ranges, skating rinks, baseball fields, batting cages, soccer fields, stadiums and campgrounds.

Restaurant: Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or combination thereof, as defined below:

- a. Restaurant, Carry-Out: A business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- b. Restaurant, Drive-In: A business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
- c. Restaurant, Drive-Through: A business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- d. Restaurant, Fast-Food: A business establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- e. Restaurant, Open Window: See "Open window food establishment."
- f. Restaurant, Standard: A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

Retail Businesses with Adult Novelty Items: An establishment where less than ten (10) percent of its operations are devoted to the sale of adult novelty items.

Retail Sales and Services Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Retention Basin: A pond, pool, or basin used for the permanent storage of storm water runoff.

Right-of-Way: A street, alley or other thoroughfare or easement intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other facility or use, permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

Riparian: Relating to, living, or located on the bank of a natural watercourse, such as a river or lake.

S

Salvage: Material to be used for further use, recycling, or sale.

Salvage Yard or Junk Yard: Any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed

buildings. The term “salvage yard” does not include drop-off stations for residential recyclables.

Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extra terrestrially based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (television reception only satellite antennas), and satellite microwave antennas.

Screening: The method by which a view of one (1) site from an adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

Shelter Care Facility, Rehabilitation: A residential service providing lodging, meals and counseling on a temporary basis, to individuals engaged in recovery programs related to drug or alcohol addiction

Shelter Care Facility, Residential: A residential service providing lodging and meals on a temporary basis, to persons experiencing homelessness, pregnant teens, persons experiencing domestic violence, and children in need of full-time supervision including youth aging out of foster care runaways, and status offenders.

Shopping Center: A grouping of two (2) or more business establishments developed in accordance to an overall plan and designed and built as an interrelated project. Buildings constructed on out lots shall not be considered part of the shopping center unless access and parking easements are provided. See also “Supercenter” and “Supermarket”.

Short-Term Rental: A dwelling unit or bedroom rented out for between 1 day and 28 days that is operated by a property owner or other operator with a permit.

Significant Natural, Historical, and Architectural Features: Significant architectural features, drainageways and streams, endangered species habitat, floodplains, hedgerows, significant historical features, landmark trees, ponds and lakes, steep slopes, wetlands, and woodlots.

Sight Distance: The length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway. Required sight distance shall be based on the standards of the Road Commission of Lenawee County.

Sign: Any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos and/or graphics, designed for the purpose of conveying, bringing attention to, identifying or advertising an establishment, product, goods, services, or other message to the general public. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily visible to and directed at persons within the premises upon which the sign is located. (see [Section 106-96](#))

Sill: horizontal piece of a frame, generally made out of wood, for a window or door.

Site Condominium: See “Condominium, site condominium project.”

Site Plan: A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions. (see [Section 106-37 Submittal Requirements](#))

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Site Plan, Administrative, Short Form: A scaled drawing illustrating property lines, adjacent uses and zoning districts, existing and proposed buildings and structures, parking, storage, boundaries, and signs. (see [Section 106-37 Submittal Requirements](#))

Small Manufacturing and Processing Establishment: An establishment where shared or individual tools, equipment, machinery are used to make or grow products on a small scale, including design, production, processing, printing, assembly, treatment, testing, repair, packaging as well as incidental storage, retail or wholesale sales and distribution of products. Included, but not limited to, making of electronics, food products, prints, leather products, jewelry, clothing/apparel, metal work, furniture, glass, ceramic, and craft beverages. Small scale establishments must have an accessory use, such as retail sales, wholesale trade, and training or education.

Solar Panels: An energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy to meet all or a significant part of a structures energy requirements. (see [Section 106-74 G Solar Energy Collectors](#))

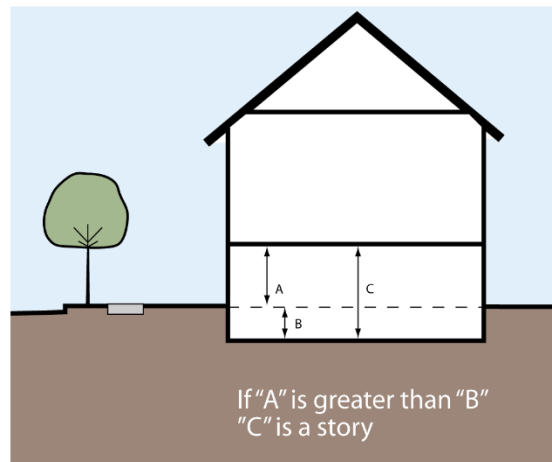
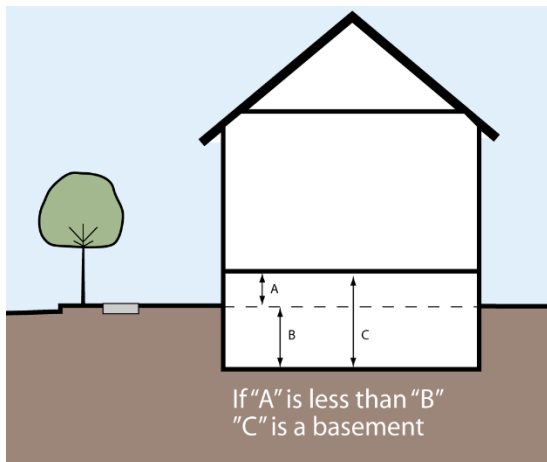
Special Land Use: A use of land for an activity which, under usual circumstances, could be detrimental to other land uses permitted within the same district but which may be permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted without jeopardy to uses permitted within such district. A special land use requires that a special land use approval be obtained.

Stadium: (see Recreation Facility (Outdoor))

State-Licensed Adult and Child Residential Care Facility: See “Adult Care Facility” or “Child Care Organization.”

Steep Slopes: Slopes with a grade of twelve percent (12%) or more.

Story: The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.



Stoop: An exterior floor typically, but not necessarily, constructed of concrete and/or masonry, with a finished floor elevation at least six inches higher than the adjacent ground level, and utilized primarily as an access platform to a building.

Street: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether

designated as a road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of streets are defined below.

1. **Arterial Street or Roadway:** A street or roadway which carries high volumes of traffic at relatively high speeds and serves as an avenue for circulation of traffic onto, out of, or around the Adrian area. An arterial roadway may also be defined as a major thoroughfare, major arterial or minor arterial roadway. Since the primary function of the regional arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway. Arterial roadways are listed in the City Master Plan.
2. **Collector Street:** A street or road whose principal function is to carry traffic between minor and local roads and arterial roadways but may also provide direct access to abutting properties. Collector streets are classified in the City Master Plan.
3. **Cul-de-Sac:** A street or road that terminates in a vehicular turnaround.
4. **Expressway:** Limited access interregional arterial routes, including highways, designed exclusively for unrestricted movement, have not private access, and intersect only with selected arterial roadways or major streets by means of interchanges engineered for free-flowing movement.
5. **Highway:** Streets and roadways which are under the jurisdiction of the Michigan Department of Transportation. Highways may also be classified as expressways or arterial roadways.
6. **Local or Minor Street:** A street or road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roadways. Local streets are designed for low volumes and speeds of twenty-five (25) mph or less, with numerous curb cuts and on-street parking permitted.
7. **Private Road:** Any road or thoroughfare for vehicular traffic which is to be privately owned and maintained and has not been accepted for maintenance by the City, Lenawee County, the State of Michigan or the federal government, but which meets the requirements of this Ordinance or has been approved as a private road by the City under any prior ordinance.
8. **Public Street:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the City, Lenawee County, State of Michigan, or the Federal government.

Structure: Anything constructed or erected material, the use of which requires locations on the ground or attachment to something having a location on the ground, including, but not limited to, buildings, towers, sheds, and signs, but excepting walks, drives, pavements, fences, and similar access or circulation facilities.

Structural Addition: Any alteration that changes the location of the exterior walls or area of a building.

Student Group Home is a facility in which occupants are students whose relationship is of a non-permanent character, where the common living arrangement(s) is organized by a college or university and is directly related to academic study, and where such arrangement(s) is likely or contemplated to exist for a limited or temporary duration.

Studio is a workspace designed for artistic, creative, or professional activities. This can include, but is not limited to: Art studios for painting, sculpting, or photography; Recording studios for music or audio production; Dance or fitness studios for instruction

and practice, and other similar activities. Studios located on the first floor of buildings in the B3-A district must be open for public commerce.

Subdivision: A subdivision as defined in the City of Adrian Subdivision Control Ordinance.

Subdivision Plat: The division of a tract of land for the purpose of sale or building development, in accordance with the Michigan PA 288 of 1967, as amended.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred and/or 50% of the square footage of the structure. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Surface, Impermeable: A surface that inhibits the penetration of water into the ground immediately below more than would happen if the site were undeveloped. Also, Impermeable Surface. Impervious surfaces can include structures, concrete driveways, patios, and sidewalks.

Surface, Permeable: A surface that allows water to infiltrate through itself into the material immediately below the surface and through the ground surface before disposal into the groundwater.

Swimming Pool: Any permanent, non-portable structure or container located either above or below grade designed to allow holding of water to a depth of greater than twenty-four (24) inches, intended for swimming, bathing or relaxation. The definition of swimming pool includes spa, hot tubs and similar devices.

T

Temporary Building: A building, structure or use permitted to exist for a specified period during periods of construction or renovations on the principal building, structure or use.

Topographical Map: A map showing existing physical characteristics, with contour lines at enough intervals to permit determination of proposed grades and drainage.

Townhouse: A residential structure or group of structures, each of which contains three (3) or more attached single-unit dwellings with individual rear yards and or front yards designed as an integral part of each dwelling.

Trade School: Also known as a vocational school or technical school, is an educational institution that provides specialized training in specific trades or careers. Unlike traditional colleges that focus on broader academic education, trade schools emphasize practical skills and hands-on experience, preparing students to enter skilled professions directly.

Trade School, Personal Services: are trade schools which offer programs that train students in fields that involve providing direct services to clients. These careers often focus on improving clients' well-being, appearance, or lifestyle. Examples of personal services trades include: Cosmetology (hair styling, makeup artistry, skincare), Barbering, Massage Therapy, Personal Training and Fitness Coaching, or Culinary Arts

Trade School, Trades & Industrial: are schools which offer programs that train students in fields which focus on hands-on technical skills and practical knowledge required for building, manufacturing, and maintenance work. Trade schools offering

these programs provide specialized training in fields such as welding, woodworking, automotive repair, HVAC, carpentry, plumbing or electrician training.

Traffic Impact Study: The analysis of the potential traffic impacts generated by a proposed project. This type of study and level of analysis will vary depending upon the type and size of the project.

Traffic Impact Study, Rezoning: A traffic impact study that contrasts typical uses permitted under the current and requested zoning or land use classification. This study usually includes a trip generation analysis and a summary of potential impacts on the street system.

Traffic Impact Study, Assessment: A traffic impact study for land uses which are not expected to have a significant impact on the overall transportation system but will have traffic impacts near the site. This type of study focuses on the expected impacts of development at site access points and adjacent driveways.

Traffic Impact Statement: A traffic impact study which evaluates the expected impacts at site access points and intersections in the vicinity.

Traffic Impact Study, regional: A comprehensive traffic impact study for land uses expected to have a significant long-term impact on the street system. Such a study evaluates the impacts over a long period and may involve analyses of alternate routes. This type of study is typically prepared using a computer model which simulates traffic patterns.

U-V

Underground Storage Tank System: A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to hold an accumulation of hazardous substances, as defined in the State of Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended.

Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Used Oil: Any oil that had been refined from crude oil, used, and as a result of such use contaminated by physical or chemical impurities.

Vacant: Vacant means a building, structure or land shall be deemed to be vacant if no person or persons actually currently conducts a lawful business or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s) on a permanent, not transient basis. Buildings with multiple tenants and /or uses, and land with more than one structure shall be deemed vacant if more than 60 percent of the ground floor, based on total square footage, is unoccupied. (see Adrian City Code of Ordinances, Article V)

Variance: A modification of the literal physical provisions of the Zoning Ordinance, which may be granted by the Zoning Board of Appeals in accordance with the authority bestowed upon that Board by the provisions of this Ordinance.

Veterinary Clinic, Office, or Hospital: A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock provided that all activities are conducted within a completely enclosed building.

W

Wall: A structure constructed of masonry or brick of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Warehouse: A building used primarily for storage of goods and materials. A warehouse has six (6) identified functions: stockpiling, product mixing, production logistics, consolidation, distribution, and customer service. (see also distribution warehouse).

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh. Locations of wetlands are generally shown on the natural features map of the Master Plan.

Wetland, Regulated: Certain wetlands regulated by the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- a) Contiguous to an inland lake or pond, or a river or stream.
- b) Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size.
- c) Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the regulatory authority determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

Wholesale Sales: The sale of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

Wind Energy System, Large: a tower mounted wind energy system that converts wind energy into electricity using equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

Wind Energy System, Medium: is a tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system and does not exceed two hundred fifty (250) kilowatts. The total height does not exceed one hundred fifty (150) feet.

Wind Energy System, Small: is a tower mounted wind energy system that converts wind energy into electricity using equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. It does not exceed thirty (30) kilowatts. The total height does not exceed one hundred twenty (120) feet.

Winemaker: A Wine Maker or small winemaker has a license issued by the Michigan Liquor Control Commission to manufacture wine in Michigan.

Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum to transmit or receive radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, wireless networking technology, microwave relay towers, telephone transmission equipment buildings and

commercial mobile radio service facilities. This definition does not include “reception antenna” for an individual lot as otherwise defined and regulated in this Ordinance.

Work-Release Facility: A facility for the housing, rehabilitation, and training of persons participating in court-ordered criminal rehabilitation programs offered as an alternative to incarceration in a jail or similar institution. A residential treatment facility which offers voluntary alcohol or drug addiction treatment on a voluntary basis to the public shall not be considered to be a work release facility.

Workshop: Showroom and workshop of a carpenter, plumber, electrician, painter, decorator or similar trade.

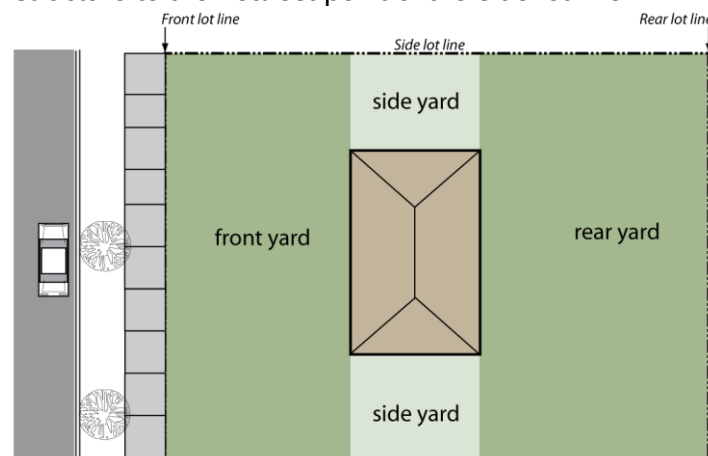
Y-Z

Yard, Required: A required open space on the same lot with a principal building, unoccupied and unobstructed by any building or structure or portion thereof from the ground upward, except as otherwise provided in this Ordinance.

Yard, Front: A required front yard is an open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line and is unoccupied space between the front lot line and the nearest line of the principal building, excepting steps and unenclosed porches. For lots that front more than one street, the front yard shall be along the Primary Frontage.

Yard, Rear: A required rear yard is an open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line, describing an unoccupied space between the rear lot line and the nearest line of the principal building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall be only one rear yard.

Yard, Side: A required side yard is an open unoccupied area between a principal building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured from the center of the nearest wall of the building or structure to the nearest point of the side lot line.



Zero Lot Line: The location of a building on a lot in such a manner that one or more of the buildings sides rests directly on the lot line.

Zoning Act: The Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

Zoning Board of Appeals (ZBA): The City of Adrian Zoning Board of Appeals created under The Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

City of Adrian

Zoning District: see District, Zoning

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Article 2: Administrative Provisions

Division 1 Enforcement, Violations, and Penalties

SECTION 106-08 INTENT

The purpose of this section is to encourage compliance with the ordinance, and protect public health, safety, and property. Ensure development complies with the city's comprehensive plan goals and the provisions of this ordinance. The zoning districts are intended to allow legally non-conforming existing structures to remain while integrating new development using the development standards.

SECTION 106-09 AUTHORITY

A. Enforcement by Planning and Zoning Administrator.

In accordance with state law, Section 125 of the Michigan City and Village Zoning Act, PA 207 of 1921, the Planning and Zoning Administrator or any code enforcement officer, or their designee will be responsible for enforcing this ordinance. In performing their responsibilities, they may:

1. Issue a notice of violation;
2. Issue a municipal civil infraction citation; or
3. Otherwise institute appropriate legal action to prevent, restrain, correct, enjoin, or abate any violation of the provisions of this Ordinance.

B. On-Site Inspections Authorized.

In any municipal civil infraction action, or any action or proceeding in equity for the violation of any provision of this Ordinance, the Planning and Zoning Administrator, any code enforcement officer, or their designee will have the authority to conduct an on-site inspection of the land where such violation is alleged to have occurred.

C. Fees

The City Commission may from time to time establish, by resolution, fees that will cover the cost of review, recommendation, inspection and supervision resulting from the enforcement of this Ordinance.

SECTION 106-10 APPLICABILITY

Zoning affects every structure and use. All structures and uses must comply by these regulations by obtaining the required approval unless exempt. This includes the use, construction, alteration of any structure or use. Any structure that is occupied, constructed, or altered in violation of this ordinance or law, will be declared a nuisance.

The proposed use of a development project is not required to change if both of the below are true:

1. The project was under active construction before the ordinance's adoption
2. Construction will be completed within a year of the ordinance becoming effective.

SECTION 106-11 VIOLATIONS AND PENALTIES

A failure to comply with the provisions of this ordinance will constitute a violation of this ordinance. Every day on which a violation exists will constitute a separate violation and a separate offense.

A. Violations

1. **Violation Deemed a Public Nuisance.** Any violation of this Ordinance is declared to be a public nuisance per se.
2. **Violation Deemed a Municipal Civil Infraction** Any violation of this Ordinance and/or the terms and conditions of this Ordinance is deemed a municipal civil infraction, subject to Chapter 2 Article 6 of the Adrian City Code.
3. **Proceeding in Equity.** The City of Adrian may institute an appropriate legal action or court proceeding to prevent, restrain, correct, or abate any violation of the provisions of this Ordinance.
4. **Parking, Storage, Placing Vehicle on Land or Premises.** In any municipal civil infraction action, or any action or proceeding in equity for the violation of any provision of this Ordinance that concerns the parking, storing, or placing of a motor vehicle upon land or premises, the registration plate attached to such motor vehicle will constitute prima facie evidence that the owner of such motor vehicle was the person who parked, stored, or placed such motor vehicle upon the land of the premises where such violation is alleged to have occurred.
5. **Permits, Certificates and Approvals.** In this chapter, any reference to a requirement of this Ordinance, or with any permit, approval, or authorization of a type referenced in this Ordinance, will include, but will not be limited to, any requirement, condition, or limitation contained in a site plan, Planned Unit Development Plan or any other form of plan approved pursuant to this Ordinance.
6. **Types of Violations.** Any of the following will be a violation of this Ordinance and will be subject to the remedies and penalties provided for in this Ordinance.
 - a) Development without permit or approval. To engage in any development, construction, remodeling, alteration, placement of signs, or other activity of any nature upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.
 - b) Development, use or sign inconsistent with permit or approval. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approved site plan, approval, certificate, or other form of authorization required in order to engage in such activity.
 - c) Development, use or sign inconsistent with conditions. To violate, by act or omission, any term, condition, or qualification placed upon any permit, approval, or other form of authorization.
 - d) Violating dimensional requirements. To reduce or diminish any lot area so that the lot size, setbacks or open spaces will be smaller than prescribed by this Ordinance or to increase the height or bulk of any building or structure in violation of the requirements of this Ordinance.
 - e) Increasing intensity or density of use. To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Ordinance.
 - f) Removing or defacing required notice. To remove, deface, obscure or otherwise interfere with any notice required by this Ordinance.

- g) Failure to remove signs. To fail to remove any sign installed, created, erected or maintained in violation of this Ordinance, or for which the sign permit has lapsed.
 - h) Obtaining permit or approval in a fraudulent manner. To obtain any permit, approval, certificate, or other form of authorization required by this Ordinance in a fraudulent manner.
 - i) All other violations. To establish or operate other activities, structures or land uses in violation of any specific provisions, or the general purpose and intent of this Ordinance.
7. **Continuing Violations.** Each day that a violation remains uncorrected after receiving notice of the violation from the City will constitute a separate violation of this Ordinance. The imposition of a fine or penalty under this chapter will not be construed to excuse or to permit the continuation of any violation.
8. **Remedies Cumulative.** The remedies and enforcement powers established in this chapter will be cumulative, and the City may exercise them in any order.

B. Penalties

- 1. **General.** Any person, corporation, firm or partnership, or anyone acting on behalf of any person, corporation, firm or partnership, who admits responsibility or is found to be responsible through a municipal civil infraction determination for violation of any provision of this Ordinance will be fined up to \$500 for each day of the violation pursuant to Chapter 74-169 of the City of Adrian Code of Ordinances.
- 2. **Civil Fines.** In the case of a company, corporation, or partnership, the civil fine may be imposed upon the persons in control of that entity.
- 3. **Lien.** The City may impose a lien on property of any person, corporation, company, or partnership, or other entity upon whom a municipal civil infraction is imposed to recover the amount of any unpaid civil infraction.

C. Remedies and Enforcement Powers. The City will also have the following remedies and enforcement powers:

1. Withhold Permit.

- a) Uncorrected violation or condition or qualification of a permit, approval, certificate, or other authorization. The City may deny or withhold any and all permits, approvals, certificates, or other forms of authorization from an applicant on any land or structure or improvements when there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, approval, certificate, or other authorization previously granted by the City. This enforcement provision will apply regardless of whether the current owner or applicant is responsible for the violation in question.
- b) Persons who own, develop or otherwise cause an unauthorized violation. The City may deny or withhold all permits, approvals, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, approval, certificate, or other authorization previously granted by the City. This provision will apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

- c) Permits Approved with Conditions. In addition to withholding or denying a permit or other authorization, the City may grant such permit or other authorization subject to the condition that the violation be corrected.
2. **Revoke Permits.** Any development permit or other form of authorization required under this Ordinance may be revoked, when the City determines that (1) there is departure from the plans, specifications, or conditions as required under terms of the permit; (2) that the development permit was procured by false representation or was issued in error; or (3) that any of the provisions of this Ordinance are being violated. Any permit or other authorization revoked under this procedure will become null and void.
3. **Stop Work.** With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued, in accordance with its power to stop work under this Ordinance and the City building codes.
4. **Injunctive Relief.** The City may seek an injunction or other equitable relief in court to stop any violation of this Ordinance or of a permit, approval, certificate or other form of authorization granted by this chapter.
5. **Abatement.** The City may seek a court order in mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.
6. **Other Remedies.** The City will have such other remedies as are and as may be from time to time provided by Michigan law for the violation of zoning, sign or related Ordinance provisions.
7. **Other Powers.** In addition to the enforcement powers specified in this chapter, the City may exercise any and all enforcement powers granted by Michigan law.
8. **Continuation.** Nothing in this Ordinance will prohibit the continuation of previous enforcement actions undertaken by any officer of the City pursuant to previous and valid ordinances and laws.

D. Enforcement Procedures.

1. **Nonemergency Matters.** In the case of violations of this Ordinance that do not constitute an emergency or require immediate attention, the City will give notice of the nature of the violation to the property owner or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice will have a reasonable time, as set forth in the notice, to correct the violation before further enforcement action may be taken. Notice will be given by hand delivery, United States mail, or by posting notice on the premises. Notices of violation will state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected. The City will keep a record of all persons notified.
2. **Emergency Matters.** In the case of violations of this Ordinance that constitute an emergency as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the City may use the enforcement powers available under this chapter without prior notice but will attempt to give notice simultaneously with beginning enforcement action. Notice may be

provided to the property owner, to any other person who is party to the agreement, and to applicants for any relevant permit.

Division 2. Administration

SECTION 106-12 CERTIFICATES OF ZONING COMPLIANCE

A. Intent

A certificate of zoning compliance is intended to ensure that no construction, reconstruction, alteration, demolition, change in the use of or occupancy of any land, building, or other structure unless the same will be in compliance with this Ordinance.

B. Applicability

A certificate of zoning compliance must be obtained for any activity involving the construction, reconstruction, alteration, demolition, or change of use of or occupancy of any parcel or structure. Projects exempt from site plan review must still meet all applicable zoning ordinance and code requirements and obtain a Certificate of Zoning Compliance prior to undertaking the use.

C. Application Review Criteria

1. A completed application must be submitted and contain all of the following:
 - a. Applicable fee
 - b. Description of development activity.
 - c. Applicant and property owner names, addresses and contact information.
2. The Planning and Zoning Administrator will review the application for completeness and make a determination of approval when the application complies with the applicable requirements of this Ordinance.

D. Effect and Expiration of Approvals

1. **Application Approval.** Issuance of a permit will authorize the applicant to either begin the activity specified by the permit or apply for any additional permits needed.
2. **Expiration.** Approval of a Certificate of Zoning Compliance will expire one (1) year from the date of its issue unless an appreciable amount of the approved activity commences and proceeds to completion in a timely and customary manner in accordance with the Zoning approval.

SECTION 106-13 CERTIFICATES OF OCCUPANCY

A certificate of occupancy is issued following all construction activity and final inspections have concluded, and all conditions have been met. When a certificate of occupancy is issued it permits the occupancy of the building.

A. Applicability.

1. No new principal building or dwelling subject to the provisions of this Ordinance shall be occupied, inhabited or used until a Certificate of Occupancy is issued by the Planning and Zoning Administrator or their designee.
2. No existing non-residential structure, or portion thereof, having been vacant for more than six months, shall be reoccupied until inspected and found to be in compliance with the current edition of the International Property Maintenance Code and [Section 106-25 Nonconforming sites](#) of this ordinance. A new Zoning Compliance Permit and Certificate of Occupancy shall be required before the premises are reoccupied.
3. A building structure must comply with [0-EE. Trash and Recycling Receptacles and Enclosures](#) prior to being issued a certificate.

SECTION 106-14 PERFORMANCE GUARANTEES

A. Intent

As a condition of approval of a Certificate of Occupancy, where the improvements related to the site plan, special land use or planned unit development have yet to be completed, the Planning and Zoning Administrator may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development.

B. Requirements

Performance guarantees will be processed in the following manner:

1. Prior to the issuance of a certificate of occupancy, the applicant will submit an itemized estimate of the cost of the uncompleted required improvements, which will then be reviewed by the Planning and Zoning Administrator. The amount of the performance guarantee will be no greater than one hundred percent (100%) of the cost of installing the uncompleted improvements, plus the cost of necessary consultants and a reasonable amount for contingencies.
2. The required performance guarantee may be in the form of a cash deposit, certified check, or irrevocable bank letter of credit acceptable to the City.
3. Upon receipt of the required performance guarantee, the Planning and Zoning Administrator may authorize the issue a temporary certificate of occupancy for the subject development or activity, provided it complies with all other applicable provisions of this ordinance.
4. When all the required improvements have been completed, the obligor will send written notice to the Planning and Zoning Administrator of completion of such improvements. The Planning and Zoning Administrator will inspect all the improvements and will advise the Building Official if the requirements have been met.
5. Once the Building Official has issued a permanent Certificate of Occupancy, the performance guarantee shall be returned to the obligor.

Division 3 Amendments

SECTION 106-15 INTENT

The purpose of this section is to establish sound and orderly updates of this ordinance and zoning map in alignment with the city's comprehensive plan, state law, and best planning and zoning practices.

SECTION 106-16 APPLICATION FOR AMENDMENT

1. Proposals for amendments or changes may be initiated by the City Commission on its own motion, by the Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
2. The City Commission will establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this ordinance text or zoning map. Said fee will be collected by the Community Development Department and no part will be refundable to the applicant. No fee will be charged when the applicant is a governmental body.
3. A completed and signed application for a text or zoning map amendment, along with the appropriate fees, will be submitted to the Community Development

Department. A separate application will be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same map amendment.

4. In the case of an amendment to the official zoning map (rezoning), the following information shall accompany the application:
 - a. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
 - b. The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.
 - c. The existing and proposed zoning district designation of the subject property.
 - d. A site analysis site plan illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, steep sloped, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
 - e. A conceptual plan demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors.
 - f. A written description of how the requested rezoning meets [Section 106-19 Rezoning Criteria](#).

SECTION 106-17 REVIEW AND APPROVAL OF A ZONING ORDINANCE AMENDMENT

1. Upon the initiation of a zoning ordinance text amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission in accordance with the Zoning Enabling Act, PA 110 of 2006, as amended.
2. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the City Commission.
3. Following receipt of the findings and recommendation of the Planning Commission, the City Commission shall consider the proposed amendment. The City Commission may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment.

SECTION 106-18 REVIEW AND APPROVAL OF ZONING MAP AMENDMENT

1. Upon receipt of a completed application, a public hearing shall be scheduled with the Planning Commission and notification sent in accordance with the Zoning Enabling Act, PA 110 of 2006, as amended.
2. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition, shall consider the criteria contained in [Section 106-19 Rezoning Criteria](#) below, and shall report its findings and recommendation for approval or denial to the City Commission.
3. The City Commission shall approve or deny the amendment, which may be based on consideration of the criteria contained in [Section 106-19 Rezoning Criteria](#) below.

SECTION 106-19 REZONING CRITERIA (AMENDMENT OF THE OFFICIAL ZONING MAP)

A. Amendment Review Criteria.

In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission shall, and the City Commission may, consider the following criteria in making its findings, recommendations, and decision:

1. Consistency with the goals, policies, and Future Land Use Map of the City of Adrian Comprehensive Plan, including any subarea or corridor studies. If conditions have changed since the City of Adrian Comprehensive Plan was adopted, the consistency with recent development trends in the area.
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
3. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
4. The capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the city.
5. The apparent demand for the types of uses permitted in the requested zoning district in the city in relation to the amount of land in the city currently zoned to accommodate the demand.
6. The ability of the property in question to be put to a reasonable economic use as it is presently zoned.
7. Where a rezoning is reasonable, given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

B. Amendments Required to Conform to Court Decree

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Commission and published, without necessity of a public hearing or referral thereof to any other commission or agency.

Division 4 Nonconformities

SECTION 106-20 INTENT

It is the intent of this Division to recognize that the eventual elimination, as expeditiously as is reasonable, of existing uses or structures that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this division. It is also the intent of this division that any elimination of nonconforming uses or nonconforming structures shall be affected so as to avoid any unreasonable invasion of established private property rights.

SECTION 106-21 GENERALLY

- A. There exist lots, structures, and uses of land which were lawful before this chapter was enacted or amended, but which would be prohibited, regulated, restricted or otherwise unlawful by this ordinance.
- B. Nonconforming lots and structures are typically those established prior to the current zoning standards. The City intends to allow continued use of these lots and structures in certain cases. Accordingly, this division establishes regulations that govern the completion, restoration, reconstruction and expansion of nonconforming structures which do not increase the nonconforming situation.
- C. Nonconforming sites include lots that do not conform to development standards of this ordinance.
- D. To avoid undue hardship, nothing in this ordinance will be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner except that where demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such demolition or removal will be deemed to be actual construction, provided that work will be diligently carried on until completion of the structure involved.
- E. A change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises will not alter the nonconforming status of a nonconforming building, structure, use, or lot, provided there is no change in the nature or character of such nonconforming uses.

SECTION 106-22 NONCONFORMING BUILDINGS AND STRUCTURES

A nonconforming building or structure may continue to be used for what it was originally designed, under the following conditions:

1. It may not be enlarged or altered in a way which increases its nonconformity.
2. Any additions or modifications should bring the structure into greater conformity with standards applicable to the addition or modification.
3. Should such structure be destroyed by any means to an extent greater than fifty percent (50%) of its replacement cost at time of destruction, it will not be reconstructed except in conformity with the provisions of this code.

4. When a nonconforming building or structure is moved, it must conform to the requirements of the district to which it is relocated.
5. If a structure or building is altered or modified to eliminate, remove or lessen any or all of its nonconforming characteristics, the non-conforming characteristics will not be later reestablished or increased.

SECTION 106-23 NONCONFORMING USES

A nonconforming use may be continued and maintained in good condition if it:

1. Is not enlarged or relocated to occupy a greater area of land or on any other portion of land.
2. Is not changed to another nonconforming use, except, after approval of the Planning Commission. When granting such approval, the Planning Commission shall determine that such change in use will have a less detrimental effect on neighboring property than the existing non-conforming use.
3. Is not abandoned (not used for a consecutive period of 12 months). If one or more of the following conditions exist, the property will be deemed an abandonment of the nonconforming use:
 - a. Utilities have been disconnected.
 - b. The property, buildings, or grounds have fallen into disrepair.
 - c. Signs or other indications of the existence of the non-conforming use have been removed.
 - d. Removal of equipment or fixtures which are necessary for the operation of the non-conforming use.
 - e. Other actions, which in the opinion of the Planning and Zoning Administrator or their designee, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.
4. Any nonconforming use may be extended throughout any parts of a structure which were arranged or designed for such use, and which existed at the time of adoption or amendment of this ordinance, but no such use will be extended to occupy any land outside such structure.
5. It may be changed to another nonconforming use upon approval of Planning commission if:
 - a. If no structural alterations are made,
 - b. the proposed use is equally appropriate or more appropriate in the district than the existing non-conforming use;
 - c. Any conditions levied by the Planning Commission are implemented.
6. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, will thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
7. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or ceases for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, will not thereafter be used, except in conformance with the regulations of the zoning district in which it is located; structures occupied by seasonal uses will be excepted from this provision. These provisions may be waived, as determined by the Planning and Zoning Administrator, upon substantiation that there is intent to continue the nonconformity.
8. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure will eliminate the non-conforming status of the land.

A nonconforming use will be declared illegal if there is no proof of legal conformity before the ordinance's effective date. They must be discontinued following the effective date of this section.

SECTION 106-24 NONCONFORMING LOTS

1. **Use of Nonconforming Lots.** Any lot of record existing at the effective date of the ordinance codified in this chapter that now does not meet the requirements for area or width, or both, that are generally applicable in the district will be considered a nonconforming lot. A principal building and customary accessory buildings for permitted use may be erected on any nonconforming lot of record, provided all other standards of this title are met, such as setbacks, minimum floor area, maximum height and access requirements.
2. **Variance to Area and Dimensional Requirements.** If the use of a nonconforming lot requires a variation in minimum floor area or dimensional (minimum setback and maximum height) standards, then the use will be permitted only if a variance is granted by the Zoning Board of Appeals.
3. **Nonconforming Contiguous Lots Under the Same Ownership.** The intent of these regulations is to ensure that development of nonconforming lots will not overbuild the lots, result in a development pattern or structures that are out of character with the surrounding neighborhood, diminish access to open space, sunlight, and views for existing residences and will follow the residential density planned for in the City of Adrian Comprehensive Plan.
 - a. If two or more lots or combination of lots with contiguous frontage are or have been under single ownership are of record at the time of adoption or amendment of this title, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lands involved will be considered to be an individual parcel for the purposes of this chapter. The lots must be combined prior to receiving a building permit for any construction activity, including additions, renovations or new construction.
 - b. No portion of the parcel will be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor will any division of a parcel be made which creates a lot with width or area less than the requirements stated in this title.
 - c. Any combination, in whole or in part, of nonconforming lots of record will result in lots that conform to the requirements of this title to the maximum extent feasible. Any altering of lot lines or combination of lots will result in lots that conform to the requirements of this title. Once any combination that creates a conforming lot occurs, the resulting lot will not retain nonconforming lot of record status and will hereafter be required to comply with the lot requirements of this title.
 - d. Where an individual owns two or more contiguous nonconforming lots, the lots may be sold or developed as separate individual lots only where each individual lot has an area and width equal to or greater than the median area and width of all developed lots within seven hundred fifty feet. The seven-hundred-fifty-foot dimension will be measured from the perimeter of the applicant's lots and will include all lots or portions of lots within seven hundred fifty feet, but will only include lots that are within the same zoning district. Where there are multiple lots developed with a single dwelling, these lots will be considered a single combined lot for calculation of median area and width. Multiple contiguous vacant lots

under the same ownership will be considered a single combined lot for calculation of median area and width. The applicant will provide a map and calculations to certify the median lot area and width.

SECTION 106-25 NONCONFORMING SITES

1. The intent of this Section is to permit improvements and minor modifications to sites containing uses and building(s) which do not meet all of the various site improvement related regulations of this Zoning Ordinance, including provisions such as landscaping, signage, building materials and architecture, paving and other non-safety site related items. The purpose is to allow gradual compliance with these and other site related requirements, for the entire site, for sites that predate the Ordinance requirements.
2. Site improvements or expansions on nonconforming sites may be permitted by the Planning and Zoning Administrator or Planning Commission during special land use, conditional land use, site plan review, without a complete upgrade of all site elements under the following conditions. The city may require a performance guarantee to ensure that all improvements allowed under this Section will be made according to the approved plan.
3. There are reasonable site improvements proposed to the overall site in relation to the scale and construction cost of the proposed building improvements or expansion.
4. Safety-related site issues, or those regulated by state or federal laws, are met.
5. Driveways that do not conform with the access management requirements of this Ordinance will be eliminated to the extent practical, provided that the minimum reasonable access will be maintained, as determined by the standards of [Section 106-87 Access Management and Driveway Standards](#), and as approved by the Planning Commission.
6. Landscaping must conform to the requirements of

7. Division 4 Landscaping and Screening; exceptions will be permitted only where the existing site conditions prevent full compliance.
8. All signs must conform with Article 6, Division 7 Signs. Existing pole signs will be replaced with monument signs. Some size allowances may be granted where site conditions warrant such consideration.
9. All lighting, including pole and building mounted, must conform with [Article 6, Division 5 Outdoor Lighting Standards](#).
10. The improvements or minor expansions will not increase any existing nonconformity with the site requirements.
11. A site plan will be submitted and reviewed in accordance with [Article 3, Division 1 Site Plan Review](#).

SECTION 106-26 REPAIRS AND MAINTENANCE

1. On any structure devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding fifty percent (50%) of the estimated value of the structure, as determined by the most recent assessment of the market value of the structure for purposes of taxation, provided that the cubic content of the structures as it existed at the time of enactment or amendment of this ordinance will not be increased.
2. Nothing in this Division will be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

Division 5 Zoning Board of Appeals

SECTION 106-27 INTENT AND PURPOSE

The purpose of this Division is to ensure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured and substantial justice done.

SECTION 106-28 CREATION AND MEMBERSHIP

A Zoning Board of Appeals is hereby established in accordance with Act 207 of the Public Acts of 1921, as amended. The Board shall consist of five (5) members: The Chair of the Planning Commission, a member of the City Commission appointed by the City Commission; and the remaining members appointed by the City Commission from the electors residing in the City.

In addition to the five (5) regular members, the City Commission shall appoint two (2) alternate members to serve the same term as regular members. Alternate members may be called on a rotating basis to sit as regular members in the absence of a regular member. Alternate members may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. Alternate members shall have the same voting rights as regular members.

Members may be reappointed. An elected officer of the City shall not serve as Chair of the Board of Zoning Appeals. An employee of the City may not serve as a member of

City of Adrian

the Board. Members shall be appointed for three (3) year terms. Members of the Board of Appeals shall be removable by the City Commission for nonfeasance, malfeasance, and misfeasance of office. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so shall constitute misconduct in office.

SECTION 106-29 ORGANIZATION

1. Rules of Procedure: The Zoning Board of Appeals may adopt By-Laws and Rules of Procedure for the conduct of its meetings and the implementation of its duties. The Board shall annually elect a Chair, a vice-Chair, and a secretary.
2. Meetings and Quorum: Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and at such other times as the board in its Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. All meetings shall be open to the public.
3. Oaths and Witnesses: The Chair may administer oaths and compel the attendance of any witness in order to insure a fair and proper hearing.
4. Records: The minutes of all meetings shall contain the grounds for every determination made by the Board and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the City Clerk.

SECTION 106-30 JURISDICTION

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance. The Board shall perform its duties and exercise its powers as provided in Act 207 of the Public Acts of 1921, as amended. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides and administrative review, interpretation, or variance. Within this capacity the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Planning and Zoning Administrator, Planning Commission or any official administering or enforcing the provisions of this Ordinance as set forth in the next section.

SECTION 106-31 AUTHORIZED APPEALS

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

1. **Administrative Review**: The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Planning and Zoning Administrator or by any other official in administering or enforcing the provisions of this Ordinance.
2. **Interpretation of the Ordinance**: The Zoning Board of Appeals shall hear and decide upon request to:
 - a. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such a request, the Zoning Board of

Appeals shall insure that its interpretation is consistent with the intent and purpose of the Ordinance and the article in which the language in question is contained.

- b. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Planning and Zoning Administrator or designee.
- c. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
- d. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed by an analysis of the specific needs.

3. **Variance:** The Zoning Board of Appeals shall have the power to authorize specific variance from site development requirements such as lot area and width regulations, building height and bulk regulations, set back requirements, yard width and depth regulations, off-street parking and loading space requirements, of this ordinance. Such a variance may be granted, provided that each of the following criteria shall be found to be applicable to the case under consideration and that each of the applicable findings are met:

- a. That there are practical difficulties which prevent carrying out the strict letter of this Ordinance.
- b. These practical difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- c. That a practical difficulty exists because of unique circumstances or physical condition such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property uses in the same zoning district, and shall not be recurrent in nature.
- d. That the need for the variance does not result from actions of the applicant.
- e. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
- f. That granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.
- g. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property.
- h. That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within the zoning district, or any use for which a special use permit or a temporary use permit is required.

In granting the variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms

under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.

4. Effect and Expiration of Variance

Each variance granted under the provisions of this Ordinance shall become null and void unless:

- i. The construction authorized by such variance or permit has commenced within six (6) months of granting of the variance.
- ii. The occupancy of land, premises or building has taken place within one (1) year after the granting of the variance.

No application for the variance which has been denied, wholly or in part, by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the ground of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

SECTION 106-32 APPEAL PROCEDURES

- A. Notice of Appeal:** Appeals to the Zoning Board of Appeals (the Board) may be made by any person aggrieved, or by an officer or department of the City, filing a written Notice of Appeal with the Planning and Zoning Administrator. Upon receipt of a Notice of Appeal, the Planning and Zoning Administrator shall promptly transmit the records concerning the appealed action to the Chair of the Appeals Board. Any appeal from the ruling of the Planning and Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be filed within ten (10) days after the date of the Planning and Zoning Administrator's decision.
- B. Hearing:** Upon receipt of a Notice of Appeal, the Chair of the Board of Appeals shall fix a reasonable time and date for a Public Hearing, not to exceed thirty (30) days from the date of filing of the Notice of Appeal. Upon determination of the date and time of the Public Hearing, the Planning and Zoning Administrator shall notify the following, by first class mail or by personal service, not more than thirty (30) nor less than fifteen (15) days before the Public Hearing:
 - i. The appellant
 - ii. All person to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all single and two-family dwellings within three hundred (300) feet
- C. Notice of Hearing:** Where, in the opinion of the Planning and Zoning Administrator, the hearing concerns matters of general public interest and does not concern only individual lots or parcels, such notice shall be given in a newspaper of general circulation in the City not more than thirty (30) nor less than fifteen (15) days before the public hearing.
- D. Appearance:** During the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

- E. Fee:** A fee as established by the City Commission, shall be paid to the Community Development Department at the time the petitioner files an application with the Board. The purpose of such fee is to cover the necessary advertisements, investigations, hearing records and other expense incurred by the Board in connection with the appeal. No fee shall be charged if the City or any official body of the City is the moving party.
- F. Decision:** The Board shall render its decision within thirty (30) days of filing of Notice of Appeal unless an extension of time is necessary to review new information pertinent to making the decision, and is agreed upon by the appellant and a majority of members of the Appeals Board present. The vote of a majority of members of the Board shall be necessary to take action on an appeal.
- G. Bonding:** In authorizing any variance, or in granting any conditional, temporary or special approval permits, the Board may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the City be required. Such bond shall cover the estimated cost of improvements associated with a project for which zoning approval is sought, and be deposited with the Community Development Department to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Board may not require the deposit of the performance guarantee before the date on which the permit is to be issued. The Board shall establish procedures under which a rebate of any cash deposits in reasonable proportions to that ratio of work completed on the required improvements will be made as work progresses.

SECTION 106-33 REVIEW BY CIRCUIT COURT

Any party aggrieved by an order, determination or decision of any officer, agency, board, commission, Board of Appeals or legislative body of the City of Adrian which has acted pursuant to the provisions of Act 207 of the Michigan Public Acts of 1921 as amended may obtain a review thereof both on the facts and the law, in the Circuit Court of Lenawee County, provided that all other means of local appeal and review as provided in this Ordinance have first been exhausted. The Circuit Court shall review the record and decision of the Board of Appeals to ensure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise and discretion granted by the Board of Appeals.

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Article 3: Approval Procedures

Division 1 Site Plan Review

SECTION 106-34 INTENT

1. It is the intent of this Division to require site plan review approval prior to issuance of a building permit for certain buildings, structures, and uses that can be expected to have an impact on natural resources, traffic patterns, adjacent parcels, and the character of future development, and for all special land uses, to ensure that all such buildings, structures, and uses are in conformity with the provisions of this Division.
2. It is further the intent of this Division to require the eventual upgrade of existing sites that do not conform with current standards of this Ordinance.

SECTION 106-35 SITE PLAN REVIEW PROVISIONS

1. Purpose. The site plan review requirements in this article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this chapter, other applicable ordinances, and state and federal laws. The intent is to encourage a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses, achieve efficient use of the land, encourage innovative design solutions, protect natural resources, ensure safety for both internal and external vehicular and pedestrian users, achieve innovative stormwater management solutions, and prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.
2. The level of review is determined by the development activity taking place.
3. Table 106-35-1 Plan Review Requirements describes which activities require review and the reviewing body.
4. All projects, even those identified exempt from site plan review, must still meet all applicable zoning and building code requirements and obtain a Certificate of Zoning Compliance prior to application for a building permit or construction.

Table 106-35-1 Plan Review Requirements

Use or Activity	Planning Commission	Admin. Short Form
New Construction or Activity		
New construction of any non-residential or multiple-unit residential development.	X	
Establishment of a new special land use	X	
Site condominium developments.	X	
Planned Unit Developments (PUDs)	X	
Adult and child residential care facilities include day-care centers, foster care homes, family day-care homes and group homes.		X
Construction, reconstruction, erection and/or expansion of single-family or two-family dwelling on parcel zoned solely for residential purposes.		X

Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards.	X	
Co-location of a communication antenna upon an existing tower.		X
Change in Use		
Use or Activity		
An increase in floor area of uses with an existing approved site plan up to 1,000 square feet or 5% of existing floor area, whichever is less.		X
Change of land or building to a more intensive use which 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, such as loss of natural features.	X	
Reuse or re-occupancy of an existing building where no building expansion is proposed and a site plan was approved within the last five years		Exempt
Home occupations, Class 1		X
Home occupations, Class 2	X	
Expansion/Modification to Existing Building		
Modifications to nonconforming buildings or sites to a change to a more conforming situation		X
Modifications to comply with Americans with Disabilities Act or other federal, state or county regulations.		Exempt
Changes to facade, architectural features, or wall signs (elevation plan showing changes and construction materials is required) pursuant to design standards within the CBD.	X	
Accessory Structures and Site Improvements		
Construction or erection of permitted accessory buildings and structures accessory to a single- or two-household dwelling unit.		Exempt
Erection of essential public service local distribution lines within public rights-of-ways.		X
Non-residential accessory structures.		X
Replacement or alteration of landscaping areas other than one- or two-family dwellings.		X
Improvements or installation of walls, fences, or lighting other than one- or two-family dwellings.		X
New accessory parking lot/loading area of 10 spaces or more or addition of more than 3,000 sq. ft. to an existing parking lot or addition of a new driveway for a non-residential use		X
Construction or relocation of a trash enclosure.		X
Grading, excavation, filling, soil removal, or tree clearing over 1000 square feet not associated with an approved site plan or plat		x
Accessory outdoor display of general retail items.		X
Temporary Uses		

Temporary uses, buildings, structures, and seasonal events.		X
Temporary portable moving and storage containers other than for one- and two-family dwellings.		X
Temporary Roadside Stands.		X

SECTION 106-36 SITE PLAN REVIEW PROCEDURE

A. Application Procedure

Site plans and Administrative Short-Form (ASF) plans must be submitted to the Planning and Zoning Administrator or their designee, per the following procedures and requirements:

1. Optional Pre-application Meeting

The applicant is encouraged to schedule a meeting with staff, via the Planning and Zoning Administrator or their designee, to present a conceptual site plan. While this is optional, it is recommended to take this step before a formal application process is initiated. The purpose of this meeting is to allow the applicant to introduce the site plan concept and receive comments or direction from staff on the site plan or the need for additional material to evaluate the impacts of the use. No formal action will be taken.

2. Plan Review Application Submittal.

The plan review application will be submitted by the owner of an interest in the land for which site plan approval is sought, or the designated agent of the owner, or with a statement signed by the owner granting permission from the property owner for the application. The application will include the following:

- a. Proof of ownership
- b. A written use statement
- c. The required fee
- d. A complete signed and sealed site plan that includes the information required by the Submittal Requirements - [see Section 106-37 Submittal Requirements](#).

3. Administrative Review

- a. Technical Reviews. The Community Development Department will forward the application and site plan/ASF to applicable departments for technical review.
- b. Revised Plan. Following the technical review, the applicant will revise the site/ ASF plan as necessary and provide revised plans with a letter describing all changes for follow-up review.

4. Administrative Short-Form Plan Review and Approval

- a. Intent. The intent of this section is to permit submittal of an Administrative Short-Form plan in certain specific instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this Ordinance.
- b. Eligibility. An ASF plan, rather than a complete site plan package, may be submitted for uses or activities identified in Table 106-35-1.
- c. Approval. The ASF plans will be approved by the Planning and Zoning Administrator or their designee once they are found to be in compliance with the requirements of the Zoning Ordinance and other applicable ordinances. Once approved by the Planning and Zoning Administrator or

their designee, the process will follow the requirements of subsections below.

- d. **Additional Information.** The Planning and Zoning Administrator or their designee retains the option to require additional information or a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts, or sites experiencing problems with drainage, traffic, noise, aesthetics, or other general health and safety issues. If a full site plan is required, the Planning and Zoning Administrator or their designee will inform the applicant to submit a set of plans in accordance with this Article.

5. Site Plan Review and Approval. The approval authority identified in Table 106-35-1 may deny, approve, or approve with conditions the plan based on the criteria in Section 106-38 Site Plan Review Standards.

6. Agency Approvals. The applicant will obtain all other necessary agency permits from the Michigan Department of Environment, Great Lakes, Energy (EGLE), the Lenawee County Drain Commission, Lenawee County Health Department, and all applicable utilities. Copies of applications for all applicable outside agencies will accompany submission of the application and site plan to the City and approvals will be obtained prior to the issuance of building permits, and before any substantial development activity takes place.

7. Engineering Review. Following approval of a site plan or ASF plan, the applicant will submit a complete set of engineering plans prior to the issuance of any related building permits.

8. Building Permit. An application for a building permit may be submitted following final approval of the site plan or ASF plan and review of any engineering plans by the City. The applicant is responsible for obtaining all other applicable city, county, or state permits before a building permit is received.

9. As-Built Drawings. The applicant shall submit as-built drawings at project completion but prior to an issuance of a Certificate of Occupancy in a digital format acceptable to the City.

B. Conditions of Site Plan Approval.

1. As part of an approval to any site plan, the City may impose any additional conditions or limitations as in its judgment may be necessary to ensure that public services and facilities can accommodate the proposed site plan and its activities, to protect significant natural features and the environment, and to ensure compatibility with adjacent land uses.
2. A record of conditions imposed will be recorded on the site plan and maintained. The conditions will remain unchanged unless an amendment to the site plan is approved in accordance with this Division.
3. The approval authority may require that the applicant revise and resubmit a site plan in compliance with the conditions imposed by the approval authority. The Planning and Zoning Administrator or their designee will have authority to approve the site plan.

C. Site Plans with Multiple Phases

1. An applicant may request site plan approval utilizing multiple phases.
2. A multi-phase plan shall provide all information required for site plan review of any one phase project no phase that is reliant upon another phase may be constructed prior to that other phase.

3. Where construction of a phase has not commenced within one (1) year following completion of the prior phase, the project must reapply for site plan review.

D. Expiration of Approved Site Plan

1. Approval of the site plan, including the first phase of a multi-phased site plan, is valid for a period of one year. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded consistently toward completion during that period, the approval of the site plan will be null and void.
2. Upon written application filed prior to the termination of the one-year review period, the Planning and Zoning Administrator or their designee may authorize a single extension of the time limit for approval of a site plan for a further period of not more than one year. Such extension will only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period, the length of which will be determined by the Planning and Zoning Administrator or their designee but which will not exceed one year.

E. Amendments of approved plans

1. **Minor Changes.** Prior to making any change to an approved site plan/ASF plan the applicant or property owner will notify the Community Development Department of any desired change. The Planning and Zoning Administrator or their designee will review the request and determine whether the requested change is minor or major. Minor changes to an approved site plan may be approved by the Planning and Zoning Administrator. The following will be considered minor changes:
 - a. Movement of a building or buildings by no more than five (5) feet, provided all setback, parking, landscaping and other site requirements are still met.
 - b. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on an equal or greater basis.
 - c. Trees to be preserved that were damaged or lost during construction may be replaced by trees of a similar species, with two (2) new trees required for each tree replaced.
 - d. Changes of building materials to another of higher quality.
 - e. Slight modification of sign placement or reduction of size., subject to issuance and conditions of sign permit
 - f. Changes required or requested by the city, county, state or federal agency for safety reasons or for compliance with applicable laws.
 - g. Revisions that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
2. **Major Changes.** All other changes not considered minor will be considered a major change requiring a new application for site plan review.

F. Property Maintenance after Approval

1. It will be the responsibility of the owner of the property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. This maintenance requirement

- includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities, and all other elements of a site.
2. Any property owner who fails to so maintain an approved site plan will be deemed in violation of the provisions of this Article and will be subject to the same penalties appropriate for a violation.
 3. With respect to condominium projects, the master deed will contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed will further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association.

SECTION 106-37 SUBMITTAL REQUIREMENTS: All site plans, as required by this ordinance, will be submitted to the Community Development Department. The number of plan sets needed will be as determined by the department.

The following information is required to be included in site plans submitted for review.

Table 106-37-1 Site Plan Requirements

Site Plan Data	Required For	
	Site Plan	ASF Plan
A. Application Form: The application form provided by the Community Development Department will be completed in full with the following information:		
Name, address and contact information of the applicant and property owner	X	X
Address, common description of property, and Sidwell number	X	X
Dimensions of land and total net and gross acreage	X	X
Zoning on the site	X	X
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable	X	X
Description of proposed use(s) as permitted or special land use(s), including any demolition of existing structures	X	X
Name and address of firm or individual who prepared site plan	X	
Proof of property ownership	X	
B. Plan Descriptive and Identification Data:		
The site plan will be drawn to scale.	X	
Sheet size will be at least 24 x 36 inches, collated according to sheet number together with such number of reduced copies and digital copies.	X	
Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year)	X	
Scale and north arrow	X	X
Location map drawn to a separate scale with north arrow, showing surrounding land, property lines, zoning and streets within a mile	X	
Legal and common description of property and acreage	X	
Identification and signature over the seal of the architect or engineer who prepared	X	

drawings		
Zoning classification of petitioner's parcel and all abutting parcels	X	
Proximity to section corner and major arterials	X	
Net acreage (minus rights-of-way) and total acreage	X	
Use statement including the proposed number of employees and hours of operation	X	
Date and/or revision dates	X	X
The plan will include a note indicating that all state and federal requirements (including the Americans with Disabilities Act and all barrier-free standards) will be complied with as part of the development.	X	X
C. Site Data:		
Existing lot lines, building lines, structures, parking areas and other improvements on the site, and for site plans only, within 100 feet of the site	X	
Building footprints, floor plans and floor areas	X	X
Topography at two (2) foot contours	X	
Proposed lot lines, as applicable.	X	
Location of existing drainage courses, wetlands, lakes, streams, and floodplains with elevations	X	
All existing and proposed easements	X	
Location of trash receptacle(s) and transformer pad(s) and method of screening	X	X
Extent of any outdoor sales display	X	
Location, height, and outside dimensions of all storage areas and facilities	X	
Lighting plan with details for light fixtures on the lighting plans and a photometric plan showing light intensities on the site	X	
Project phasing, if proposed	X	
D. Access and Circulation:		
Existing and planned right-of-way for all streets	X	
Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements within 100 feet of the site	X	
Opposing driveways and intersections within 250 feet of site	X	
Location and cross section details of proposed roads, driveways, parking lots, sidewalks and non-motorized paths illustrating materials and thickness	X	
Dimensions of acceleration, deceleration, and passing lanes	X	
Dimensions of parking spaces including barrier free, islands, circulation aisles and loading zones (including loading dock/door orientation and screening)	X	
Dimension and location of all clear vision areas	X	
Calculations for required number of parking, stacking and loading spaces	X	
Shared parking and access easements, if shared parking or access is proposed	X	
Private road maintenance agreement, if a private road is proposed	X	
Designation of fire lanes, if any	X	
Details of traffic regulatory signs, pavement markings and curbing	X	
Truck circulation plan showing turning templates for trucks and emergency vehicles	X	
Location of existing and proposed sidewalks/pathways	X	
E. Landscape Plans:		

Existing woodlands being preserved	X	
Any existing landscaping proposed for removal, including diameter of any trees 3 inches caliper or greater.	X	
All landscaping installation and maintenance notes, indicating compliance with this ordinance	X	
Calculations of all landscape requirements	X	
Details of the proposed irrigation system	X	
Description of methods to preserve existing landscaping	X	
Landscape plan, including location and type of all existing and proposed shrubs, trees, lawn, and other live plant material	X	
Location, size, height and material of construction for all obscuring wall(s) or berm(s), and for site plans only, cross-sections of each	X	
Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity	X	
Approximate dates of plant installation	X	
F. Building and Structure Details:		
Building elevations for all facades, along with photos or renderings of the building; elevation drawings that indicate the height of building, materials, architectural quality, including cross-sections and details of any proposed rooftop equipment and screening	X	
Location, height, and outside dimensions of all proposed buildings or structures	X	
Dimensioned building floor plans and total and usable floor area calculations	X	
Details on accessory structures and any screening	X	
Location, size, height, and lighting of all proposed site and wall signs	X	
G. Information Concerning Existing and Proposed Utilities, Drainage and Related Issues:		
Location of sanitary sewers, sanitary leads, and septic systems	X	
Location and size of water mains, well sites, water service, and fire hydrants	X	
Indication of site grading, drainage patterns and other stormwater management measures	X	
Soil borings, locations and summary report data will be shown where soil quality may be in question.	X	
Stormwater retention and/or detention facilities, including grading, side slopes, depth, high water elevation, volume and outfalls with calculations	X	
Location and size of underground storm sewers and drains	X	
Location of above and below ground gas, electric and telephone lines	X	
Location of transformers and utility boxes	X	
Locations, description and quantities of hazardous materials to be stored on the site and details for best management practices, such as secondary containment	X	
H. Additional Information Required for Residential Development		
The number and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.)	X	
Density calculations (dwelling units per acre)	X	

Garage or carport locations and details, if proposed	X	
Location and design of mailbox clusters	X	
Location, dimensions, floor plans and elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable	X	
Swimming pool location, fencing detail, including height and type of fence, if applicable	X	
Location and size of recreation and open space areas	X	
Indication of type of recreation facilities proposed for recreation area	X	

SECTION 106-38 SITE PLAN REVIEW STANDARDS

A site plan or Administrative Short-Form (ASF) plan will be approved if it contains the information required by the Zoning Ordinance and follows the conditions imposed under the Zoning Ordinance, other City planning documents, other applicable ordinances, and state and federal statutes, as outlined below:

A. Required Information.

The plan will include all required information in a sufficiently complete and understandable form to provide an accurate description of the proposed use(s) and structure(s).

B. Relationship to Surrounding Property.

All site development features will be arranged to minimize potential negative impacts to surrounding property or negative effect on public health, safety, and welfare. Site development features will be arranged to be in harmony with the surrounding uses.

C. Buildings and Site

1. **Buildings.** Buildings and structures will meet the minimum dimensional requirements of this Ordinance.
2. **Privacy.** The site design will include reasonable visual and sound privacy for dwelling units located adjacent to the site. Walls, berms, barriers and landscaping will be used, as appropriate, for the protection and enhancement of property and the privacy of adjacent uses.
3. **Exterior Lighting.** Exterior lighting will be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on public streets.
4. **Relationship to natural features.** All buildings, driveways, parking lots and site improvements will be designed to be compatible with the physical characteristics of the site, including, but not limited to, woodlands, wetlands, slopes, floodplains and soil suitability. The proposed development will not needlessly have an adverse impact on the natural environment of the site or the surrounding area.
5. **Landscaping.** Landscaping shall be provided in accordance with the provisions of this ordinance. The Planning Commission or the Planning and Zoning Administrator, where applicable, may require additional landscaping where necessary to achieve the objectives of this ordinance.
6. **Hazardous Materials.** Sites that include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby surface water bodies. These areas will be designed to meet all applicable state

and federal regulations and incorporate basic management practices for the handling of hazardous materials. Uses that involve the storage of large quantities of hazardous or combustible materials will be located and designed to ensure no threat to nearby uses and residents is present.

7. **Natural Features Preservation.** During development, building, renovating or razing operations, the developer will erect and maintain suitable protective barriers around the drip line of all trees specified to be maintained so as to prevent damage to said trees and will not allow storage of equipment, materials, debris or fill to be placed in this preservation area.
8. **Site Redevelopment.** Redevelopment of existing sites will conform to the site improvement provisions of this Ordinance to the extent considered practical by the Planning Commission or the Planning and Zoning Administrator, as the case may be. The extent of upgrade to site improvements will be relative to and proportionate with the extent of redevelopment or expansion in accordance with the nonconforming site requirements of Article 2

9. Division 4 Nonconformities.

D. Infrastructure

City staff will evaluate the adequacy of public or private utilities proposed to serve the site, including water, sanitary sewers and stormwater management.

1. **Drainage.** Stormwater management systems and facilities will preserve natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on or off the site.
2. **Soil Erosion.** Measures will be included to prevent soil erosion and sedimentation.
3. **Public Services.** City staff will evaluate whether the proposed development will be adequately served by public services currently furnished by or that may be required of the City or other public agency including, but not limited to, fire and police protection, stormwater management, water supply, sanitary sewage removal and treatment, traffic control, and administrative services.

E. Access and Circulation

1. **Ingress and Egress.** Every structure and dwelling unit will be provided with adequate means of ingress and egress via public streets and pedestrian walkways. Access to the site will be located and designed to ensure minimal impact on the safety and efficiency of traffic flow along all adjoining roadways.
2. **Emergency Vehicle Access.** All buildings and site circulation will be arranged to permit emergency vehicle access by practicable means to all buildings and areas of the site. Vehicle circulation will meet turning radius requirements set by the Fire Department. Fire lanes will be designated on the site and posted with signage by the developer/property owner at the developer's/property owner's expense prior to occupancy. Fire hydrants, fire suppression systems, fire detection, and fire extinguishers will be provided as required by the Fire Department.
3. **Vehicular Circulation Layout.** The arrangement of public or common ways for vehicular and pedestrian circulation will respect the pattern of existing or planned streets and pedestrian walkways in the area. Public streets adjacent or through the proposed development will be required when it is essential to promoting and protecting public health, safety and general welfare and to provide continuity to the public road system.
4. **Vehicular access.** The location and design of driveways providing vehicular access to the site will be arranged to promote the safety and convenience of vehicles and pedestrians and to provide access in a manner that promotes proper internal circulation. The Planning and Zoning Administrator or their designee will require public streets adjacent or through a proposed development, when it is necessary for the public health, safety and welfare, and/or provide continuity to the public road system. In those instances where the Planning and Zoning Administrator or their designee determines that there are an excessive number of curb-cuts in relation to abutting public roads, thereby diminishing the capacity of the road or creating excessive points of conflict, a reduction in the number of driveways will be required. Occupancy permits will not be issued until the improvement is physically provided.
5. **Pedestrian Circulation.** The site plan will provide a pedestrian circulation

system which is separated as completely as is reasonably possible from the vehicular circulation system.

6. **Traffic Impact.** The expected volume of traffic to be generated by the proposed use shall not adversely affect existing roads and traffic patterns. Roadway access will minimize excessive vehicle traffic on local residential streets to reduce the possibility of any adverse effects upon adjacent property. A transportation impact study as described in Subsection F may be required where the trip thresholds noted in Subsection F.2. are met to help determine compliance with this standard.

F. Transportation Impact Analysis

A transportation impact analysis for projects expected to have fifty (50) or more peak hour directional trips or five hundred (500) or more vehicle trips daily. The contents of the transportation impact study shall include:

1. Illustrations and a narrative which describes the study area and existing operations for the street system (right of way, functional classification, lane configuration, speed limits, any sight distances limitations, driveways on both sides of streets adjacent to the site, current traffic conflicts, etc.)
2. An evaluation for the morning and evening peak hour of both the use(s) and adjacent street system. This level of service evaluation shall be conducted for representative uses allowed under both the current and requested zoning districts. For uses expected to generate more than one hundred (100) peak hour directional trips or seven hundred fifty (750) trips daily, an evaluation of operations at major signalized or non-signalized intersections in proximity to the site is required in addition to site access points.
3. A table that describes the peak hour and daily trips for representative uses under both the current and requested zoning district. The city may require concept or schematic drawings or other information to confirm the size of development permitted under each scenario.
4. The traffic impact analysis shall be developed in accordance with published recommended practice in Michigan, the ITE handbook (Institute of Transportation Engineers), and the Highway Capacity Manual. The preparation shall be conducted by a qualified professional. Traffic count data shall be collected using accepted practices and shall not be over two (2) years old. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the ITE. The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) projects in similar locations in Michigan.
5. The transportation study shall provide at least three (3) levels of analysis: current conditions, project impacts (projects permitted under requested zoning + existing), and future conditions (existing + project traffic + background traffic growth + traffic associated with other developments in the immediate area approved or under construction). The city may require corridor level computer modeling when multiple uses or projects are being considered or where multiple traffic signals will be impacted.
6. In areas with observed pedestrian activity and near parks or schools, a multi-modal level of service evaluation (pedestrians and bicyclists) shall be included along with recommendations to improve the quality of such travel.
7. Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results

acceptable to the city and applicable road agency. The community may elect to reduce the trip reduction rates used.

8. The report shall evaluate the design of proposed access including conformance to the standards in [Section 106-87 Access Management](#) and driveway standards or support for an exception from those standards, any sight distance limitations, proper spacing, and relationship to other access points, and potential for shared access facilities.
9. The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques, or a reduction in the proposed intensity of use. Proposed mitigation measures must be acceptable to the applicable road agency. The responsibility, timing of roadway improvements, and relationship to available right-of-way shall be described.
10. The requirement for a transportation impact study, or the specific study elements required may be waived or modified by the city. Reasons for the waiver or modification shall be documented. Factors to be considered include:
 - a. Roadway improvements are scheduled which are expected to mitigate any impacts associated with the proposed project.
 - b. The existing traffic level of service (LOS) along the roadway is not expected to drop below LOS "D" due to the proposed project.
 - c. The existing level of service for all modes is considered acceptable and is not expected to be significantly impacted by the proposed project due to specific conditions at the location.
 - d. A similar transportation study was previously prepared for the site and is still considered applicable.

SECTION 106-39 CONCEPTUAL SITE PLAN APPROVAL

The conceptual site plan process may be used for projects that require city approval for state funding applications. This provisional approval is made solely for the purpose of providing the applicant with supporting documentation for state funding applications and will not be a replacement of the requirements set forth for full site plan review. Upon state funding approval an applicant will submit a site plan, and applicable fees, in full, to the Community Development Department. The Planning and Zoning Administrator or City Administrator will determine if a project may be considered for a Conceptual Site Plan approval.

The conceptual site plan will consist of all the following:

1. A legal description of the property under consideration.
2. The land uses of the area surrounding the project.
3. Date, north point, and scale.
4. The dimensions of all lot and property lines.
5. The siting of all structures on the subject property.
6. Significant environmental features such as wetlands, shoreline, streams, and trees.
7. The nature of the proposed project.
8. Parking, including spaces.
9. Open space locations.

10. Driveway approaches.
11. Setbacks.
12. Right of way locations.

Division 2 Special Land Use

SECTION 106-40 INTENT

The intent of this Division is to:

1. Provide standards for uses that under usual circumstances could be detrimental to other land uses permitted within the same zoning district but may be permitted because of circumstances unique to the location of the particular use.
2. Provide review standards for Planning Commission to decide the appropriateness of a given special land use using factors such as: compatibility with adjacent zoning, surrounding uses, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used, and processes employed.
3. Establish procedures for determining relevant restrictions or conditions being imposed which address their unique characteristics.

SECTION 106-41 APPLICATION AND REVIEW STANDARDS

A. Standards for Approval

1. The standards of Site Plan Review Standards [Section 106-38 Site Plan Review Standards](#) must be met before an application can be approved. The proposed use or activity must:
 - a. Be compatible with the City of Adrian Comprehensive Plan and promote the intent of the underlying zoning district.
 - b. Be compatible with the existing or intended character of the general vicinity. Its construction, operation and maintenance must not change the character of the surrounding area.
 - c. Have access to public facilities, infrastructure, and services.
 - d. Not be detrimental to the natural environment, public health, safety, or welfare by creating nuisance.
2. Failure to get site plan approval will be considered denial of the approved special land use.

B. Application Procedure

1. Any person owning or having an interest in the subject property may file an application for special land use approval as provided for in this Article.
2. The following materials will be submitted to the City at least thirty (30) days prior to the meeting at which the Planning Commission first considers the special land use application:
 - a. Payment of the required fee.
 - b. Copies of completed application forms.
 - c. Copies of a site plan meeting the requirements of Article 3, Division 1 Site Plan Review.

C. Review and Approval Procedure

1. The Planning Commission will have final review authority for all special land uses.
2. Following the submission of the required application materials, the Planning Commission will hold a public hearing notice in accordance with the Michigan Zoning Enabling Act 110 of 2006.

3. The Planning Commission will review the application in terms of the requirements of this Division and [Section 106-38: Site Plan Review Standards](#), and will approve, approve with conditions, or deny the application.
4. The Planning Commission may require an impact assessment: if required by the Planning Commission; the analysis will be carried out by qualified individuals and will include but need not be limited to the impact on: natural features, stormwater management, surrounding land uses, public facilities/services, public utilities, and traffic.

D. Validity of Special Land Use Approval

1. In cases where actual physical construction of a substantial nature of the structures authorized by a special land use approval has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the approval will automatically become null and void.
2. Upon written application filed prior to the expiration of the one (1) year period, the Planning Commission may authorize a single extension of the time limit for a further period of not more than one (1) year. Such extension will only be granted based on evidence from the applicant that there was reasonable cause for the delay.
3. Notwithstanding any of the foregoing, a special land-use approved under this division must commence within two (2) years from the date of approval or the approval will automatically become null and void.
4. The granting of a special land use will allow that particular use to be conforming on the subject property, as long as the use is conducted in accordance with any condition imposed and the site is maintained consistently with the approved site plan.
5. Any use for which a special land use approval has been granted and which ceases to continuously operate for a six (6) month period will be considered abandoned and the special land use approval will become null and void.
6. No application for a special land use approval which has been denied wholly or in part will be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial.

SECTION 106-42 AMENDMENTS, EXPANSIONS, CHANGES OF USE

A. Amendments.

Any proposed amendment to the approved site plan for a special land use will require a new public hearing before the Planning Commission.

B. Expansion or Change in Use.

Any change in the nature or character or the expansion of a special land use for which approval has been previously granted will require resubmittal in the manner described in this article.

Division 3 Planned Unit Development

SECTION 106-43 INTENT

The intent for Planned Unit Development (PUD) Districts are the following:

1. Permit flexibility in the regulation of land development;
2. To encourage innovation in land use, form of ownership, and variety in design, layout, and type of structures constructed;
3. To achieve efficient use of land;
4. To preserve significant natural, historical, and architectural features and open space;
5. To promote the efficient provision of public services and utilities;
6. To minimize adverse traffic impacts;

7. To provide better housing, employment, and shopping opportunities particularly suited to residents of the city;
8. To encourage the development of convenient recreational facilities; and
9. To encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.

The standards are intended to accommodate development on sites with significant natural, historical, and architectural features, as noted in the City of Adrian Comprehensive Plan, on land that exhibits difficult development constraints, and/or to provide the opportunity to mix compatible uses or residential types, and/or to allow clustering of residential units to preserve common open space and natural features. A PUD district will not be used primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth. The PUD allows the developer the opportunity to mix compatible uses or residential types on a single property, allows clustering to reduce construction costs, and may enhance marketability through the preservation of significant natural, historical, and architectural features

SECTION 106-44 USE STANDARDS

A. Residential

A mixture of single and multiple-family dwellings on a planned basis, through the use of attached dwellings, townhouses, apartment buildings, cottage cluster, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses may be permitted within a PUD.

B. Commercial/Mixed Use

All business, service, professional office, retail, and other commercial uses, or any combination of these uses will be allowed if determined by the Planning Commission to be compatible.

C. Industrial

All business, service, professional offices, light manufacturing, and other commercial uses, or any combination of these uses will be permitted if determined by the Planning Commission to be compatible.

SECTION 106-45 APPLICATION AND REVIEW PROCEDURES

A. Generally

The application process for a PUD involves a three (3) step process including: an optional pre-application workshop, review of a preliminary (conceptual) site plan by both Planning Commission and City Commission, and review of a final PUD site plan by the Planning Commission. The procedures are described below:

1. An optional pre-application workshop with Planning Commission may be requested by the applicant to discuss the appropriateness of the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. An applicant wanting such a workshop will request placement on a Planning Commission agenda.
2. The applicant will prepare and submit a preliminary PUD site plan to the Community Development Department, meeting the requirements of [Section 106-45 D: Preliminary PUD Site Plan Application](#), at least thirty (30) days prior to the meeting at which Planning Commission will first review the request.

3. Planning Commission will review the preliminary PUD site plan and conduct a public hearing in accordance with the Michigan Zoning Enabling Act 110 of 2006. During this review, the Planning Commission may request additional materials to support the PUD application, or recommend modifications or conditions based on the standards of [Section 106-45 E Preliminary PUD Site Plan Review Standards](#). The Planning Commission will make a recommendation on the preliminary PUD site plan to City Commission. The applicant will incorporate the modifications or conditions recommended by the Planning Commission prior to the review by the City Commission.
4. Following receipt of Planning Commission recommendations, the City Commission will take final action on said plan and petition. A PUD rezoning is discretionary on the part of the City and the City Commission is not obligated to approve a PUD rezoning request unless, in its opinion, the proposal meets the purpose and requirements of this ordinance.
5. If any conditions are imposed upon the approval of the preliminary PUD site plan by the City Commission, a list of those conditions will be made part of the approval and will be reflected in the final PUD site plan.
6. Approval of the preliminary PUD site plan by the City Commission will confer upon the owner the right to proceed through the subsequent PUD plan review phases for a period not to exceed three (3) years from date of approval. This period may be extended by the City Commission for one (1) additional three (3) year period.
7. The applicant will submit copies of detailed final site plans to the Community Development Department, as described in Section 106-45 F Final PUD Site Plan Application, for all, or any phase of, the approved preliminary PUD site plan at least thirty (30) days prior to Planning Commission meeting at which Planning Commission will first review the request.
8. Upon submission of all required materials and fees, the Planning Commission will review such and will approve, deny, or approve with conditions, in accordance with the standards and regulations of this Zoning Ordinance.
9. If the final PUD site plan was approved with conditions, the applicant will submit a revised site plan to the Community Development Department in accordance with [Section 106-35 Site Plan Review Provisions](#) for approval prior to the issuance of any building permits.
10. If the approved preliminary PUD site plan indicated that the proposed development was to occur in phases, final site plan approval may be granted for each phase separately. Subsequent phases will also follow the process for final PUD site plan review outlined in this Division.
11. Prior to the issuance of any building permits, the applicant for a PUD shall enter into a development agreement with the City incorporating all of the conditions associated with that PUD and the approved site plans, which shall be recorded in the office of the Lenawee County Register of Deeds.

B. Qualifying Conditions

To qualify for PUD approval, the applicant must demonstrate in writing that each of the following criteria will be met by the proposed PUD:

1. **Demonstrated Benefit.** The PUD will provide one (1) or more of the following benefits not possible under the requirements of another zoning district, as determined by the Planning Commission:
 - a. Preservation of significant natural or historic features.
 - b. A complementary mixture of uses or a variety of housing types.

- c. Creation of common open space for passive or active recreational use.
 - d. Mitigation to offset community impacts.
 - e. Redevelopment of a nonconforming site where creative design can address unique site constraints.
 - f. Implementation of a significant element of the City of Adrian Comprehensive Plan.
2. **Availability and Capacity of Public Services.** The proposed type and density of use will not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.
 3. **Compatibility with the Comprehensive Plan.** The proposed PUD will be compatible with the overall goals and recommendations as proposed in the City of Adrian Comprehensive Plan.
 4. **Compatibility with the PUD Purpose.** The proposed PUD will be consistent with the purpose of this Division and the spirit of this Ordinance.

C. General PUD Site Standards

1. **Open Space.** The responsibility for the maintenance of all open spaces will be specified by the developer before approval of the final development plan.
2. **Utility requirements.** Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.
3. **Harmonious Uses.** The plan of the project will provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient.
4. **Future phases.** All areas designed for future expansion or not intended for immediate improvement or development will be landscaped or otherwise maintained in a neat and orderly manner as specified by this ordinance.

D. Preliminary PUD Site Plan Application

The preliminary PUD site plan will indicate the proposed uses to be developed in the PUD. The following specific information will be provided on a site plan:

1. **Proof of Ownership.** Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
2. **Written Documentation.** Written documentation that the proposal meets the standards of B. Qualifying Conditions (above).
3. **Application Form and Fees.** A completed application form, supplied by the Planning and Zoning Administrator, and an application/review fee; a separate escrow deposit may be required for administrative charges to review the PUD submittal.
4. **Sheet Size.** Sheet size will be at least 24 x 36 inches, (except for ASF plans as defined in [Section 106-36 A -4 Site Plan Review](#)), collated according to sheet number, together with such number of reduced copies and digital copies.
5. **Cover Sheet.** Cover sheet providing:
 - a. Applicant's name, address and contact information.
 - b. Name of the development.
 - c. Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.

- d. Date of preparation and any revisions.
 - e. Scale and North arrow.
 - f. Property lines and dimensions.
 - g. Complete and current legal description and size of property in acres.
 - h. Small location sketch of the subject site and area within one mile, and scale.
 - i. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site.
 - j. Lot lines and all structures on the property and within one hundred (100) feet of the PUD property lines.
 - k. Location of any vehicle access points on both sides of the street within one hundred (100) feet of the PUD site along streets where vehicle access to the PUD is proposed.
6. Site Plan. A site plan sheet indicating:
- a. Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, EGLE designated or regulated wetlands with supporting documentation, wetland areas two (2) or more acres in size, and a tree survey indicating the location and diameter (in inches, measured four (4) feet above grade) of "landmark" trees.
 - b. Existing and proposed topography at two (2) foot contour intervals, and a general description of grades within one hundred (100) feet of the site.
 - c. Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths.
 - d. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain and which are to be removed.
 - e. Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For developments with residential components: the number, type, and density of proposed housing units.
 - f. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained.
 - g. Size, type, and location of proposed identification signs.
7. Site Analysis. A separate plan sheet indicating locations of significant natural, historical, and architectural features, including landmark trees, which will be designated as "areas not to be disturbed" and secured through installation of a snow fence, other fencing, or tape line during development of the PUD, including acreage of designated areas.
8. PUD Development Agreement. A draft written PUD Development Agreement specifying all the terms and understandings of the PUD development as prescribed in F. Final PUD Site Plan Application (below) may be required when deemed necessary by the Planning Commission.
9. Multi-Phased PUD. If a multi-phase PUD is proposed, identification of the areas included in each phase; for residential uses identify the number, type, and density of proposed housing units within each phase.
10. Additional Information. Any additional graphics or written materials requested by the Planning Commission or City Commission to assist the City in determining the appropriateness of the PUD such as, but not limited to: aerial photography;

market studies; impact on public primary and secondary schools and utilities; traffic impact using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

E. Preliminary Site Plan Review Standards

Based on the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and City Commission may deny, approve, or approve with conditions the proposed PUD.

1. The uses proposed will be consistent with the City's adopted Comprehensive Plan. Such uses must have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed must not adversely affect the public utility and circulation system, surrounding properties, or the environment.
2. The dimensional standards proposed for the PUD, such as lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards will be reviewed and approved by the Planning Commission.
3. The number and dimensions of off-street parking will be sufficient to meet the minimum required by Division 3 Parking, Loading, and Access. However, where warranted by overlapping or shared parking arrangements, the Planning Commission or the City Commission may reduce the required number of parking spaces in accordance with [Section 106-86](#).
4. All streets and parking areas within the PUD will meet the minimum construction and other requirements of City ordinances, unless modified by City Commission.
5. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site will be provided. Drives, streets, and other elements will be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. The project shall be interconnected to adjacent public right-of-way points to the extent those are available.
6. Sidewalks will be provided in accordance with: [Section 106-78-D Sidewalks](#)
7. Existing natural features will be preserved to the greatest extent possible. Landscaping will be provided so that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features will meet or exceed the standards of [Section 106-90 Landscaping Standards](#)
8. Judicious effort will be used to preserve significant natural, historical, and architectural features and the integrity of the land, including regulated and nonregulated wetlands.
9. Storm water will be retained/detained on site.
10. Public water and sewer facilities will be available or will be provided by the developer as part of the site development.
11. Building design will be of a high quality.

F. Final PUD Site Plan Application

The final PUD site plan will include all the following information, unless the Planning and Zoning Administrator or their designee determines that some of the required information is not reasonably necessary for the consideration of a particular PUD:

1. All information required for site plan submittal in accordance with Section 106-37 **Submittal Requirements**.
2. Any additional materials requested by the Planning Commission to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.
3. A proposed written Development Agreement specifying all the terms and understanding of the PUD development including:
 - a. A survey of the acreage comprising the proposed PUD
 - b. All conditions upon which the PUD approval is based, with reference to the approved preliminary PUD plan and a description of all deviations from City regulations which have been requested and approved.
 - c. The manner of ownership of the developed land.
 - d. The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
 - e. Provisions assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the City may require conveyances or other documents to be placed in escrow to accomplish this.
 - f. Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas, and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the City Commission.
 - g. The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the City Commission.
 - h. Provisions to ensure adequate protection of natural features and assurance for replacement of any trees and woodlands.
 - i. Any other concerns raised by the Planning Commission or City Commission regarding the construction and maintenance of the PUD.
 - j. The preliminary PUD plan will be incorporated by reference and attached as an exhibit.
 - k. A written draft of PUD Design Guidelines specific to the PUD. Such document will include provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage. The Design Guidelines will also include any variations to the dimensional standards of this Ordinance, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

The Planning Commission will use the standards for approval of Section 106-38: Site Plan Review Standards, and any design requirements developed specifically for the PUD by the City Commission, in reviewing the final PUD site plan.

SECTION 106-46 DEVIATIONS AND AMENDMENTS FROM APPROVED FINAL PUD SITE PLAN

Deviations and amendments from the approved final PUD site plan shall be reviewed according to the following standards:

1. Should the Planning Commission determine that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the modification will be required and must be approved by the City Commission as a new preliminary PUD plan.
2. Any amendment to the PUD Design Guidelines requirements established specifically for the PUD by the City Commission will be adopted by resolution of the City Commission, upon recommendation of the Planning Commission, and will not require amendment of this Article of the Zoning Ordinance. Amendments to this document must be reviewed and approved as described in paragraph 1. above.
3. Any deviation from the approved PUD site plan, except as authorized in Section 106-46 Deviations from Approved Final PUD Site Plan will be considered a violation of this Article and treated as a misdemeanor. Further, any such deviation will invalidate the PUD designation.

SECTION 106-47 VALIDITY OF APPROVED FINAL PUD SITE PLAN

The approval of a final development PUD site plan shall assure the applicant that no zoning amendment passed during the time period granted below will in any way affect the terms under which approval of the planned unit development was granted.

A. Commencement. Construction on the approved final site plan, or for a phase thereof, will be commenced and proceed in a reasonably diligent manner, within twelve (12) months of approval. If the PUD has not commenced and proceeded beyond site grading to include, at a minimum, installation of footings or foundations and underground utilities at the end of that twelve (12) month period, then the site plan will be invalid and void.

B. Completion. The approved site plan will remain valid for a three (3) year period following the date of final site plan approval, provided that the requirements of Section 106-36 and 106-38 are met.

C. Extension. The three (3) year period for project completion may be extended for one (1) year, if applied for by the petitioner and granted by the Planning Commission in writing following public notice and a public hearing. Failure on the part of the owner to secure the written extension will result in a stoppage of all construction.

SECTION 106-48 PUDS APPROVED PRIOR TO THIS ORDINANCE

All PUDs approved prior to the adoption of this Ordinance will be regulated and reviewed in accordance with this Article.

Division 4 Condominiums

SECTION 106-49 CONDOMINIUMS

A. Intent

The intent of this section is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership. This Article is not intended to prohibit or treat a proposed or existing condominium project differently than a project or development under another form of ownership.

B. Application and Authority

1. The following review process shall apply to all condominium projects within the City:
 - a. Concurrently with notice required to be given to the city pursuant to Section 71 of P.A. 59 of 1978, as amended (MCL 559.171) a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the Planning and Zoning Administrator the following information with respect to the projects:
 - i. All names, address and telephone numbers of:
 - ii. The person, firm, corporation or other legal entity with an ownership interest in the land on which the project will be located together with a statement that the entity is a fee owner or land contract purchaser.
 - iii. All engineers, attorneys, architects, and licensed land surveyors, involved in the condominium project.
 - iv. The developer or proprietor of the project.
 - v. The legal description of the land including tax identification numbers.
 - vi. The total acreage.
 - vii. The intended use.
 - viii. The number of units to be developed.
 - ix. A copy of the proposed master deed.
 - b. Condominium projects shall contain all information required by the Condominium Act.

C. Plan Approval

All condominium plans must be approved by the Planning Commission following the same process identified for site plan review. In making its determination, the Planning Commission shall consult with city staff regarding the adequacy of the master deed, deed restrictions, utility systems, streets, project design, and layout and compliance with the Condominium Act.

D. Streets and Necessary Easements

Condominium projects shall comply with all public and private street requirements found in the Adrian City Code. Streets in condominium developments which connect to public streets shall be dedicated to the public.

The condominium plan shall include all necessary easements granted to the city for constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing public utilities, including, but not limited to, conveyance of sewage, water and stormwater runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.

E. Setbacks and Boundaries

The setback requirements for condominium buildings shall be in accordance with the regulations for the zoning district in which it is located. Setbacks shall be measured from roadway easement lines. Distances between buildings shall be the required minimum yard setback for the total of both sides.

The relocation of boundaries as defined in Section 148 of the Condominium Act shall conform to all setback requirements of this chapter for the district in which the project is located, shall be submitted to Planning Commission for review and approval and these requirements shall be made and recorded as part of the master deed.

1. **Condominium Setbacks:** Setbacks shall be measured as follows:
 - a. **Front Yard:** The distance between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the

- district shall be measured from fifteen (15) feet from the nearest pavement edge to the foundation of the unit.
- b. **Side Yard:** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two units shall be double the side yard setback required in the zoning district.
 - c. **Rear yard:** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development, rear yard setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or where lot lines are not defined, the space between the rear building lines of two buildings shall be double the rear yard setback required in the zoning district.
2. For condominiums with no clearly defined internal unit lines: All improvements shall meet the setback requirements from the exterior lines. Site condominium developments with unit lines (site condominiums) shall meet the setbacks required for the zoning district in which the condominium is located. Any proposed interior front yards shall be measured as defined below. In addition, all improvements including buildings, parking, and loading and storage areas within the site shall be constructed no less than two times the required side or rear setback for the district from one another.
 - a. **Front Yard Setback.** The front yard shall be considered as any existing or proposed public and/or private road right-of-way, or a line parallel to center line of the drive thirty (30) foot offset, whichever is greater.
 - b. **Side Yard Setback.** The setback shall be considered as lot/parcel lines generally extending between the front and rear yard or from a front and another side yard line where no rear exists.
 - c. **Rear Yard Setback.** The rear yard shall be considered a line generally opposite and parallel to the front yard. In no instance shall a rear yard line ever intersect a front yard line.
 3. Single Family Residential (Site Condominium). All detached homes shall meet City design requirements for residential subdivisions and shall follow the regulations specifications outlined in [Article 4, Division 1 Residential Districts and Article 6 Development Standards](#). Dwelling density and spacing shall be no different than if the project were to be subdivided, following the Land Division Act.

H. Subdivision of Unit Sites

Subdivision of condominium units is permitted only with Planning Commission approval, contingent upon the submission of an amended master deed to determine the effect of the subdivision on conditions of zoning or site plan approval, and shall be made and recorded as part of the master deed.

I. Conformance with Subdivision Regulations

All condominium project plans shall also conform to the plan preparation requirements, design layout, and improvements standards as established in the City of Adrian Subdivision Regulations.

J. Residential Recreational Area

Any residential condominium comprising twenty (20) or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area.

K. Water and Wastewater

A condominium project shall be connected to water and sanitary sewer facilities.

L. Expansion and Conversion

Any expansion or conversion of a condominium project involving additional land and new phases must be approved by the Planning Commission.

M. Master Deed

The project developer shall furnish the Planning and Zoning Administrator with a copy of the proposed master deed. The master deed shall be reviewed for compliance with this chapter and the City Code and to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements. Master deeds submitted to the City for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed to the City for review and approval. Fees for these reviews shall be established, from time to time, by resolution of the City Commission.

N. As-Built Plan and Occupancy

Submission of an as-built plan of a condominium unit is required prior to occupancy. The Planning and Zoning Administrator may allow occupancy of the project before all improvements required are installed provided that a bond is submitted to the City Clerk, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the City. The amount of the bond shall be determined by the City's Director of Engineering Services.

O. Recorded Master Deed

Upon approval of the development, a copy of the bylaws, consolidated master deed, and final site plan shall be furnished to the City.

P. Compliance with Other Statutes and Ordinances

All condominium projects shall comply with federal, state, and city laws, statutes and ordinances.

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Article 4: Zoning Districts

SECTION 106-50 DISTRICTS ESTABLISHED

The city is hereby divided into the following districts:

A. Base Districts

R-1	Residential Neighborhood
R-2	Blended Residential
R-3	Residential Mixed Use
RMP	Manufactured Home Park
B-1	Neighborhood Commercial
B-2	General Commercial
B-3A	Downtown Core
B-3B	Downtown Edge
RO	Residential Office
OS	Office Service
ERO	Education and Research
I-1	Light Industrial
I-2	General Industrial

B. Overlay and Specialty Districts

M1 & 2	Marijuana Districts Overlays (east & west)
FP	Floodplain District Overlay
HIST	Historic District Overlay
PARK	Parking District Overlay

C. Zoning of Vacated Areas.

When any street, alley, or other public right-of-way, in the City of Adrian is-vacated, it will in whole or part automatically be classified in the same Zone District as the property to which it attaches.

D. Zoning of Annexed Areas

Whenever any area is annexed to the City of Adrian, it shall immediately upon such annexation, be automatically classified as an R-1 District until a Zoning Map for said area has been adopted by the City Commission. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the area is annexed.

Division 1 Residential Districts

SECTION 106-51 R-1 RESIDENTIAL NEIGHBORHOOD DISTRICT

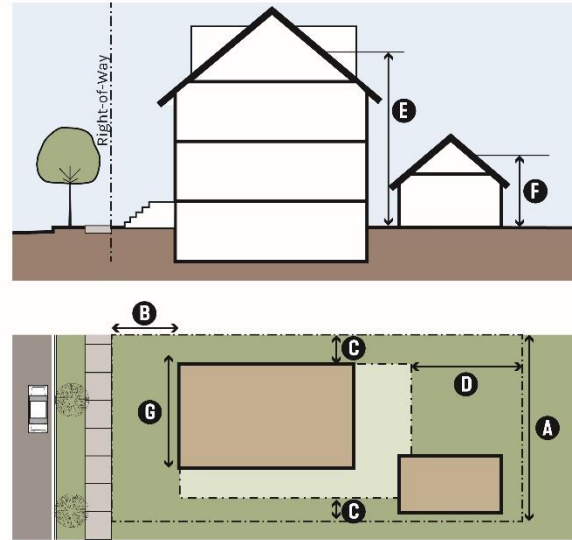
Description: R-1 Residential Neighborhood District includes areas of predominantly detached single-unit residential housing. The R-1 District encourages traditional neighborhood design.

Intent

The intent of this district:

- Provide for a residential neighborhood and encourage new housing.
- Provide means of increasing density with building forms consistent with existing development patterns.
- Encourage complete neighborhoods that are walkable and amenity rich.

	R-1 District Standards	
	Lot Size	
A	Width (min. ft.)	50
	Building coverage (max.)	30%
	Size (min)	5,000 sq ft
	Setbacks	
B	Front (min. ft.)	15
C	Side (min. ft.)	8
D	Rear (min. ft.)	25
	Building	
E	Primary Building Height (max. ft.)	25
F	Accessory Structure Height (max. ft.)	25
G	Facade width (min. ft. primary living area)	24



Duplexes

Duplexes are permitted in the R-1 District under the following conditions:

1. Two hard-surfaced parking spaces shall be provided for each unit
2. A diagram showing the proposed parking shall be submitted to the Planning and Zoning Administrator.
3. Screening may be required to minimize noise and visual impacts on adjacent properties

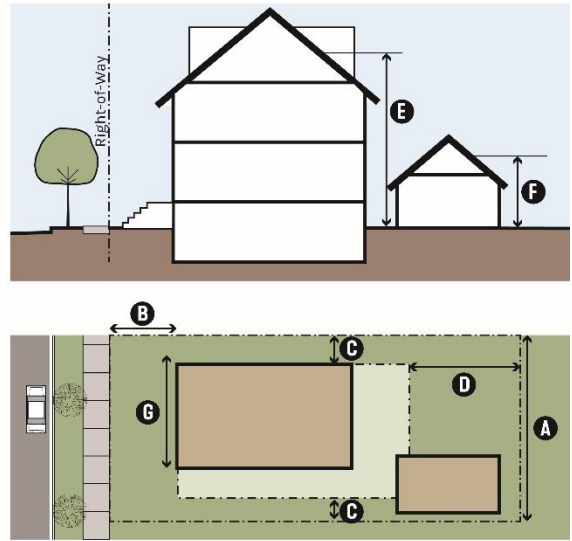
SECTION 106-52 R-2 BLENDED RESIDENTIAL

R-2 Blended-unit district includes predominantly two-unit up to six-unit residential buildings near arterial and collector streets.

The intent of this district:

- Provide attached residential and infill development in walkable complete neighborhoods.
- Allow for a mix of residential and limited commercial uses.

	R-2 District Standards	
	Lot Size	
A	Width (min. ft.)	50
	Building coverage (max.)	35%
	Size (min)	5,000 sq ft
	Setbacks	
B	Front (min. ft.)	15
C	Side (min. ft.)	5
D	Rear (min. ft.)	30
	Building	
E	Primary Building Height (max. ft.)	35
F	Accessory Structure Height (max. ft.)	25
G	Facade width (max. total ft.)	120
	Building footprint (max. sq. ft. per unit)	1,500



SECTION 106-53 R-3 MIXED-USE RESIDENTIAL DISTRICT

The R-3 Mixed-Use Residential district includes zones of historic and established residential neighborhoods. Residential uses are the primary use; however, this zone accommodates owner-occupied offices, restaurants, convenience services, and business services. It is in a highly walkable neighborhood form on collector and arterial streets. The district intends to preserve and build on the existing development patterns. R-3 is an appropriate transition between traditional neighborhoods and commercial areas.

The intent of this district is to:

- Accommodate a range of housing styles
- Allow for a mix of uses in residential structures with ground floor active commercial
- Permit convenient access to neighborhood commercial uses, recreation, and employment

R-3 District Standards	
Lot Size	
Building coverage (max.)	75%
Setbacks	
Front (min. ft.)	15
Side (min. ft.)	5
Rear (min. ft.)	20
Building	
Primary Building Height (max. ft.)	45 ft (a)
Accessory Structure Height (max. ft.)	25
Facade width (max. total ft.)	120
Building footprint (max. sq. ft. per unit)	1,500

Note: (a) Buildings over 45 feet may be permitted with a special land use permit.

SECTION 106-54 RMP MANUFACTURED PARK DISTRICT

The RMP district provides for manufactured home parks and accompanying uses. These are meant to be of a similar density as an R-2 district.

The intent of this district:

- Accommodate predominantly manufactured homes and accessory uses in a planned development including shared open space and community-oriented spaces and buildings.

RMP District Standards	
Primary Building Height (max. ft.)	25
Accessory Structure Height (max. ft.)	25

Division 2 Commercial and Office Districts

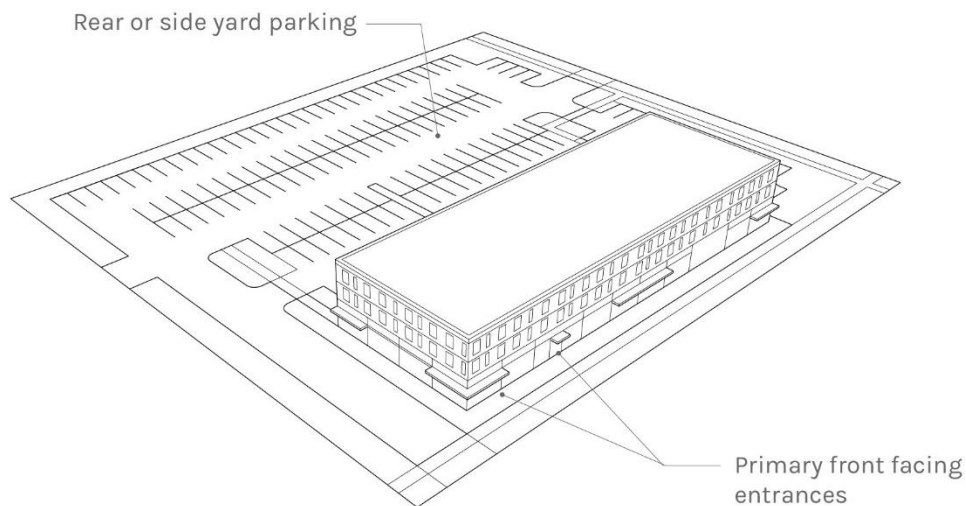
SECTION 106-55 B-1 MIXED-USE DISTRICT

The intent of this district is to accommodate a flexible variety of neighborhood-serving uses; integrate context-sensitive mixed residential, office, and service uses; and **to** serve as a transition from gateway corridors and downtown to surrounding residential neighborhoods.

The intent of the district:

- Be neighborhood-oriented and pedestrian-friendly.
- Provide locations for commercial activities oriented around daily or weekly errands including family, food, and household services.
- Permit walkable commercial activity along minor arterials and collector roads.
- Provide residential units above active first floor uses.

B-1 Mixed-Use Setbacks	
Front (min. ft.)	5
Front (max. ft.)	15
Side interior (min. ft.)	0
Side yard facing street (min. ft.)	20
Rear (min. ft.)	20
Rear yard adjacent to residential use (min. ft) If alley present, rear setback may be measured from centerline of alley.	20
Building	
Height (max. ft.)	30
Parking	
Surface parking is not permitted between the primary facade and street frontage.	



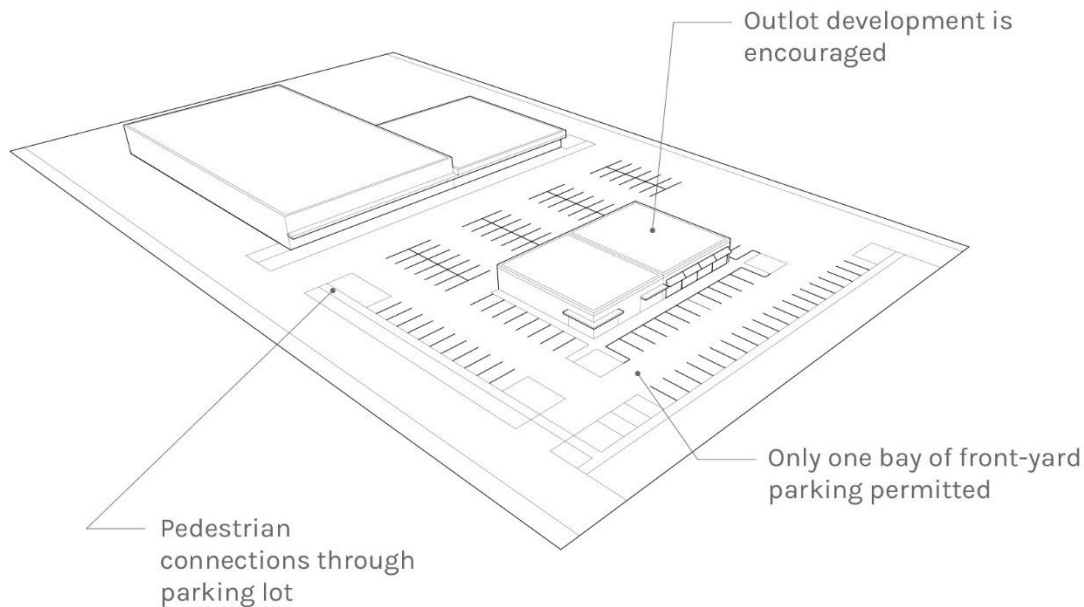
SECTION 106-56 B-2 GENERAL COMMERCIAL DISTRICT

The B-2 General Commercial District provides locations for more citywide or regional commercial activity, where access is primarily from a vehicle. These districts are located along major arterials for visibility and truck access.

The intent of the district is to:

1. Provide opportunities for retrofitting older development sites to allow for more flexible development with housing, mixed-use, and more green open space.
2. Provide vehicle-oriented commercial activity that is also walkable along major arterials.
3. Provide an appropriate transition between residential and industrial uses.

B-2 General Commercial District Standards		
Setbacks		
	Front (min. ft.)	15
	Front (max. ft.)	70
	Side interior (min. ft.)	0
	Side yard facing street (min. ft.)	20
	Rear (min. ft.)	10
	Rear yard adjacent to residential use (min. ft) If alley present, rear setback may be measured from centerline of alley	20
Building		
	Building Height (max. ft.)	30
Parking		
	Maximum one double-loaded bay of parking between front facade and street	



SECTION 106-57 B-3 DOWNTOWN DISTRICTS

A. Intent and Applicability

Downtown is characterized by a mixture of uses, which include retail, offices, attached residential, and civic uses. The Downtown Core, as designated on the zoning map as B-3A, is intended for the greatest density in Adrian - a mixed-use, walkable, "Main Street" - and is required to meet the additional downtown core regulations in Subsection B, below. Areas outside the downtown core, as designated on the zoning map as B-3B Downtown Edge are encouraged to continue storefronts where possible but these areas are also suitable for greater flexibility in building siting and uses as the district transitions to adjacent residential districts.

The intent of these districts is to:

- Create a pedestrian-friendly, compact, mixed-use district.
- Activate the downtown with a diverse range of activities and promote an active nightlife in downtown.
- Encourage shared parking and on-street parking to preserve developable land for active uses.
- Preserve the riverfront for public recreational use and encourage the redevelopment for multiple uses while promoting passive recreation throughout the downtown district.
- Spur economic growth through intentional development patterns
- Provide ground floor active uses with large windows with transparent views into the building interior.

B. B-3A Downtown Core

1. Intent. This additional designation in the B-3 Downtown District requires ground floor storefront uses and architectural requirements to preserve the walkable, active downtown interface with the public realm.

B-3A Downtown Core District Standards	
Setbacks	
Front (max. ft.)	0
Side (min. ft.)	0
Rear (min. ft.)	10
Rear yard adjacent to residential use (min. ft) If alley present, rear setback may be measured from centerline of alley	20
Building	
Building Height (max. ft.)	60
Building Height (min. ft)	24
Parking	
Surface parking is not permitted between the primary facade and street frontage.	

2. **Building Design.** Buildings in B-3A shall also meet the commercial/mixed-use building design specifications in [Section 106-84](#) except as provided herein:

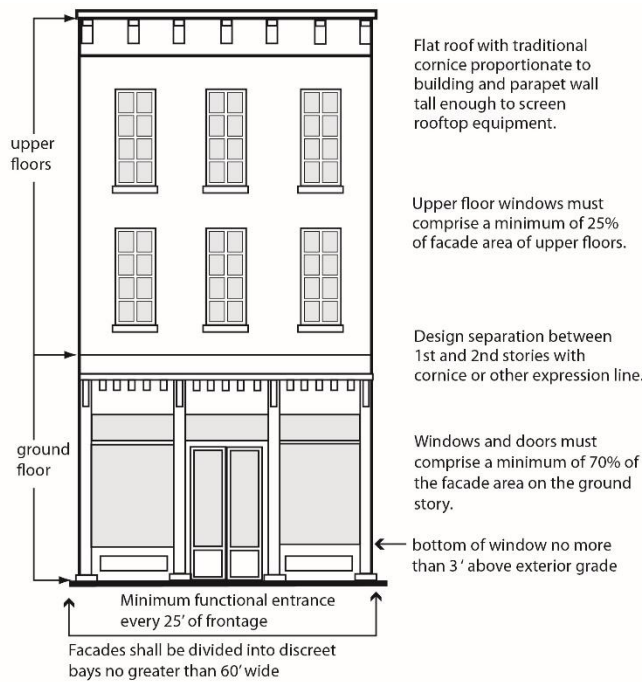
3. Fenestration

- a. Ground floor windows may not be made opaque by window treatments (except operable sunscreen devices). A minimum of 80% of the window surface shall allow a view into the building interior for a depth of at least 12 feet. Window displays showcasing goods that are oriented to the front facade may contribute to the 80% transparency requirement.
- b. The bottom of the window must be no more than 3 feet above the adjacent exterior grade.
- c. The horizontal dimension of the opening shall not exceed the vertical dimension except for transom windows.

4. Horizontal Articulation

- a. Buildings shall be designed to reduce apparent mass by dividing facades into a series of smaller vertical components or bays. Bays shall extend continuously from base to top. Components shall be distinguished from one another through a combination of the following:
 1. Variations in overall massing
 2. Vertical bays defined by pronounced changes in plan to create recesses and projections;
 3. Distinct changes in exterior finish material corresponding to a change in the building plan [See figure 106-57-1](#)

Figure 106-57-1 Building Articulation



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

5. Ground floor Articulation. Storefront buildings shall be designed to create a distinct and separated ground floor area through the use of a horizontal expression line, such as a string course, change in material or textures, awnings or canopies, or sign band between the first and second stories.

6. Building Materials

- a. Primary wall (min 85%) materials visible from streets: Brick, stone, and synthetic equivalents. EIFS is not permitted
- b. Secondary/Trim Materials (minimum of 15%) visible from streets: Wood siding and synthetic equivalents; metal; synthetic stucco such as EIFS above ground floor only.

C. B-3B Downtown Edge

The intent of the district is to be a transition between downtown, residential, and general commercial districts. The Downtown Edge district is along the edges of the downtown core and serves as a transition to the adjacent zone districts and urban patterns. This district is characterized by a mix of uses, which include retail, offices, multi-family, and civic uses. The B-3B Downtown Edge district transitions building form from more dense development to buildings setback from the road while still being walkable.

B-3B Downtown Edge District Standards	
Setbacks	
Front (max. ft.)	10
Side (min. ft.)	0
Rear (min. ft.)	10
Rear yard adjacent to residential use (min. ft) If alley present, rear setback may be measured from centerline of alley	20
Building	
Building Height (max. ft.)	45
Parking	
Surface parking is not permitted between the primary facade and street frontage.	

SECTION 106-58 R-O RESIDENTIAL OFFICE DISTRICT

The intent of the district is to preserve residential character while allowing professional and business service use to be in residentially designed structures.

The Residential Office District is designed to provide a transition between residential and the Central Business District. The district maintains similar building form and development patterns to residential neighborhoods.

R-O Residential Office District Standards	
Setbacks	
Front (max. ft.)	20
Side (min. ft.)	5
Rear (min. ft.)	20
Building	
Building Height (max. ft.)	25
Parking	
Surface parking is not permitted between the primary facade and street frontage.	

SECTION 106-59 O-S OFFICE SERVICE DISTRICT

The Office Service District includes offices for administrative, professional, and personal services.

The intent of the district:

- Provide a transition along major corridors between commercial/industrial and surrounding residential areas.
- Encourage quality site design that contributes to a cohesive corridor character.

O-S Office Service District Standards	
Setbacks	
Front (min. ft.)	20
Side (min. ft.)	0
Rear (min. ft.)	20
Rear yard adjacent to residential use (min. ft) If alley present, rear setback may be measured from centerline of alley	20
Building	
Building Height (max. ft.)	25
Parking	
Maximum one double-loaded bay of parking between front facade and street	

SECTION 106-60 ERO EDUCATION AND RESEARCH DISTRICT

The intent of this district:

- Provide a transition between office and industrial districts and surrounding residential districts.
- Provide land for activities that are more compatible with residential uses, which don't impact public health, safety and welfare of residents.

ERO Education and Research District Standards	
Setbacks	
Front (min. ft.)	20
Side (min. ft.)	20
Rear (min. ft.)	40
Building	
Building Height (max. ft.)	45

Division 3 Industrial Districts

SECTION 106-61 I-1 LIGHT INDUSTRIAL DISTRICT

The I-1 light industrial district is a transition between general commercial or mixed-use districts and more intensive industrial activity.

The intent of this district:

- Provide land for typical light industrial that does not contain outdoor storage.
- Encourage clean, sustainable industrial uses like textile, assembly, and breweries.

I-1 Light Industrial District Standards	
Setbacks	
Front (min. ft.)	40
Side (min. ft.)	20
Rear (min. ft.)	40
Building	
Building Height (max. ft.)	50

SECTION 106-62 I-2 GENERAL INDUSTRIAL DISTRICT

This district includes larger areas intended for heavy manufacturing plants, agricultural uses, and outdoor storage and agricultural uses not suitable to be adjacent to neighborhoods or pedestrian-oriented uses like recreation.

I-2 General Industrial District Standards	
Setbacks	
Front (min. ft.)	50
Side (min. ft.)	20
Rear (min. ft.)	50
Building	
Building Height (max. ft.)	50

Division 4 Special Districts

Overlay zones are hereby authorized and established in the City of Adrian Zoning Ordinance. Overlay zones as created below are authorized to apply over existing zones. The regulations of traditional zones apply, except when in conflict with the provisions of an established overlay zone. In such cases, the requirements of the overlay zone, whether more or less restrictive than the underlying traditional zones, apply.

Overlay zones shall have a specific purpose as identified in this ordinance. They shall be approved for use in the same manner as traditional zoning districts, as described in [Section 106-17 Review and Approval of a Zoning Ordinance Amendment](#), with the following exceptions: Overlay zones shall be initiated only by either the City Planning Commission or City Commission. Once approved for specifically defined geographic areas, they shall overlay existing zones.

The criteria for the application of overlay zones shall be established in this Ordinance, and shall be developed to promote the public health, safety and welfare.

The following overlay zones are established for the purposes of this ordinance:

1. Marijuana Overlay
2. Floodplain Overlay District
3. Historic Overlay District
4. Parking Zone Overlay District

SECTION 106-63 MARIJUANA DISTRICT OVERLAY (OZM)

- A. Intent:** It is the purpose of this Article to promote the public health, safety, and welfare of the public by minimizing exposure to industrial activities while providing locations for marijuana industry activity.

The Marijuana overlay district provides locations for the specific uses of marijuana processors, compliance facilities, secure transporters, growers, retailers, and provisioning centers. The regulations of the base district apply and specific use standards are described in Article 5, Division 2

- B. Zones Defined:** The Overlay Zone Marijuana (OZM) applies to properties located entirely within the overlay and for which the underlying zoning designation is either Light Industrial (I-1) District or General Industrial (I-2) District.

1. The Overlay Zone Marijuana 1 (East) applies to all the land so zoned within the following geographic boundaries:
 - South of Maumee Street, west of the Norfolk & Southern Railroad, north of east-west line of the Adrian Blissfield Railroad, and east of Gulf Street.
 - North of Michigan Street, west of Dean Street, east of McVicar Street, and south of Erie Street, together with LOT 5 ASSESSORS PLAT 6 & LOT F ADRIAN IMPROVEMENT COS SUB 3 EX LD BEG AT NE COR LOT F THSLY 22.92 FT TH WLY 45.75 FT TH NLY 22.92 FT TH ELY 45.75 FT TO POB ADRIAN IMPROVEMENT COS SUB 3 (commonly known as 413 Dean Street).
 - South of Michigan Street, east of the Norfolk & southern Railroad, north of the east-west line of the Adrian Blissfield Railroad, and west of Tecumseh Street.

- West of Center Street, north of Beecher Street, east of the north-south line of the Adrian Blissfield Railroad to the point where it intersects Lawrence Street, north of Lawrence Street, east of Fulton Street, and south of Logan Street.
 - West of Center Street, north of Beecher Street, east of the north-south line of the Adrian Blissfield Railroad to the point where it intersects Lawrence Street, north of Lawrence Street, east of Fulton Street, and south of Logan Street.
 - North of Logan Street, east of Division Street, south of the east-west line of the Adrian Blissfield Railroad, and west of Center Street.
2. The Overlay Zone Marijuana 2 (West) applies to all the land so zoned within the following geographic boundaries:
- South of Beecher Street, west of US-223, north of the southern limits of the City, and east of Sand Creek Highway.
- C. Regulations and Conditions:** The following regulations and conditions apply to marijuana-related uses in both overlay districts
1. All new construction within the OZM must adhere to Area, height, bulk and placement requirements specified for the Zoning District in which they are located.
 2. **Marijuana Processors** as defined in PA 281 of 2016, as amended, and Initiated Law 1 of 2018, as amended, shall be subject to the following conditions:
 - a. All such facilities shall hold a valid License for the appropriate operation as issued by the State of Michigan, before the use is commenced.
 - b. The Licensee shall have, or shall have applied for, a Permit as described in Section 46-505 of the City of Adrian Municipal Code. (ADRIAN MUNICIPAL CODE)
 - c. No equipment or process shall be used in the processing which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable with the normal senses beyond the property boundaries.
 - d. All processing and operations shall occur within an enclosed building.
 - e. A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.
 - f. While the Planning Commission may issue a Zoning Exception Permit conditionally, no operation may commence or continue until the required Permit has been issued by the City Clerk and all conditions enumerated in Sections 46-506 and 46-507 of the ADRIAN MUNICIPAL CODE are being met.
 3. **Marijuana Compliance Facilities** as defined in PA 281 of 2016, as amended, and Initiated Law 1 of 2018, as amended shall be subject to the following conditions:
 - a. All such facilities shall hold a valid License for the appropriate operation as issued by the State of Michigan, before the use is commenced.
 - b. The Licensee shall have, or shall have applied for, a Permit as described in Section of 46-505 of the ADRIAN MUNICIPAL CODE.

- c. No equipment or process shall be used in the testing process which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundaries.
 - d. A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.
 - e. While the Planning Commission may issue a Zoning Exception Permit conditionally, no operation may commence or continue until the required Permit has been issued by the City Clerk and all conditions enumerated in Sections 46-506 and 46-507 are being met.
4. **Marijuana Secure Transporters** as defined in PA 281 of 2016, as amended, and Initiated Law 1 of 2018, as amended subject to the following conditions:
- a. All such facilities shall hold a valid License for the appropriate operation as issued by the State of Michigan, before the use is commenced.
 - b. The Licensee shall have, or shall have applied for, a Permit as described in Section of 46-505 of the ADRIAN MUNICIPAL CODE
 - c. A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.
 - d. While the Planning Commission may issue a Zoning Exception Permit conditionally, no operation may commence or continue until the required Permit has been issued by the City Clerk and all conditions enumerated in Sections 46-506 and 46-507 of the ADRIAN MUNICIPAL CODE are being met.
5. **Marijuana Growers**, including Excess Growers, as defined in PA 281 of 2016, as amended, and Initiated Law 1 of 2018, as amended, subject to the following conditions:
- a. All such facilities shall hold a valid License for the appropriate\ operation as issued by the State of Michigan, before the use is commenced.
 - b. The Licensee shall have, or shall have applied for, a Permit as described in Section of 46-505 of the ADRIAN MUNICIPAL CODE
 - c. All operations shall occur within an enclosed building. The outdoor growth, cultivation or processing of Marijuana plants is prohibited.
 - d. No equipment or process shall be used in the cultivation or processing which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundaries.
 - e. A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.
 - f. While the Planning Commission may issue a Zoning Exception Permit conditionally, no operation may commence or continue until the required Permit has been issued by the City Clerk and all conditions enumerated in Sections 46-506 and 46-507 of the ADRIAN MUNICIPAL CODE are being met.
6. **Marijuana Provisioning Centers** as defined in PA 281 of 2016, as amended, and Marijuana Retailers, as defined in Initiated Law 1 of 2018, as amended shall be subject to the following conditions:

- a. There is no limit to the number of Marijuana Provisioning Centers or Marijuana Retailers within the Marijuana Overlay District(s). A site may function as both a Provisioning Center and a Retailer.
- b. All Marijuana Provisioning Centers and Marijuana Retailers must be owned and operated by the licensed grower and be located on the same parcel as the licensed grow facility.
- c. All such facilities shall hold a valid License for the appropriate operation as issued by the State of Michigan, before the use is commenced.
- d. The licensee shall have, or shall have applied for, a permit as described in Chapter 46 of the Adrian Municipal Code.
- e. No such facility shall be situated within 1000 feet of a school, public or private, including pre-school through college (but not including sports facilities or other accessory uses not located on a school's educational campus).
- f. No such facility shall be situated within 250 feet of any of the following uses:
 - i. A church or house of worship located in a residential district.
 - ii. A public park or playground.
 - iii. A state licensed day-care facility as defined in the City of Adrian Zoning Ordinance, definition(s) 2.46.
 - iv. A facility that provides substances abuse disorder services as defined by MCL 330.1100d.
- g. No such facility shall be situated on a site abutting land zoned for single-or two-family residential use (R-1 through R-3 and RO).
- h. A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.
- i. While the Planning Commission may issue a Zoning Exception Permit conditionally, no operation may commence or continue until the required Permit has been issued by the City Clerk and all conditions associated therewith are being met.

SECTION 106-64 FLOODPLAIN DISTRICT OVERLAY

- A. **Intent:** It is the purpose of this Article to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas in combination with the building code. These regulations are designed to:
 1. Protect human life, health, and property from the dangerous and damaging effects of flood conditions.
 2. Minimize public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding
 3. Prevent the unnecessary disruption of commerce, access and public service during times of flooding.
 4. Maintain stable development patterns not subject to the blighting influence of flood damage.
 5. Preserve the ability of floodplains to carry and discharge a base flood.
 6. Manage the alteration of natural floodplains and stream channels.
 7. Contribute to improved construction techniques in the floodplain.

8. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
9. Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
10. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
11. Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

B. District Defined: The City of Adrian was accepted for participation in the National Flood Insurance Program. The Flood Insurance Rate Maps, and amendments and revisions, are hereby adopted by reference to serve as the basis for establishing flood hazard areas. The boundaries of the Floodplain Zoning District shall coincide with the boundaries of the FEMA 100-year floodplain.

C. Permit Required: In accordance with Michigan law, a permit for any alteration including development within the 100-year floodplain shall be required.

1. Other Permits. It shall be the responsibility of the City Engineer or their designee to assure that approval of proposed development shall not be given until proof that necessary permits have been granted by federal or state agencies having jurisdiction over such development, including section 404 of the Clean Water Act and applicable soil erosion and sedimentation control permits.
2. Expiration. A permit is invalid when the proposed development is not commenced within 180 days after its issuance or when the work authorized is suspended or abandoned for a period of 180 days after the work commences.
3. Suspension or revocation. The City Engineer or their designee is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or based on incorrect, inaccurate, or incomplete information, or in violation of any ordinance or code of this jurisdiction.

D. Required compliance: Compliance with the requirements of this Article shall be necessary for all development activities occurring within the Floodplain Overlay District. Conflicts between the requirements of this Article and other requirements of this ordinance or any other ordinance shall be resolved in favor of this Article, except where the conflicting requirement is more stringent and would further the objectives of this Article to a greater extent than the requirements of this Article. In such cases, the more stringent requirements shall be applied.

E. General standards for flood hazard reduction.

1. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
2. The City Engineer or their designee shall review development proposals to determine compliance with the standards in this section, and other applicable ordinances, and shall approve or deny the request.
3. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.
4. The flood-carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to ensure flood-carrying capacity shall be maintained.
5. Available flood hazard data from federal, state, or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by the Federal Insurance Administration shall take precedence over data from other resources.

F. Flood Elevation Standards

1. Based on the most recent available base flood elevation data the following standards shall apply in the floodplain overlay district:
 - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated to or above the base flood level.
 - b. All new construction and substantial improvements of nonresidential structures shall either
 - i. Have the lowest floor, including the basement, elevated to or above the base flood level; or
 - ii. Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall indicate the elevation to which the structure is floodproofed.
2. The most recent base elevation data received from the Federal Insurance Administration shall take precedence over data from other sources.

G. Subdivisions Requirements.

Any subdivision proposal, including proposals for manufactured home parks or other proposed new development in a flood hazard shall be reviewed for compliance with this article. Where any portion of a proposed subdivision lies within a flood hazard area, the following are required:

1. The flood hazard area, including floodways, coastal high-hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
2. Residential building lots shall be provided with adequate buildable area outside the floodway.
3. The design criteria for utilities and facilities outlined in these regulations and appropriate codes shall be met.

H. Use and Development Standards.

All development and building work, including manufactured or engineered changes to improved or unimproved real estate shall meet the requirements of Section 106-64 E General Standards for Flood Hazard Reduction (above). The following specific use and design standards shall also apply within the Floodplain Overlay District.

1. **Principal uses and structures.** Within the Floodplain District, no land shall be used except for one or more of the following uses:
 - a. Parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, bridle paths, nature paths, and trails;
 - b. Wildlife preserves;
 - c. Required open space or lot area for structural uses that are landward of the, Floodplain Overlay District.
 - d. Non-habitable structures

2. **Accessory uses and structures.** The following accessory structures and uses are permitted: Off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boat hoists, utility lines, pump houses, bleachers, embankment protection structures, signs, fences, gazebos and similar outdoor equipment and appurtenances; provided each of the following requirements are met:
 - i. The structure or use would not cause an increase in water surface elevation, obstruct flow or reduce the impoundment capacity of the floodplain;
 - ii. All equipment and structures shall be anchored to prevent flotation and lateral movement; and
 - iii. Compliance with these requirements is certified by an engineering finding by a registered engineer.
3. **Tanks.** Underground and above-ground tanks shall be designed, constructed, installed, and anchored per ASCE 24.

I. Encroachment, Alterations, and Revisions.

Floodway Encroachment. Before issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements, and other development or land-disturbing-activity, the City Engineer or their designee shall require submission of a certification prepared by a registered design professional, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

1. **Floodway Revisions.** A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a conditional Flood Insurance Rate Map (FIRM) revision and has received the approval of FEMA.
2. **Watercourse Alteration.** Before issuing a permit for any alteration or relocation of any watercourse, the City Engineer or their designee shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as appropriate state agencies. A copy of the notification shall be maintained in the permit records and submitted to FEMA.
3. **Engineering Analysis.** The City Engineer or their designee shall require submission of an engineering analysis prepared by a registered design professional, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

J. Disputes: Where there are disputes as to the location of a Floodplain Zoning District boundary, the Zoning Board of Appeals shall resolve the dispute in accordance with Article 2 Division 5 of this Ordinance.

K. Disclaimer of liability.

1. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by engineered or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this Article shall not be considered a guarantee or warranty of safety from flood damage.
2. This ordinance does not imply that areas outside the floodplain area will be free from flood damage. This ordinance does not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

L. Filling and dumping.

Dredging and filling and/or dumping or backfilling with any material in any manner is prohibited unless, through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state regulations are met including, but not limited to, approvals according to: P.A. 288 of 1967 (MCL 560.101 et seq.); P.A. 347 of 1972, as amended, (MCL 282.101, et seq.); P.A. 346 of 1972, as amended, (MCL 281.951, et seq.); and P.A. 231 of 1970 (MCL 281.761, et seq.).

M. Structures

Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

1. Are not designed for human habitation, do not have a high flood damage potential and are constructed to minimize flood damage.
2. Have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 - a. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding.
 - b. Have structural components capable of meeting all provisions of Section 106-64-M-7
 - c. Have been certified by a registered professional engineer or architect, with a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 106-64-M.
3. Are anchored to resist flotation, collapse, and lateral movement.
4. Provide for mechanical and utility equipment to be elevated to or above the flood protection elevation.
5. Do not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
6. For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets the above standards within this subsection M Structures (a-e) and meets or exceeds the following standards:
 - a. The lowest floor must be elevated to or above the regional flood elevation.
 - b. There must be a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - c. The bottom of each opening shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the automatic entry and exit of floodwaters, otherwise openings must remain open.
 - d. The use must be limited to parking, building access or limited storage.
7. Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood

depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:

- a. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup.
- b. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems.
- c. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors.
- d. Cutoff valves on sewer lines or the elimination of gravity flow basement drains.
- e. Placement of utilities to or above the flood protection elevation

SECTION 106-65 HISTORIC DISTRICT OVERLAY

[See Code of Ordinances, City of Adrian, Chapter 34, Article II](#)

SECTION 106-66 PARKING ZONE OVERLAY (OZP)

A. Intent: The parking zone overlay (OZP) shall authorize the relaxation or elimination of requirements for off-street parking in commercial areas. The application of the parking overlay zone (OZP) is intended to apply where:

1. Neighborhood commercial areas are bounded or surrounded and supported by densely developed residential areas.
2. Off-street parking is not needed because of the preponderance of on-street parking in, and in proximity to, the commercial areas.
3. Lots are small and parking cannot feasibly be provided without negatively impacting the character of the commercial area or negatively impacting the ability to provide compact, diverse commercial services.
4. The space required for off-street parking poses an obstacle to commercial development.
5. The area needs such an approach to kindle commercial redevelopment and the development and use of vacant commercial structures.
6. Walkability can be achieved.

B. District Established

1. South Center Street from East Church Street south to Michigan Street, excluding property serving as the Align Center for Workforce Development at the southeast corner of East Church Street and South Center Street, be established as an area for overlay zoning per Article 4, Division 4 'Special Districts.' These properties are as follows:

504 East Church – Parcel No. XAO-515-0157-00
439 Frank Street – Parcel No. XAO-515-0186-01
221 South Center Street – Parcel No. XAO-515-0187-00
304 South Center Street – Parcel No. XAO-515-0238-00
301 South Center Street – Parcel No. XAO-515-0237-01
436 Erie Street – Parcel No. XAO-515-0332-00
437 Erie Street – Parcel No. XAO-515-0282-00
503 Erie Street – Parcel No. XAO-515-0283-00

504 Erie Street – Parcel No. XAO-515-0378-00
501 East Michigan Street – Parcel No. XAO-515-0379-00

2. That Tecumseh Street from Toledo Street south to Michigan Street, excluding the City owned park at the northeast corner of Tecumseh and Erie Street, be established as an area for overlay zoning Article 4, Division 4 'Special Districts.' These properties are as follows:

626 Toledo Street – Parcel No. XAO-515-0016-01
712 Toledo Street – Parcel No. XAO-515-0013-00
125 North Tecumseh Street – Parcel No. XAO-515-0014-00
121 North Tecumseh Street – Parcel No. XAO-515-0060-01
112 North Tecumseh Street – Parcel No. XAO-515-0061-00
627 East Maumee Street – Parcel No. XAO-515-0059-00
701 East Maumee Street – Parcel No. XAO-515-0062-00
702 East Maumee Street – Parcel No. XAO-515-0085-00
104 South Tecumseh Street – Parcel No. XAO-515-0087-00
111 South Tecumseh Street – Parcel No. XAO-515-0086-00
116 South Tecumseh Street – Parcel No. XAO-515-0121-00
120 South Tecumseh Street – Parcel No. XAO-515-0120-00
121 South Tecumseh Street – Parcel No. XAO-515-0122-00
124 South Tecumseh Street – Parcel No. XAO-515-0119-00
202 South Tecumseh Street – Parcel No. XAO-515-0147-01
211 South Tecumseh Street – Parcel No. XAO-515-0145-00
221 South Tecumseh Street – Parcel No. XAO-515-0199-00
301 South Tecumseh Street – Parcel No. XAO-515-0225-00
302 South Tecumseh Street – Parcel No. XAO-515-0227-00
310 South Tecumseh Street – Parcel No. XAO-515-0226-00
312 South Tecumseh Street – Parcel No. XAO-515-0296-00
401 South Tecumseh Street – Parcel No. XAO-515-0317-00
402 South Tecumseh Street – Parcel No. XAO-515-0321-01
415 South Tecumseh Street – Parcel No. XAO-515-0391-00
700 East Church Street – Parcel No. XAO-515-0144-00

Article 5: Use Standards

Division 1 General Use Standards

SECTION 106-67 INTENT

Each use listed in this Division, whether permitted by right or subject to approval as a special land use, shall be subject to the site and use standards specified, in addition to applicable standards and requirements for the district where the use is located. These conditions are intended to minimize potential negative impacts to other surrounding land uses that could arise due to operations of the particular use. This Article provides standards for the Zoning Administrator or Planning Commission, depending upon the site plan review requirements, to review and determine if the use standards have been met. These standards are intended to:

- A. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
- B. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
- C. Ensure that such uses will be compatible with surrounding land uses.
- D. Promote the orderly development of the district and the city as a whole.

Unless otherwise specified, each use listed in this article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

SECTION 106-68 CATEGORIES OF LAND USE

There are four categories of land uses: permitted, special land use, accessory, and temporary.

A. Permitted Land Use

1. A permitted use that is permitted within a particular zone subject to compliance with all applicable use-specific standards and other regulations as described below and typically does not require legislative action for approval.
2. The permitted land uses within each zone are identified in Section 106-70 Permitted Use Matrix.
3. Permitted land uses are subject to the following when applicable:
 - a. Zoning regulations and standards, including, but not limited to, the zone's exceptions and general restrictions provided in Article 4 Zoning Districts, the use specific standards provided in [Section 106-70 Permitted Use Matrix](#), and [Article 6 Development Standards](#);
 - b. Application submittal requirements and fees.
 - c. Standards provided in all other applicable city, state, and federal regulations.

B. Special Land Uses

1. Special land uses (also known as Zoning Exceptions) are typically principal uses which are not allowed by right within a zone but are permitted when approved through the review procedure described in [Section 106-41 Application and Review Procedures](#). Special Land Uses are identified in [Section 106-70 Permitted Use Matrix](#).
2. Special land uses are subject to the following when applicable:
 - a. Zoning regulations and standards, including, but not limited to, the zone's exceptions and general restrictions, the use specific standards provided in [Section 106-70 Permitted Use Matrix](#), [Article 4 Division 4 Special Districts](#), and [Article 6: Development Standards](#);
 - b. Conditions that may be imposed as part of the use's approval described in [Article 3 Division 2 Special Land Uses](#); Others may be imposed through the review process with Planning Commission Approval.

- c. Standards provided in all other applicable city, state, and federal regulations.

C. Accessory Land Uses

1. Accessory land uses are those uses and structures associated with, and incidental to, a principal land use and may be necessary for the operation of the principal land use. Examples of accessory uses include residences with guest houses, restaurants with bars, and churches with a day care.
2. The permitted accessory land uses with use-specific standards are identified in [Section 106-70 Permitted Use Matrix](#).
3. Accessory uses are subject to the following when applicable:
 - a. Zoning Code regulations and standards, including, but not limited to the accessory land use and building regulations provided in [Article 5 Division 2 Use Specific Standards](#), and the use specific standards provided in [Section 106-70 Permitted Use Matrix](#),
 - b. Application submittal requirements and fees provided in [Chapter 2 Administration, of the City of Adrian Code of Ordinances](#), and
 - c. Standards provided in [Chapter 10 Buildings and Building Regulations of the City of Adrian Code of Ordinances](#).

D. Temporary Land Uses

1. Temporary land uses are those land uses and structures that are needed or are in place for only short periods of time. The regulations governing temporary land uses are provided in [Section 106-76 Temporary Structures and Uses](#) and [Article 6, Division 7 Signs](#).

SECTION 106-69 GENERAL USE STANDARDS

A. Standards for Approval

1. Prior to approving a Permitted Use with conditional use standards, the Planning and Zoning Administrator or their designee shall require that the proposed use meets all requirements and standards. If all requirements and standards are met, a zoning compliance certificate is granted.
2. Properties for which application for conditional use standards approval is made shall also be concurrent with, and subject to, site plan review in accordance with the requirements of [Article 3, Division 1 Site Plan Review](#). Failure to obtain site plan approval will constitute denial of the approved use with use standards.
3. During construction, the Planning and Zoning Administrator or their designee shall make periodic investigations of the use to ensure continued compliance with all requirements and standards imposed by this Article. Noncompliance with the requirements for the conditional land use shall constitute grounds for the Planning and Zoning Administrator or their designee to terminate the approval.

SECTION 106-70 PERMITTED USE MATRIX

[See APPENDEX A Permitted Use Matrix](#)

Division 2 Use Specific Standards

SECTION 106-71 RESIDENTIAL USES

A. Accessory Buildings and Structures

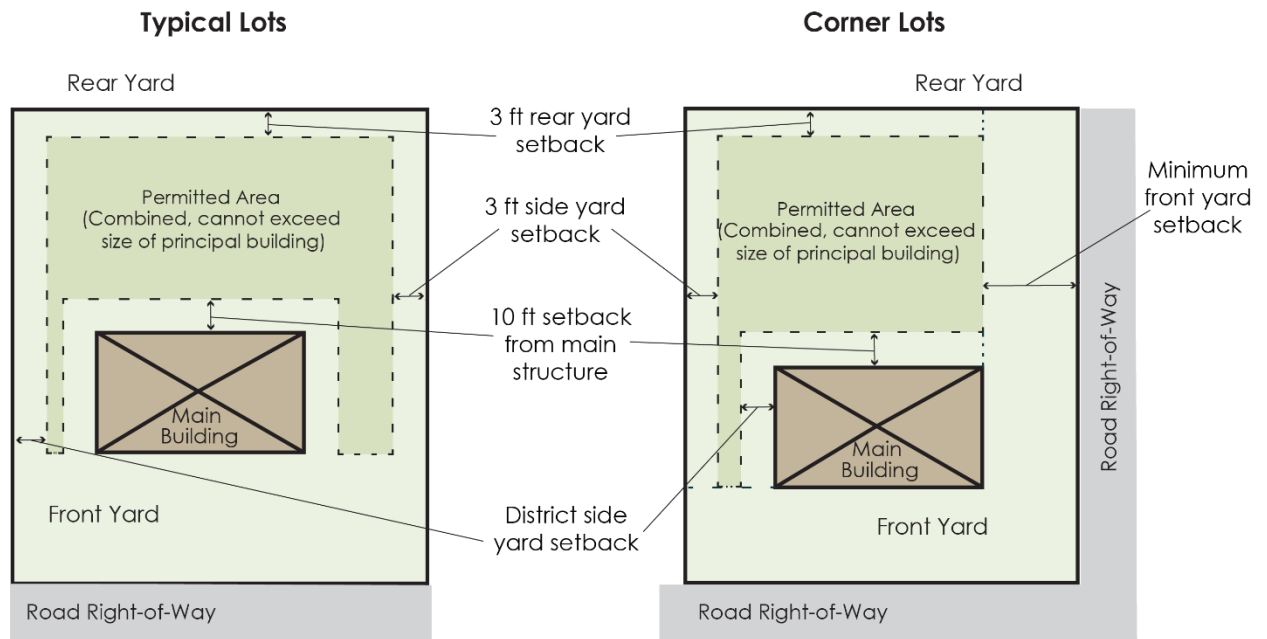
Except as otherwise specified in this chapter, accessory buildings on residential lots shall be subject to the following regulations:

1. Locations.

- Detached, accessory buildings and structures shall only be in the yards as shown in Table and Figure 106-71-1.
- Accessory buildings shall not be located within a dedicated easement or right-of-way.

Table and Figure 106-71-1 Accessory Building Locations and Setbacks

Locations Permitted	Minimum Setback from Lot Line
Front Yard	Not permitted
Side Yard	District Setback
Rear Yard	3 feet from rear lot line 3 feet from side lot line 1 foot from alley
Corner lot-side-street yard	Front yard setback of zoning district



- Uses.** Accessory buildings used for a home occupation may not exceed 25% of the total square area of the primary structure and are limited to homeowner use exclusively. No accessory building may be a dwelling unit unless it meets the requirements of [Section 106-71-B. Accessory Dwelling Unit.](#)

3. **Height.** The maximum height of detached accessory buildings may be two (2) stories but not exceed twenty-five (25) feet. Detached accessory buildings in R-3 may not exceed 35 feet.
4. **Number.** A maximum of two (2) accessory buildings are permitted in Residential Districts.
5. **Appearance.** The design and building materials of any accessory building shall generally be consistent with the character of the principal building on the property (e.g., material, color), as determined by the Planning and Zoning Administrator or their designee.
6. **Size.** The total lot coverage of all accessory structures shall not exceed 35 percent of the area of the rear yard.

B. Accessory Dwelling Unit (ADU)

1. Generally

- a. The property owner must occupy either the principal unit or the accessory unit as their permanent residence
- b. Only one (1) ADU is permitted per lot.
- c. No ADU shall be constructed unless zoning compliance and building permits are issued

2. Design. Design standards for ADUs are stated in this section. If not addressed in this section, base zone development standards apply.

- a. **Size:** All ADUs must meet the following size requirements.
 - i. An ADU must be at least 450 square feet
 - ii. For parcels 10,000 square feet or less, an ADU may be no more than 600 square feet.
 - iii. For parcels greater than 10,000 square feet, an ADU may be a maximum of 800 square feet or 35% of the primary residence gross floor area whichever is greater.
 - iv. In R-1 zones, an ADU shall not exceed 800 square feet or 50% of the gross floor area (excluding covered porches) of the primary structure up to 1,000 square feet.
- b. **Exterior finish materials.** Exterior finish materials must visually match in type, size and placement the exterior finish materials of the primary dwelling.
- c. **Roof pitch.** The roof pitch must be similar in nature to the predominant roof pitch of the primary structure.
- d. **Windows.** If the street-facing facade of the ADU is visible from the street, its windows must match, in proportion and orientation, the windows of the primary dwelling.

3. Parking. One additional off-street parking space shall be provided in addition to those spaces required in [Section 106-86-A-5 Off-Street Parking](#).

4. Detached ADU

- a. Must be located in the rear yard.
- b. Detached ADUs exceeding 800 sq ft shall provide one (1) additional parking space in the rear yard.
- c. Setbacks must conform with [Section 106-71](#)

5. Attached ADU. Must comply with the required setbacks of primary structure as required by the base zoning district.

C. Group Living and Care Facilities

1. The parcel upon which such a facility is located shall not be less than 300 feet from a parcel upon which another such facility is sited.
2. Such facility shall not be located on a parcel which abuts another parcel that is zoned single or two-family residential (e.g. R-1, R-2).
3. Signage shall be limited to one identification sign affixed flat against the front wall of the facility, no larger than three (3) square feet.

D. Home Occupations

1. Intent. It is the stated intent of this section to allow home occupations, as defined in this ordinance, which: are secondary and incidental to the use of the premises as a residence; are compatible with residential uses; are limited in extent; and, do not detract from the residential character of the neighborhood.
2. Prohibited uses. The following uses are expressly prohibited as a home occupation:
 - a. Private clubs
 - b. Restaurants
 - c. Animal boarding, stables, and kennels
 - d. Tourist homes
 - e. Motor vehicle repair or paint shops
 - f. Retail sales that require visits of customers to the home
3. Home Occupation Classes. For the purposes of this ordinance, home occupations are categorized into two classes as listed herein.
 - a. Class 1 Home Occupations:
 - i. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, travel agents, real estate agents, accountants, financial planners, tax preparers, salespersons, and similar occupations
 - ii. Home office for a sales representative or manufacturer's representative
 - iii. Homebound employment of a physically, mentally, or emotionally handicapped person who is unable to work away from home because of his or her disability.
 - iv. Direct sale product distribution (Amway, Avon, Tupperware, etc.)
 - v. Secretarial services, home typing, computer programming, or data processing
 - vi. Mail order sales.
 - vii. Telephone answering or telemarketing.
 - viii. Studio used for painting, sculpting, music recording, photography, woodworking, or writing.
 - ix. Tutoring
 - x. Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making and model making.
 - xi. Repair of small appliances and electronics, watches and clocks, cameras, phones, computers, and other small items
 - xii. Home office and workshop of a plumber, electrician, or similar trade
 - xiii. Laundering and ironing service
 - xiv. Palm reading or fortune telling
 - xv. House cleaning service
 - xvi. Locksmith
 - xvii. Wallpapering, painting, or interior design services
 - xviii. Caterer/food preparation business
 - xix. Flower arranging
 - b. Class 2 Home Occupations:
 - i. Shop of a beautician, barber, manicurist, pedicurist, hair stylist, or massage therapist
 - ii. Music, dance, art and craft classes or instruction
 - iii. Domesticated pet grooming

- iv. Taxidermy
 - v. Small equipment rental
 - vi. Chauffeuring, limousine or pedicab service
 - vii. Landscape maintenance business.
 - viii. Mill working and cabinet making.
 - ix. Licensed FFL gun dealer
 - x. Repair of small engines and associated equipment
 - xi. Furniture repair, restoration, and upholstery
 - xii. The offices of a physician, dentist, veterinarian, or similar health care provider, used for consultation or emergency treatment.
 - xiii. Any other use, not prohibited by [subsection 2 Prohibited Uses \(above\)](#), which is determined by the Planning Commission to be similar to, and compatible with, the other permitted home occupations.
4. Required Conditions. Home occupations shall meet the following conditions and requirements:
- a. The exterior appearance of the structure shall not be altered or the occupations within the residence be conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
 - b. No person, other than members of the immediate family occupying the dwelling, shall be employed.
 - c. The home occupation shall occupy no more than twenty-five percent (25%) of the floor area of the dwelling, or fifty percent (50%) of a detached garage.
 - d. There shall be no outside storage of any kind related to any home occupation.
 - e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street parking area in compliance with [Section 106-86 A.5 Residential Parking](#).
 - f. A single nameplate sign shall be allowed, no larger than one hundred forty-four (144) square inches. Such sign must be attached to the principal building.
 - g. No home occupation shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
 - h. Any commercial vehicle utilized in connection with the home occupation shall be parked within a garage.
 - i. The visit of customers before 7:00 a.m. and after 8:00 p.m. shall **not** be allowed.
 - j. A permit shall be required and shall not be transferable.
5. Permit Procedure for Class 1 Home Occupations. Class I Home Occupations shall be permitted by right in any district which allows single-family dwellings, in accordance with the requirements of this section and the following procedures.
- a. A person shall apply for a home occupation permit on a form provided by the city and shall pay the required application fee, if any. The application shall be submitted to the Planning and Zoning Administrator.
 - b. The application shall include a plot plan with dimensions and other information showing the location of the home, buildings, driveways, parking areas, proposed signage, hours of operation and other features of the home occupation.

- c. A home occupation permit shall be issued by the Planning and Zoning Administrator for a proposed home occupation if the home occupation complies with the requirements of this section, based upon the application and the materials and other information provided.
 - d. In issuing a home occupation permit, the Planning and Zoning Administrator may include reasonable terms and conditions consistent with the requirements of this section.
 - e. A home occupation permit shall remain in effect, so long as the terms of the permit and of this section are complied with and so long as the permit is not revoked. The permit may be revoked by the city for non-compliance, by the issuance of a stop work order or an order revoking the permit, issued by the Planning and Zoning Administrator or other city representative having responsibility for enforcement of city ordinances.
6. Permit Procedure for Class 2 Home Occupations. Class 2 home occupations shall be permitted in any district which allows single-family dwellings upon receipt of a special land use permit issued by the Planning Commission in accordance with the requirements of this section and the procedures specified in [Article 3, Division 2 Special Land Use](#) . Among other information, the application for a Class 2 home occupation shall include the following:
- a. A site plan drawn to scale, showing the dwelling and any accessory buildings to be used in the home occupation and other buildings on the site. The site plan shall include property dimensions, distances of building setbacks from property lines, ground floor area of each building and total ground floor area of all buildings to be used in the home occupation. The site plan shall also show structures located within one hundred (100) feet of the property lines of the home occupation parcel, driveway locations and uses occurring within all existing accessory buildings on the site. The site plan is not required to be prepared by a licensed professional engineer or surveyor.
 - b. Additional materials and information necessary to demonstrate compliance with the requirements of this section.
 - c. A description of anticipated impacts of the home occupation on adjacent and nearby lands, including motor vehicle traffic, noise and other potential effects.
 - d. In issuing a special land use permit for the home occupation, the Planning Commission may include reasonable terms and conditions consistent with the requirements of this section.
7. Nonconforming Home Occupations. A home occupation lawfully in existence at the time of adoption of this section may continue in the same manner and to the same extent as was the case at the time of adoption of this section. A home occupation lawfully in existence at the time of adoption of this section may not be enlarged, expanded or increased in use intensity except in compliance with this section.

SECTION 106-72 COMMERCIAL USES

A. Places of Assembly, including places of Worship

- 1. Buildings of greater than the maximum height allowed in Article 4, Zoning Districts, may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

2. Vehicle access to the site will be provided from a street classified as a “major street” or “collector street” on the City’s Thoroughfare Plan.
3. The Planning Commission may require an operations plan and/or parking generation studies to determine parking needs.
4. All churches, temples, and similar places of worship or public assembly in existence at the time of adoption of this Ordinance will be considered conforming, but must meet the standards of this Ordinance for any expansions.

B. Automobile/Recreational Vehicle Dealerships (Including Motorcycles, Boats And Motorized Lawn Equipment)

1. Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or side yard set-back.
2. All parking, display and outdoor storage areas shall be paved with a permanent and durable surface. Curbing around all parking, display and storage areas shall be provided.
3. Any use involving the maintenance, service, or repair of vehicles shall also meet the standards for automobile repair and/or service establishments.
4. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity within a site shall not exceed twenty (20) footcandles within the site for or one (1) footcandle at the property line, except where it abuts a residentially used or zoned site, whereby a maximum of ten (10) footcandles and 0.5 footcandles is permitted for vehicle storage areas.
5. Automobile or Vehicle Dealerships located in B3-A are only permitted in completely enclosed buildings.

C. Automobile Gasoline Stations

1. The use is not permitted adjacent to a residential zone.
2. There will be a minimum lot area of 10,000 square feet.
3. Pump islands will be a minimum of forty (40) feet from any public right-of-way or lot line. Tanks, propane, and petroleum products will be set back at least fifteen (15) feet from any lot line.
4. Overhead canopies will be setback at least twenty (20) feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy will be noted on the site plan. Any signs, logo, or identifying paint scheme will be in accordance with Article 6, Division 6 Signs. Lighting in the canopy will be recessed, fully shielded, and directed downward to prevent off-site glare. A canopy may extend to the lot line provided that it is internally drained.
5. Only one (1) driveway will be permitted from each street unless the approval body determines additional driveways will be necessary to ensure safe and efficient access to the site.
6. The intensity of lighting within a site will meet the requirements of Article 6, Division 5 Outdoor Lighting Standards.
7. There will be no outdoor storage or display of vehicle components and parts, supplies, or equipment except within an area defined on the approved site plan and which extends no more than ten (10) feet beyond the building.
8. Any use involving maintenance, service, or repair will also meet the standards for automobile service establishments.

D. Automobile Repair Establishments (Major Repair)

1. The use shall not abut a residential district or use.
2. All maintenance and repair work will be conducted completely within an enclosed building.

3. There will be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies, or equipment.
4. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck will be permitted in a designated area. Such area will be appropriately screened from public view as determined by the approval body.
5. Any use with gasoline sales will also meet the standards for automobile gasoline stations.

E. Automobile Service Establishments (Minor Repair)

1. The use shall not abut a residential district or use.
2. All maintenance and repair work shall be conducted completely within an enclosed building.
3. There shall be no outdoor storage or display.
4. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted in a designated area. Such area shall be appropriately screened from public view as determined by the approval body.
5. Any use with gasoline sales shall also meet the standards for automobile gasoline stations.

F. Automobile Washing Facilities Motor vehicle washing, conveyor or non-conveyor type, when completely enclosed in a building excepting points of ingress and egress and subject to the following conditions:

1. All cleaning operations shall be completely enclosed within a building.
2. A hard-surfaced driveway of one (1) or more lanes shall be constructed on the parcel in such a manner as to provide for a continuous movement of cars into the wash rack.
3. The driveway as provided shall be not less than ten (10') feet wide for a single lane and not less than ten (10) additional feet in width for each additional lane.
4. Where only a single lane is provided, it shall be used for no other purpose than to provide access to the wash rack.
5. All lanes provided shall be suitably protected from interference by other traffic.
6. For a non-conveyor type auto wash, five (5) waiting spaces, for each twenty (20') feet in length, shall be provided for each washing stall on the entrance side of the stall and two (2) spaces per stall shall be provided on the exit side for a drying area.
7. The site shall be designed in such a manner that no operations are conducted off the parcel.
8. A building setback of at least sixty (60) feet must be maintained from the proposed or existing street right-of-way, whichever is greater.
9. Ingress and egress points shall be located at least sixty (60) feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater, and shall be directly from a major thoroughfare.
10. The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property.
11. Gasoline sales shall be permitted on the property provided there is compliance with [Section 106-72-C](#)

G. Bed and Breakfast Facilities

1. The minimum lot size shall be ten-thousand (10,000) sq. ft. with a minimum frontage of fifty (50) feet on a public street.

2. A residence shall not have or be converted to more rental rooms than the number of bedrooms which exist at the time of enactment of this amendment.
3. The minimum size of a rental room shall be one-hundred twenty-five (125) sq. ft.
4. The minimum size for manager/owner living quarters shall be four hundred eighty (480) sq. ft.
5. A common room or area for guest relaxation is required.
6. For those facilities which are not owner occupied, a manager must reside on the premises and have an equity interest in the facility.
7. One off-street parking space shall be provided for each rental room in addition to the two off-street spaces required for single family dwellings.
8. Parking shall be adequately screened from adjacent residentially developed or zoned property.
9. Bathrooms must be furnished for guestrooms at a ratio of not less than one bathroom per two rental rooms.
10. The premises (including corner lots) may be permitted one advertising sign not exceeding six (6) sq. ft. in area.
11. Approval by the Building Inspector is required prior to occupancy of the facility. Thereafter, the Building Inspector shall conduct an annual compliance inspection.
12. Approval of the Lenawee County Health Department is required if other than a continental breakfast is served.
13. The maximum stay at a bed and breakfast facility shall be thirty (30) continuous days.
14. A site plan shall be submitted in accordance with Sections 106-36,37 & 38
15. The use of the facility shall not, in the judgement of the City Planning Commission, be detrimental to adjacent land uses and the immediate neighborhood.

H. Brew Pubs and Micro-Distilleries (as described in Section 106-07)

1. No more than 50 percent of the total gross floor areas of the establishment shall be used for the brewing or distilling function, including but not limited to, the brewhouse, boiling, distilling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.
2. Access and loading bays shall not face toward any street, excluding alleys and parking lots.
3. Access and loading bays facing an adjacent residential use or residential district shall have the doors closed at all times, except during the movement of raw materials, other supplies and finished products into and out of the building.
4. No outdoor storage shall be allowed. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.
5. Other uses which are similar to the above are permitted and subject to the following restrictions:
 - a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from the premises where produced.
 - b. All business, servicing or processing except for off-street parking or loading shall be conducted within completely enclosed buildings.
 - c. Storage of commodities shall be within buildings and shall not be visible to the public from the street or thoroughfare.

I. Commercial Animal Kennels and Boarding Facilities

1. For kennels housing dogs, the parcel must be one (1) acre minimum in size.

2. Adequate traffic circulation shall be provided on the site to accommodate the frequent pickups and drop-offs of animals for the facility.
3. Drop-off/Pick-up hours will be between 6am-8pm.
4. Maximum of 30 dogs on the premises.
5. Outdoor facilities shall be subject to the following restrictions:
 - a. Any outdoor facilities shall not be closer than 50 feet from the parcel line.
 - b. A six (6) foot tall, solid, obscuring fence or wall shall completely enclose all outdoor facilities.
 - c. The outdoor facilities shall not encroach into any required building setback.
 - d. All animal waste shall be removed from the outdoor area daily and disposed of in a sanitary manner.
 - e. Pets shall not be permitted to remain outdoors overnight.

J. Convalescent and Nursing Homes

1. Two hundred and fifty (250) sq. ft. of open space shall be provided for each bed.
2. Area covered by the main building, off-street parking, service drives or loading spaces shall not be included in the two hundred and fifty (250) sq. ft.

K. Day Care Facilities

1. No dormitory facilities permitted on premises.
2. The outdoor recreation area shall be fenced in or screened by a heavily planted greenbelt.
3. For each Child Care Center there shall be provided, equipped and maintained, on the premises a minimum of one hundred and fifty (150) square feet of usable fenced outdoor recreation area for each individual cared for with a minimum of 1200 sq. ft. of useable outdoor recreation area per facility.
4. For each Family Day Care and Group Day Care home there shall be provided, equipped and maintained, on the premises a minimum of one hundred and fifty (150) square feet of usable fenced outdoor recreation area for each individual cared for with a minimum total outdoor recreation area of 900 sq. ft. per home.

L. Drive-through Window Facilities for Banks, Restaurants or Other Permitted Uses

1. Sufficient stacking capacity in accordance with Article 6 Division 3 Parking, Loading and Access, for the drive-through portion of the operation will be provided to ensure that traffic does not extend into the public right-of-way.
2. A bypass lane will be provided around the stacking spaces.
3. In addition to parking space requirements, at least three (3) parking spaces will be provided in close proximity to the exit of the drive-through portion of the operation to allow for customers waiting for delivery of orders.
4. Only one (1) ingress/egress driveway will be permitted on any single street.
5. Access driveways will be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway.
6. Overhead canopies will be setback at least twenty (20) feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy will be noted on the site plan. The canopy will be no higher than the principal building.
7. Outdoor speakers for the drive through facility will be located in a way that minimizes sound transmission toward neighboring property and uses.

M. Fraternity/Sorority Houses and Student Group Homes

1. The home shall at all times be in compliance with applicable requirements of the Michigan Property Maintenance Code applicable to life and safety issues, as adopted by the City
2. The home shall be subject to annual inspection by the City. The owner may substitute a State of Michigan property inspection to satisfy this requirement, but such state inspection must be conducted and the report transmitted to the City annually
3. The owner shall provide one (1) on- or off-site vehicle parking space for each person residing in the student group home. Off-site parking spaces must be assigned and be located within 400' of the home. Onsite parking areas shall not be located within any front yard.
4. The home shall be subject to other provisions that the Planning Commission may deem necessary to protect the integrity of the neighboring area, and the health, safety and welfare of the residents of the City of Adrian.

N. Funeral Homes and Mortuaries

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty (150) feet.
2. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

O. Marijuana Provisioning Centers

1. All such facilities shall hold a valid License for the appropriate operation as issued by the State of Michigan, before the use is commenced.
2. The licensee shall have, or shall have applied for a permit as provided for in
3. Chapter 46 of the Adrian City Code.
4. A site may function as both a Provisioning Center and a Retailer, but the maximum number of properties used for provisioning centers, retailers, or provisioning centers and retailers in combination, allowed city-wide shall not exceed the number allowed pursuant to Section 46-504 of the Adrian Code.
5. No such facility shall be situated within 1000 feet of a school, public or private, including pre-school through college (but not including sports facilities or other accessory uses not located on a school's educational campus).
6. No such facility shall be situated within 250 feet of any of the following uses:
 - a. A church or house of worship located in a residential district.
 - b. A public park or playground.
 - c. A state licensed day-care facility as defined in the City of Adrian Zoning Ordinance, definitions. Section 106-07ⁱ
 - d. A facility that provides services for substances abuse disorders as defined by MCL 330.1100d.
7. No such facility shall be situated on a site abutting land zoned for single or two-family residential use (R-1 through R-3).
8. A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any

P. Outdoor Retail Display and Sales

1. Unless accessory to an approved retail business, an enclosed building of at least five hundred (500) square feet of gross floor area for office and sales use is required.

2. An outdoor display may be in front of or next to the establishment. An outdoor display that extends beyond the property lines of the applicant shall require the permission of the affected property owners.
3. Displays shall be placed against the front wall of the principal building and shall not extend more than 36 inches from the building facade; provided that where there is a pedestrian sidewalk in front of the display, it shall remain unobstructed for a continuous width of at least 48 inches.
4. If an outdoor display is on a public sidewalk, a minimum of five (5) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Sufficient room shall also be provided to allow car doors to open along the curbside.
5. Displays shall be no taller than five feet high and shall not be longer than 20 feet or the length of the store's facade, whichever is less.
6. Displays shall not interfere with fire lanes.
7. The merchandise displayed must be offered for sale on the premises in front of which it is displayed.
8. An Administrative Short-Form plan indicating the location and dimensions of the outdoor display must be submitted and approved by the Planning and Zoning Administrator or designee prior to any outdoor display. Any outdoor display shall at all times follow the Administrative Short Form plan or site plan approved by the City.
9. The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing into adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials is prohibited.
10. All stored materials including loosely packaged materials shall not be piled or stacked higher than the height of the obscuring screen.
11. All outdoor storage areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.

Q. Parking Structures

1. A parking structure shall require special land use approval.
2. Parking structures shall be physically integrated into the overall design and functioning of the site, as well as the surrounding area. The exterior treatment of the parking structure element of a building complex shall be substantially the same in appearance to that of the main building element and shall further be designed so that all architectural and vehicular lighting is shielded or screened from view from adjacent properties.
3. In B-3A Downtown Core, the ground floor shall have a minimum depth of 20 feet to be occupied by active uses as permitted in the district. Elsewhere and above the first story, parking structures are encouraged, but not required, to be lined on exterior elevations by non-parking uses.
4. Access drives shall not constitute more than 25% of the frontage.
5. New parking structures shall be designed with an upper story minimum clear height of 9'.

R. Restaurants with Outdoor Seating and Outdoor Cafes

Outdoor restaurants and cafes in the public right-of-way for café or restaurant service, shall be reviewed and approved administratively by the Planning and Zoning Administrator, subject to the following requirements:

1. An application, application fee, and site plan drawing detailing the proposed plan of the outdoor restaurant or café shall be administratively approved by the City.

The City will review the site plan in order to ensure the following traffic and pedestrian safety measures:

- a. Any sidewalk or open space used for the outdoor restaurant or café is immediately adjacent to the applicant restaurant, provided that the café may be separated from the restaurant by the main pedestrian walkway along the public sidewalk.
 - b. The use of a sidewalk or open space for the outdoor restaurant or café allows a minimum pedestrian walkway of four (4) feet.
 - c. Any tables, chairs, umbrellas, or other equipment shall not extend into or over the four (4) foot wide pedestrian walkway, and there shall be no barriers to pedestrian visibility. The number, size and location of tables, chairs, and equipment shall be administratively approved by the City.
 - d. If alcohol is to be served in conjunction with the proposed outdoor restaurant or café, barriers designating the service area will be utilized. If no alcohol is to be served, a barrier approved by the City will be utilized between the service area and the pedestrian right-of-way. In either instance, the design of the barrier must be in keeping with the zoning ordinance and any applicable design guidelines.
2. When the outdoor restaurant or café abuts residential:
 - i. Setbacks must be at least 15 feet from the residential property line and five (5) feet from any other commercial use.
 - ii. An outdoor restaurant or café which is adjacent to residential properties or shares an alley with residential properties shall be screened with a solid fence a minimum of six (6) feet high.
 3. When an outdoor restaurant or café has outdoor entertainment, a special land use permit is required.
 4. The outdoor restaurant or café must be part of a licensed full-service restaurant and it must meet all of the requirements of, and secure all of the necessary permits from, the Lenawee County Health Department.
 5. Insurance and property damage coverage, naming the City of Adrian as an insured party, in an amount approved by the City, must be provided before an outdoor restaurant or café extending into the right-of-way may be set up.
 6. Final approval by the Planning and Zoning Administrator is required for any seating placed within the public right-of-way.
 7. The Planning and Zoning Administrator may submit the request to the Planning Commission for review and action, if deemed necessary.

S. Self-Storage Facilities/Units

1. Building design and materials will be compatible with the existing and intended character of the area.
2. No storage unit doors will face a public right-of way. Alternatively, walls, fences, and landscaping as determined by the Planning and Zoning Administrator or their designee may be utilized to obscure views of doors from the public right-of-way.
3. All storage will be completely within enclosed buildings or structures, unless a separate special land use approval is granted for commercial outdoor storage on the premises, in accordance with [Section 106-72-P Outdoor Retail Display and Sales](#).

T. Temporary Shelters

1. The parcel upon which such a facility is located shall not be less than 300 feet from a parcel upon which another such facility is sited.

2. Such facility shall not be located on a parcel which abuts another parcel that is zoned single-family or two-family residential (e.g. R-1, R-2).
3. Signage shall be limited to one identification sign affixed flat against the front wall of the facility of size not to exceed eight (8) square feet.

SECTION 106-73 EDUCATION AND INSTITUTIONAL USES

A. Schools, including Public, Private, and Parochial Elementary, Middle, and High

1. At least one (1) street access will be onto a street classified as a “major street” or “collector street” on the City's Thoroughfare Plan.
2. All play areas next to a Residential District must be fenced.
3. Bus and automobile drop-off and pickup drives must be provided and will be separate from, and not conflict with drive lanes.

B. Colleges and Universities

1. No display shall be permitted in an exterior show window or be visible from any property line. The total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed fifteen (15%) percent of the usable floor area of the establishment using the display of an actual product for sale as a sales procedure.
2. The outdoor storage or display of goods or materials shall be prohibited irrespective of whether or not they are for sale.
3. Warehousing or indoor storage of goods or materials in quantity greater than normally incidental to the above permitted uses shall be prohibited.
4. No more than fifty (50%) percent of any required yard abutting a street shall be used for vehicular parking or driveways. Adjacent to any lot line abutting a street, there shall be a continuous landscaped area not less than fifteen (15') feet wide except at points of approve vehicular access to the street. This parking and landscaping restriction is necessary to maintain the transitional character of the area that this district is intended to serve and to assure pedestrian and vehicular safety by separating the off-street parking area from the vehicular and pedestrian traffic in the public right-of-way.
5. In addition to the landscaping required above, not less than five (5%) percent of the site, exclusive of buildings and the required yards abutting a street, shall be landscaped. No landscaped area having a width of less than five (5') feet shall be considered in the five (5%) percent minimum landscaping requirement. This requirement is necessary to provide for the safety and welfare of pedestrians in large parking areas and to provide for effective traffic control regulations.

C. Public Utilities

1. Publicly owned buildings, public utility buildings, water and sewer pumping stations, mobile or temporary utility substations are subject to the following conditions:
2. Buildings and structures shall be architecturally compatible with adjacent development.
3. There shall be no permanent or temporary outdoor storage of any equipment or materials.
4. Public utilities for necessary and critical services including, but not limited to, electric transformer stations and substations and gas regulator stations will be reviewed by the Planning Commission for the necessity of screening compatibility standards of adjacent properties.

D. Hospitals

1. Minimum lot area shall be ten (10) acres.
2. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said major thoroughfare.
3. Minimum main and accessory building setback shall be one hundred (100) feet.
4. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses by a structure or by a masonry wall of six (6) feet or more in height.
5. No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent residential use.

SECTION 106-74 INDUSTRIAL USES

A. Adult Entertainment Regulated Uses

1. **Intent.** In the development and execution of these zoning regulations, it is recognized there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a harmful effect upon the adjacent areas. The proximity of adult entertainment regulated uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime, and contribute a blighting effect on the surrounding area. This subsection describes the uses regulated and the specific standards needed to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses, and to require sufficient spacing from uses considered most susceptible to negative impacts.
2. **Definitions.** Refer to Section 106-07.
3. **Required Spacing.** The establishment of the types of adult entertainment regulated uses listed above will meet all the following space requirements, with the minimum distance between uses measured horizontally between the nearest points of each property line:
 - a. One thousand (1,000) feet from:
 - i. Any other adult entertainment regulated use.
 - ii. All churches, convents, temples, and similar religious institutions.
 - iii. All public, private, or parochial nursery, primary or secondary schools, public parks, public libraries, and hospitals.
 - iv. Any adult or childcare facility.
 - b. Eight hundred (800) feet from:
 - i. Any Single-Family or Multiple-Family Residential District or use.
 - ii. Any pool or billiard hall, concreted amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie theaters, ice- or roller-skating rinks, and similar uses generally frequented by children and teenagers.
4. **Special Site Design Standards**
 - a. The maximum size of the building will be five thousand (5,000) square feet.
 - b. The building and site will be designed, constructed, and maintained so material such as a display, decoration, or signs depicting, describing, or relating to

- specific sexual activities or particular anatomical areas cannot be observed by pedestrians and motorists on a public right-of-way or from an adjacent land use.
- c. Adult entertainment regulated uses will be located within a freestanding building. A shared or common wall structure or shopping center are not considered to be freestanding buildings.
 - d. The color of the building materials will be reviewed and approved by the Planning Commission.
 - e. Planning Commission will determine the type of buffer zone to be required and maintained along the side and rear lot lines, based on the site conditions, views from public streets, and distance and type of surrounding land uses.
 - f. The hours of operation will be approved by the Planning Commission.
 - g. Access will be from an arterial roadway.
 - h. Any adult entertainment regulated use which allows customers to remain on the premises while viewing live, filmed, or recorded entertainment, or while using or consuming the products or services supplied on the premises will provide at least one (1) security guard on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is in operation.
5. **Obscene Material Strictly Prohibited.** The applicant for a special land use for any adult entertainment regulated use will set forth in their application a statement in sufficient detail to describe the material contained in the adult entertainment regulated use. In the event that the Planning Commission finds the material proposed to be within the adult entertainment regulated use to be obscene, then the special land use will not be granted. For purposes of this subsection, a form of expression will be classified as obscene if the material meets all of the following criteria:
- a. The average individual, applying contemporary community standards for the City would find that the material, taken as a whole, appeals to the prurient interest.
 - b. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value.
 - c. The material depicts or describes, in a patently offensive way, sexual conduct.
6. **Waivers.** Upon denial of any application for an adult entertainment regulated use under this Section the applicant may appeal for a waiver of the location provisions above to the Zoning Board of Appeals (ZBA) consistent with the standards set forth below. The ZBA may waive the location provisions set forth in this Section, after all the following findings are made:
- a. Compliance with Regulations. The proposed use will not be contrary to any other provision of these zoning regulations or injurious to nearby properties.
 - b. Not Enlarge District. The proposed use will not enlarge or encourage the development of a "skid row" or "strip".
 - c. Consistent with Programs. The establishment of an additional adult entertainment regulated use will not be contrary to, or interfere with, any program of urban renewal or neighborhood development.
 - d. Consistent with Law. All applicable city, state or federal laws and regulations will be observed.
 - e. Procedure for Waiver. Prior to granting a waiver of the location restrictions set forth above, a public hearing will be held.
7. **Conditions of Approval.** Before granting approval for the establishment of any adult entertainment regulated use, Planning Commission may impose any conditions necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

8. **Specific Penalties.** No person operating an adult entertainment regulated use will permit any person under the age of eighteen (18) to be on the premises of the business as an employee, customer, or otherwise.

B. Animal Veterinary Clinic, Hospital or Office

1. The approval body may permit veterinary, and animal grooming uses as accessory uses to retail pet supply establishments.
2. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor animal enclosures or runs are permitted.
3. Any indoor boarding shall be limited to that incidental to treatment or surgery unless the use has also been approved as a kennel or pet boarding facility.
4. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).

C. Essential Public Service Buildings and Structures

1. Such facilities will not be closer than one hundred fifty (150) feet from any residential dwelling.
2. Electric or gas regulator equipment and apparatus will be set back a minimum of fifty (50) feet from any public right-of-way and thirty (30) feet from all other lot lines.
3. An open-air fence not less than six (6) feet in height may be required for security purposes as determined by the approval body.

D. Marijuana Compliance Facilities, Growers, and Processors

1. All such facilities shall hold a valid License for the appropriate operation as issued by the State of Michigan, before the use is commenced.
2. The Licensee shall have, or shall have applied for, a Permit as described in Section 46-505. of the City of Adrian Code of Ordinances
3. No equipment or process shall be used in the processing which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable wot the normal senses beyond the property boundaries.
4. All processing and operations shall occur within an enclosed building.
5. A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for not complying with this ordinance or any amendment of this ordinance.
6. While the Planning Commission may issue a Special Land Use Permit, no operation may begin or continue until the required Permit has been issued by the Planning and Zoning Administrator and all conditions in [Sections 46-506 and 46-507](#) of the City of Adrian Code of Ordinances are being met.

E. Marijuana Secure Transporters

1. All such facilities shall hold a valid License for the appropriate operation as issued by the State of Michigan, before the use is commenced.
2. The Licensee shall have, or shall have applied for, a Permit as described in [Section 46-505](#) of the City of Adrian Code of Ordinances
3. A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for not complying with this ordinance or any amendment of this ordinance.
4. While the Planning Commission may issue a Special Land Use Permit, no operation may begin or continue until the required Permit has been issued by the Planning and Zoning Administrator and all conditions in [Sections 46-506 and 46-507](#) of the City of Adrian Code of Ordinances are being met.

F. Marijuana Provisioning Centers

1. All Marijuana Provisioning Centers and Marijuana Retailers must be owned and operated by the licensed grower and be located on the same parcel as the licensed grow facility.
2. All such facilities shall hold a valid License for the appropriate operation as issued by the State of Michigan, before the use is commenced.
3. The licensee shall have, or shall have applied for, a permit as described in Chapter 46 of the Adrian City Code.
4. There is no limit to the number of Marijuana Provisioning Centers or Marijuana Retailers within the Marijuana Overlay District(s). A site may function as both a Provisioning Center and a Retailer.
5. No such facility shall be situated within 1,000 feet of a school, public or private, including pre-school through college (but not including sports facilities or other accessory uses not located on a school's educational campus).
6. No such facility shall be situated within 250 feet of any of the following uses:
 - a. A church or house of worship in a residential district.
 - b. A public park or playground.
 - c. A state licensed day-care facility as defined in [Section 106-07](#).
 - d. A facility that provides substances abuse disorder services as defined by MCL 330.1100 d.
7. No such facility shall be situated on a site abutting land zoned for single-family residential use.
8. A property owner shall have no vested rights or nonconforming use rights that would serve as a basis for not complying with this ordinance or any amendment of this ordinance.
9. While the Planning Commission may issue a Special Land Use Permit, no operation may begin or continue until the required Permit has been issued by the Planning and Zoning Administrator and all conditions associated therewith are being met.

G. Solar Energy Collectors

1. All panels will have tempered, non-reflective surfaces.
2. Solar energy equipment will be repaired, replaced, or removed within three months of becoming nonfunctional.
3. Each system will conform to applicable industry standards including those of the American National Standards Institute (ANSI).
4. Solar energy collectors will be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions will be submitted to the Planning and Zoning Administrator prior to installation.
5. On-Site Roof-Mounted Solar Energy Collectors are permitted in all districts subject to the height and bulk requirements of the ordinance.
6. Accessory On-Site Ground-Mounted Solar Energy Collector
 - a. Ground-mounted solar energy systems are only permitted in the side and rear yards.
 - b. Ground-mounted solar energy systems may not extend into the side-yard or rear setback.
 - c. Ground-mounted solar energy collectors will not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector will be measured from ground level to the highest point of the solar panel.

- d. The total area of ground-mounted solar energy collections will be included in calculations to determine lot coverage and will not exceed the maximum lot coverage.
- 7. Commercial Solar Energy Collector System
 - a. The commercial solar energy collector system must meet all requirements for solar energy collectors and roof-mounted solar energy collectors. All commercial solar energy collector systems that are ground-mounted will follow the following requirements:
 - i. Ground-mounted solar energy collectors will not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector will be measured from ground level to the highest point of the solar panel.
 - ii. The total area of ground-mounted solar energy collections will be included in calculations to determine lot coverage and will not exceed a maximum lot coverage of 25 percent regardless of the residing zoning district.
 - iii. Required to be on lots larger than 2 acres.
 - iv. Any commercial solar energy collector system adjoining any residential development will be provided with a buffer of at least 60 feet along the adjacent property line. Such buffer will be planted with evergreen and other suitable plantings and used for no other purposes.
 - v. A landscaped planting area of at least 60 feet will also be provided along all street frontage. The approval body may approve to substitute the above-described greenbelt for an obscuring fence, wall, and other protective barriers.
 - vi. The planting of native ground covers will be maintained on site during the operation, until the site is decommissioned.
 - vii. Provide verification that adequate infrastructure exists to transport the electricity generated into the larger grid system.
 - viii. Power and communication lines running between the banks of the solar panels may be placed above ground, provided the lines are placed no higher than top of the solar panels.
 - ix. Power and communication lines to electric substations or interconnections with buildings will be buried underground.
 - x. Exception for underground power communication lines:
 - 1. Where willow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
 - 2. When required by the utility company.
 - 3. Unless otherwise determined by the approval body
 - xi. The installation of the solar energy collectors will not disturb the existing topography.
 - b. A decommissioning plan will be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 90 days. The plan will include provisions for removal of all structures, foundations, electrical equipment and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The applicant will submit a financial guarantee in the form of a bond in favor of the City of Adrian equal to 125 percent of the costs to meet the requirements of the decommissioning plan. This type of guarantee is subject to approval by the City.

H. Wireless Communication Facilities

1. All applications for wireless communication towers will be reviewed in accordance with the following standards and conditions and, if approved, will be constructed and maintained in accordance with such standards and conditions. In addition, if the tower is approved, it will be constructed and maintained with any additional conditions imposed by the approval body in its discretion.
2. Collocation. The applicant must demonstrate to the approval body that a feasible co-location on an existing tower, building, or other structure for the new wireless communication facility is not available for the coverage and capacity needs and that a location on municipal property is not practical.

Antennae which are attached to an existing tower, building, or other structure are encouraged to minimize the adverse visual impacts associated with the proliferation and clustering of towers. Collocation of antennas by more than one (1) carrier on existing towers, buildings, or other structures will take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:

- a. A tower which is modified or reconstructed to accommodate the co-location of an additional antenna will be of the same tower type as the existing tower.
- b. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the co-location of an additional antenna.
- c. A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved on-site when approved by the approval body.
3. Any proposed tower for commercial wireless telecommunication services will be designed structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
4. Where an attached wireless communication facility is proposed on the roof of a building, the equipment enclosure, if proposed, will be designed, constructed, and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it will conform with all district requirements for principal buildings, including yard setbacks and building height.
5. Use. Wireless communication towers may be considered either a principal use or accessory use when no other principal use exists on the site.
6. Design
 - a. Towers for commercial wireless telecommunication services will be located and designed to be harmonious with the surrounding area through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers will be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.
 - b. All accessory buildings will be constructed of brick, provided the Planning Commission may waive this requirement for a building that is located in the Industrial District and is not visible from a public right-of-way or Non-Industrial District.
7. Setbacks. Setback provisions will not apply to towers located on existing buildings, towers, or other existing structures. Any part of the structure or equipment placed on the

ground pertaining to the tower for commercial wireless telecommunication services will comply with the following minimum setbacks:

- a. Adjacent to any Residential District. The height of the structure.
 - b. Adjacent to any Non-Residential District. One-half (1/2) of the height of the structure.
 - c. Public Rights-of-Way. One-half (1/2) of the height of the structure plus an additional twenty-five (25) feet.
8. Separation. A minimum of two thousand (2,000) feet of separation will exist between freestanding towers.
 9. Height. The maximum height of the new or modified support structure and antennae will be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure). Any accessory building contemplated to enclose such things as switching equipment, will be limited to the maximum height for accessory structures or buildings within the respective district.
 10. Screening. The structure base, accessory buildings, equipment, and enclosures will be screened with landscaping, berms, walls, or a combination of these elements as determined by the approval body in accordance with the standards of [Section 106-90 Landscape Standards](#).
 11. Lighting. Towers for commercial wireless telecommunication services will not be illuminated unless required by other state or federal authorities.
 12. Signs. Signs or other advertising not related to safety or hazard warnings will not be permitted on any part of the tower or associated equipment or buildings.
 13. Fencing. Fencing will be provided for protection of the support structure and security to prohibit unauthorized persons from accessing the facility.
 14. Access. There will be unobstructed access to the support structure, for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement. This access will have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to Residential Districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
 15. Maintenance Plan. A maintenance plan, and any applicable maintenance agreement, will be presented and approved as part of the site plan for the proposed facility. Such plan will be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
 16. Abandoned or Unused Towers. Towers for commercial wireless telecommunication services which are abandoned or unused will be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Planning and Zoning Administrator. One (1) three (3) month extension will be permitted only if the Planning and Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal.
 17. Applicable Site Conditions. Any non-conforming building or use on the site, such as outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting, or similar conditions will be brought into conformance prior to the erection of the wireless communication tower.
 18. Application Requirements. The following information will be provided in addition to the requirements of [Article 3, Division 1 Site Plan Review](#):
 - a. Signed certification by a professional engineer licensed by the State of Michigan with regard to the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e. "fall zone"), and that the setback area provided will

- accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
- b. A description of the performance guarantee to be posted at the time of receiving a special land use approval for the facility to ensure removal of the facility when it is abandoned or is no longer needed.
 - c. A map that illustrates existing and known proposed wireless communication facilities within the City of Adrian and adjacent communities, which are relevant in terms of potential co-location or to demonstrate the need for the proposed facility.
 - d. For all new facilities, in recognition of the City's policy to promote co-location, a written agreement, transferable to all assessors and assigns, that the operator will make space available on the facility for co-location.
 - e. Elevation drawings of the accessory buildings and equipment will be provided.
 - f. A soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report will include soil borings and statements confirming the suitability of soil conditions for the proposed use.

I. Wind Energy Systems

1. Medium and Large Wind Energy Systems are subject to the following:
Acreage. A minimum of ten (10) acres is needed for the placement of any Medium or Large Wind Energy Facility.
2. Height and Type.
 - a. Only monopole construction will be permitted.
 - b. The total height of a wind energy system tower, including maximum extension of the top of the blade, will not exceed the maximum height for structures permitted in the zoning district.
3. Setbacks. A wind energy system tower will be set back a distance equal to its total height from:
 - a. Any public road right-of-way, unless written permission is granted by the governmental entity having jurisdiction over the road;
 - b. Any overhead utility lines, unless written permission is granted by the affected utility;
 - c. All property lines, unless written permission is granted from the affected landowner or neighbor;
 - d. Support cables, if provided, will be anchored to the ground no closer than ten (10) feet to any property line.
4. Access.
 - a. All ground mounted electrical and control equipment will be labeled and secured to prevent unauthorized access;
 - b. The tower will be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground;
5. Speed Controls. All systems will be equipped with manual and automatic over speed controls.
6. Electrical Wires. All electrical wires associated with a wind energy system, other than those necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, will be located underground.
7. Code Compliance. Wind energy systems including towers will comply with all of the applicable construction codes, electrical codes, and the National Electric Code.
8. Signal Interference. No Wind Energy facility will be located in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio,

television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.

9. Noise. Audible noise or the sound pressure level from the operation of the Wind Energy Facility will not exceed fifty (50) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, for more than ten percent (10%) of any hour, measured at any residence, school, hospital, church or public library existing on the date of approval of any such facility

J. Work-Release Facility

1. Location.
 - a. Must be at least three-hundred (300) feet from any residential use, district, park or school.
 - b. Must be located at least 1,500 feet from another work-release facility.
 - c. The work-release facility shall be designed, constructed, and maintained so that such use will not change the general character of the area or any adjacent, or nearby residential areas.
2. Utilities. The facility shall be served adequately by essential public facilities and services such as, police and fire protection, electrical and water and sewer services.
3. The work-release facility shall submit plans describing the operating processes and programs including rehabilitation counseling, training, job placement, and resident access to essential services and facilities. These plans shall be approved by the Planning and Zoning Administrator.
4. A license, or evidence of ability to obtain a license, if such is required, from the appropriate governmental unit. Prior to the issuance of a certificate of occupancy, the operator or agency shall provide evidence that a valid license has been issued or is obtainable for the proposed work-release facility on the property. Should licensing not be required, an affidavit from the applicant stating that licensing is not required, shall be provided.
5. Indoor and outdoor recreational space shall be provided for the residents served, based upon standards specified by the licensing authority. If no such standards exist then the following minimum standards shall apply.
 - a. A common indoor area shall be provided which shall consist of at least twenty-five (25) square feet per individual.
 - b. A common outdoor area shall be provided which shall consist of at least sixty (60) square feet per individual.
6. Any exterior alteration of the structure shall be compatible with the surrounding area.
7. Exterior security lighting shall be provided. All exterior lighting shall be suitably directed and shaded to prevent any glare upon adjoining, or nearby, residential properties.
8. One (1) parking space shall be provided for each three persons residing in the work-release facility, except for facilities which prohibit the ownership or operation of automobiles by occupants. Parking shall be provided on-site in an amount determined to be appropriate to accommodate guests, and employees as deemed necessary by the Planning Commission following a review of the proposed work-release facility, and its operation.
9. The facility shall be limited to forty (40) clients.
10. Signage shall be limited to one identification sign affixed flat against the front wall of the facility of size not to exceed eight (8) square feet.

K. Warehouses

1. The combined area of all lots devoted to independent warehousing in a specific parcel or group of contiguous parcels of land zoned I-1 (Light Industrial) shall not

exceed 15% of the total area of the parcel or group of contiguous parcels in which the land or lots are located.

2. In those instances where there is an insufficient number of lots such that independent warehousing would not be permitted in the procedure described in the subparagraph (1) above, the total floor area of the first floor of all structures used for independent warehousing shall not exceed 10% of the total area of the parcel or group of contiguous parcels.
3. No independent warehouse shall be constructed of less than 20,000 square feet on the first floor.
4. All warehousing shall meet the following conditions at all times:
 - a. All storage of goods and materials shall be within an enclosed building.
 - b. All storage of vehicles used in conjunction with the transportation of goods and materials shall occur between the required rear yard and the rear of the structure.
 - c. Storage of vehicles used in conjunction with the transport of goods and materials shall be no closer than 40 feet from any residential district.

Business Office buildings accessory to the above permitted use, when adjacent to or within 1,500 feet of such use, with such use as an office to be clearly incidental to such permitted use. Provided, however, that the area to be used for the office building shall be less than 25% of the square footage used for such permitted uses.

L. Junk and Scrap Yards including Automobile Disposal

For this use, the following more restrictive provision shall take precedent above all other provisions which may relate to setbacks, screening, etc. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less restrictive than those in applicable state statutes, the state requirements shall prevail.

1. The site shall be a minimum of three (3) acres in size.
2. There shall be a required yard setback of at least one hundred (100) feet from any public street and any lot line. The front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation. Nothing shall be piled, stored or accumulated in any required yard area.
3. A solid fence or wall at least eight (8) feet in height shall be provided along the setback lines of the entire site in order to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
4. All activities shall be confined with the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height.
5. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.
6. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting compressing or packaging shall be conducted within a completely enclosed building
7. Wherever a side or rear lot line of such use abuts residential use or a residential zoning district, the required yard shall be doubled and shall contain plant material, grass, and structural screens to effectively minimize the appearance of the installation

M. Retail Sale of Bio-Fuel

1. Permitted only for biodiesel fuel produced on site as a permitted use

2. Fueling operations restricted to daylight hours only.
3. Storage tanks must be double walled for containment purposes.
4. Storage tank must be surrounded by a security fence.
5. Adequate lighting must be provided.
6. Signage limited to displaying biodiesel pricing as required by state and federal price publication requirements

SECTION 106-75 RECREATION USES

A. Indoor Firing Ranges

1. The indoor firing range shall not be located within:
 - a. 150 feet from residential property
 - b. 150 feet from a park, playground or church.
 - c. 1000 feet from any childcare or educational institution.
2. The building and method of operation shall comply with all applicable state and federal regulations, Michigan Pollution Control Agency, Environmental Protection Agency, and OSHA standards for indoor ventilation, emission into the atmosphere, indoor sound levels, lead containment and outside noise standards.
3. The design and construction of the firing range shall completely confine all ammunition rounds within the building and in a controlled manner. The design and construction of the firing range shall be certified by a registered engineer in the State of Michigan. The certified plans shall include the specifications and construction of the bullet trap(s), ceilings, exterior and interior walls and floors. The certified plans shall state what type and caliber of ammunition the range is designed to totally confine.
 - a. No ammunition shall be used in the range that exceeds the certified design and construction specifications of the firing range.
 - b. Firearms stored on the premises when the range is closed for business shall be stored in an acceptable gun safe or other secure locking device.
4. On-site supervision is always required and must be an adult who is an experienced range operator. The range operator shall be responsible for the conduct of their place of business and the conditions of safety and order in the place of business and on the premises.
 - a. One range officer per each 10 lanes is required.
5. On-site instruction shall be given only by firearms instructors certified within the prior five years by an organization or government entity that has been approved by the Michigan Department of Public Safety. Current certificates for firearms instructors shall be on display in a Conspicuous location in the premises and available for public inspection.
6. Minors shall not be allowed in the range unless always accompanied by an adult. This provision shall not be interpreted to prohibit minors from participating in a firearm safety class which is supervised by an adult instructor.
7. In multi-tenant buildings, the firing range shall be soundproofed to prevent the sound from being heard by persons in adjoining units.
8. No alcohol allowed on premises.
9. Hours of operation are limited to between 8 am and 9 pm.

B. Golf Courses and Driving Ranges

1. Minimum size for properties involved for the use will be forty (40) acres.
2. The principal and accessory buildings, including maintenance sheds, will be set back at least seventy-five (75) feet from all property and street lines.

3. Accessory buildings, structures, and storage areas will be screened on all sides from adjacent residential areas and public street rights-of-way as determined by the Planning Commission.
4. Operational hours for maintenance vehicles, course maintenance, and/or irrigation may be restricted by the approval body to protect nearby Residential Districts.

C. Community Garden

1. No use of pesticides is permitted near residential districts and/or sources of groundwater.
2. All setbacks in the district in which they are located will be observed.

D. Other Outdoor Recreation

Outdoor recreational space for miniature golf courses and other similar recreational activities. Such recreation space shall not impact the traffic visibility within the designated sight triangle. The location, layout, design or operation of the outdoor facility shall not impair the continued enjoyment, use, and future development of nearby properties. The use shall not generate excessive noise, odors, dust, or other impacts. The Planning Commission may specify hours of operation and screening mechanism to assure compatibility with adjacent uses. Any such use shall be subject to site plan review by the Planning Commission

SECTION 106-76 TEMPORARY STRUCTURES AND USES

A. Applicability. Temporary principal or accessory buildings, structures, uses and special events may be permitted, subject to the following conditions:

1. Temporary Construction, Buildings, and Structures/Offices. With the exception of moving/storage pods, temporary buildings and construction structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.
2. Moving pods are allowed without a permit for up to seven (7) days, no more than twice during a calendar year, and must be placed upon a hard surface such as a driveway.
3. No temporary building or structure shall be used for dwelling purposes.
4. The placement of temporary buildings and structures shall be in conformance with the requirements of Article 3 Division 1 Site Plan Review. A building permit shall be issued by the Planning and Zoning Administrator or their designee prior to installation.
5. Temporary buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Planning and Zoning Administrator or their designee for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.

B. General Standards. Seasonal, special events, and temporary uses may be allowed in any district upon issuance of a permit by the Planning and Zoning Administrator or their designee, when meeting the standards listed below:

1. Seasonal and special events may be allowed on any lot with a permitted principal building.
2. Seasonal and special events may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
3. The seasonal or special event must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.

4. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event prior to beginning such seasonal or special event.
5. A minimum of one (1) parking space shall be provided for each eight hundred (800) square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores in [Article 6, Division 3 Parking, Loading, and Access](#).
6. A ASFplan (to scale) shall be provided illustrating:
 - a. Property lines.
 - b. Adjacent uses and zoning districts.
 - c. Existing and proposed buildings and structures.
 - d. Location of any areas for storage such as inventory not being displayed.
 - e. Fire hydrants.
 - f. Layout of parking.
 - g. Boundaries of proposed sales areas.
 - h. Location and size of any proposed sign (off-premise signs shall also be mapped).
7. All equipment, materials, goods, poles, wires, signs, and other items associated with the seasonal or special event shall be removed from the premises within five (5) days of the end of the event. Following the five (5) day period, the City shall use the escrow fee to clear such items from the property.
8. The length of a seasonal or special event shall not exceed four (4) days, except seasonal sales of items such as Christmas trees, pumpkins, and seasonal road side stands which are permitted for up to sixty (60) days. The length of a temporary use shall not exceed three (3) months.
9. Two (2) permits for a seasonal or special event by a single business or property are permitted each calendar year.
10. Special standards for carnivals, circuses, farmer's markets, flea markets, and similar events shall be as follows:
 - a. The Planning and Zoning Administrator shall consider the intensity of the proposed use in relation to adjacent land uses and sufficiency of parking. The Planning and Zoning Administrator may require site improvements, such as fencing, increased setbacks, and restricted hours of operation to help ensure compatibility with surrounding land uses.
 - b. The applicant shall provide information establishing that a reasonable amount of liability insurance coverage is carried, as determined by the City's insurance carrier.
 - c. The sketch plan for the event shall include a description of traffic flow and parking management to ensure safe and efficient traffic operations without creating unreasonable congestion on city streets.
 - d.

C. Review and Approval Procedures, Permit Fees, and Required Escrow for Temporary Uses and Sales Events

1. **Review.** The Planning and Zoning Administrator or their designee shall review and approve requests for temporary use. If the request is denied, the Planning and Zoning Administrator or their designee shall state the reasons for denial in writing and provide a copy to the applicant.
2. **Appeals.** Requests which are denied may be appealed to the Zoning Board of Appeals as described in [Section 106-31 & 32](#)
3. **Use Fee.** The applicant shall pay a nonrefundable permit fee as established by the City Commission.

SECTION 106-77 ADAPTIVE REUSE AND/OR MIXED USE OF EXISTING STRUCTURES

Certain structures, because of unique or peculiar circumstances with regard to location, type or size of building and/or architectural style, may be deemed desirable of preservation by the City of Adrian Planning Commission. Such structures may no longer be useful for the purpose for which they were designed and used because of obsolescence of a previous use, changing land use patterns or changing zoning districts. These buildings may be nonconforming and unable to comply with the existing district regulations in which they lie. Certain uses or combination of uses (mixed uses) for the structure may be compatible and desirable if the proposed adaptive reuse of any existing structure is determined by the Planning Commission to be peculiar or unique and cannot otherwise conform to existing district regulations. The following conditions shall apply to all structures that are redeveloped as an adaptive reuse of an existing structure in any zoning district:

- A. In addition to a site plan required by this ordinance, a development plan shall be submitted to the City Engineering Department. At least four (4) copies of the development plan shall be submitted with the site plan or may be a part of the site plan. The development plan shall clearly show to scale the following:
 - 1. The building floor plan for all floor elevations and the proposed use of each floor.
 - 2. The proposed use for each portion of floor in the case of a mixed use.
 - 3. The location of all walls.
 - 4. An identification of the proposed use of each room.
 - 5. The location of all utilities, including electrical, heating, cooling and plumbing.
 - 6. The total square footage of the proposed project. In the case of projects involving multiple buildings the total square footage of each building shall be submitted. Square footage of each portion of floor proposed for use in mixed use developments shall also be submitted.
 - 7. The location of all doors and windows, existing and proposed.
 - 8. The location of all parking areas including the number of parking spaces.
 - 9. Recent color photographs of all sides of the structures shall be submitted with site plan and kept by the City Building Inspection Department in the development plan file.
- B. The structure shall not be enlarged nor shall its exterior be altered so that it is more out of character with surrounding buildings or uses or with those buildings or uses found in the City if vacant land is predominant in the surrounding areas.
- C. No other principal building or structure shall be constructed except that an accessory building may be allowed provided that:
 - 1. the building is located on the same parcel of land
 - 2. the building does not involve the conduct of any additional business
 - 3. If the accessory building is proposed for construction after the development plan has been approved, the development plan must be amended and approved in writing by the Building Inspector. The Building Inspector shall forward such changes to the Planning Commission for its recommendation prior to taking final action by the Planning Commission.

- D. A structure determined by the Planning Commission to have historic significance due to unique architecture, age, or culture and to be capable of preservation to the exterior shall be preserved and maintained to its current or historic style and condition, whenever possible.
- E. Parking shall be provided according to the regulations of the district that the proposed use most closely resembles. In the case of mixed uses, parking requirements from the district that each is most closely associated with shall apply for each use separately
- F. Prior to the issuance of a conditional use permit by the Planning Commission, the applicant shall submit supporting documents demonstrating compliance with the following requirements and the Planning Commission shall review the redevelopment project and determine that project meets the following requirements:
 - 1. Will be harmonious with and in accordance with the general objectives, intent, and purpose of this ordinance.
 - 2. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
 - 3. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures and refuse disposal. Alternatively, the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
 - 4. Will not be hazardous or disturbing to existing or future neighboring uses.
 - 5. Will not create excessive additional requirements at public cost for public facilities and services.
- G. Any change in use for any floor or portion of floor shall require that the development plan be amended and approved by the Planning Commission.

Article 6: Development Standards

Division 1 Site Design and Lot Configuration

SECTION 106-78 SITE DESIGN

A. Building Grades

All new buildings and structures constructed on vacant lots adjacent to and in between existing buildings shall be constructed at the elevation of the average grade unless otherwise approved by the Planning and Zoning Administrator. New grades shall not be established that would permit an increase in the runoff or surface water onto adjacent properties.

B. Intersection Visibility

1. Clear Vision. No fence, wall, sign, hedge, screen, or any planting shall be erected or maintained to obstruct vision between a height of two (2) feet and eight (8) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection of the right-of-way lines. If the road is an access drive, these dimensions shall be measured from the pavement edge.
2. The two (2) foot and eight (8) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lies between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty-five (25) feet from the intersection of the right-of-way lines.

C. Private Road and Street Standards

1. The City will allow private roads only when demonstrating that a public road is not practical in the circumstances. The regulations for private roads contained herein shall not apply to approved private roads within platted subdivisions regulated by [Chapter 78 Subdivisions](#) of the City Adrian Code of Ordinances, as amended, or internal access drives to parking within approved site plans for multiple-unit developments or commercial access drives.
2. Private roads are reviewed and approved by the City Commission after a recommendation from the Planning Commission. Documentation accepted by the City Commission, must support that the property is of unusual configuration and/or topography which would render construction of public streets under City standards for grades, radii, width, and/or materials impractical.
3. An easement for private road access shall be provided of not less than fifty-five (55) feet in width for roads and utilities. This easement shall be recorded with the Lenawee County Register of Deeds office and a copy of the recorded easement provided to the Planning and Zoning Administrator.
4. Any lot gaining access from a private road shall have at least the minimum lot frontage required herein for the zoning district in which the lot is located. The frontage for the lot shall be measured at the point between the lot lines designated by the Planning and Zoning Administrator as the side lot lines.
5. Any lot created on a private road, along with accompanying buildings, shall comply with all site development standards applicable to the zoning district in which it is located. The easement for the private road shall not be included in the minimum lot width and lot area requirements.
6. The maximum length of any private road cul-de-sac shall not exceed the City standard for public roads. Cul-de-sacs shall provide a seventy-five (75) foot radius right-of-way and a fifty (50) foot radius roadway surface. T-Type turnaround areas are not permitted.

7. The minimum roadway width of any private road shall be at least twenty-four (24) feet, exclusive of curb, gutter or gravel shoulder
8. The surface and base material shall consist of four (4) inches of hot mix asphalt, applied in two (2) lifts; a 2.5-inch base course and a 1.5-inch top course. Mix design and binder requirements shall be consistent with current approved Michigan Department of Transportation (MDOT) standards. In lieu of hot mix asphalt, seven (7) inches of MDOT P1 concrete, or an approved equivalent, may be used. Construction of any private road shall be approved by the City Engineer and City of Adrian Fire Department as being sufficient to accommodate emergency vehicles.
9. MDOT F4 curb shall be used. The Director of Engineering Services or their designee may approve open ditch drainage in lieu of curb and gutter if they determine that approach is reasonable.
10. Ditching shall observe a minimum grade of one half of one percent (0.5%). Grades of less than four percent (4.0%) shall be stabilized with riprap. Front and back slopes shall be one (1) on four (4) or flatter.
11. Roadway grades shall observe a minimum of one half of one percent (0.5%) and a maximum of six percent (6.0%). Roadway curves shall observe a vertical minimum of 100 feet long for changes in gradient of 2% or more and a horizontal minimum 100 ft – 175 ft. The plan must demonstrate adequate fire apparatus turning movements, must demonstrate adequate sight stopping distance per MDOT standards, and indicate “No Parking” within 50 ft of curve on the inside radius.
12. Issuance of a building permit for the placement of buildings/structures on lots and/or parcels on a private road shall not be considered a guarantee or warranty that adequate access exists to the lot for emergency vehicles. The City assumes no responsibility for the maintenance of or improvements to private roads.
13. The applicant shall submit a joint maintenance agreement or master deed in recordable form that runs with the land, binds benefiting parcels, and allows the City to make any repairs or conduct any maintenance it deems necessary and charge the property owners or homeowners association served by the private road for such service.
14. The applicant shall provide a recorded statement running with the land informing purchasers of lots accessed by the private road that the access road is private.

D. Sidewalks

Any development shall provide pedestrian pathways meeting the following requirements:

1. General. Unless otherwise permitted by this Ordinance, sidewalks, bike paths, and walkways shall be installed by the developer or property owner within the dedicated street right-of-way or private road access easement. A special easement may be provided where grades or other factors prevent placement within the right-of-way or access easement.
2. Crosswalk pavement markings and signs may be required in areas of potential vehicular and pedestrian conflict.
3. Sidewalks. Sidewalks shall be required on both sides of a street or road.
 - i. All sidewalks shall be a minimum five (5) feet wide and constructed of concrete to the specifications of the American Society of Highway and Transportation Officials (ASHTO).
 - ii. Sidewalks abutting parking areas shall be a minimum of seven (7) feet wide to accommodate vehicle overhang.
4. Non-motorized pathways. Non-motorized pathways such as bike paths and multi-use paths shall be at least eight (8) feet wide and constructed of concrete or asphalt in accordance with the specifications of the ASHTO.

5. Pathways from the Sidewalk to Building Entrances
 - i. A pedestrian pathway system shall be provided within each site with connections to any adjacent street sidewalk to building entrances.
 - ii. Landscaping shall be provided for the pedestrian pathway system in accordance with this Ordinance
 - iii. Pathways shall be connected to adjacent sites wherever practical and to other pedestrian systems.
6. Pathways from Parking Areas to Building Entrances
 - iv. Internal pedestrian pathways shall be developed for persons who need access to the building(s) from internal parking areas. The pathway shall be designed to provide safe, guided access from these areas to the entrances of the building(s).
 - v. The pathway shall be designed to separate people from moving vehicles as far as feasible.
 - vi. The pathway system shall provide for barrier-free access.

E. Stormwater Management and Low Impact Design Requirements

1. Generally

- a. Stormwater drainage created in excess of natural or existing conditions shall be retained or detained on site. This provision may require stormwater retention or detention ponds where appropriate and the use of low impact development techniques such as rain gardens, green roofs, bioswales, pervious pavement, and native, non-invasive landscaping.
- b. Stormwater management efforts shall be consistent with the rules of the Lenawee County Drain Commissioner's office.
- c. In the case of conflicting regulations, between the City zoning ordinance and the Lenawee County Stormwater and Erosion Control Policy, the more stringent of the two shall apply. Written approval from the Michigan Department of Transportation (MDOT) shall be required for an additional site run-off directed into a state right-of-way ditch.

2. Low Impact Development.

- a. Sites shall incorporate at least one of the following elements to improve on-site stormwater and dry weather runoff capture and use:
 - i. Grade impervious surfaces, such as driveways and pedestrian paths, during construction to drain to vegetated areas.
 - ii. Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.
 - iii. Incorporate pervious surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) to minimize runoff.
 - iv. Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.
 - v. Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
 - vi. Incorporate infiltration beds, swales, basins and drywells to capture stormwater and dry weather runoff and increase percolation into the soil.
 - vii. Utilize constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.
- b. Sustainability Dimensional Incentives.

- i. A residential development that incorporates at least 3 of the following features may increase the height of the development by 10%.
- ii. A commercial development that incorporates at least three of the following features may either increase the height of the development, increase building size by 10%, or reduce setbacks by 15% as determined appropriate by the Planning and Zoning Administrator.

Table 106-78-1 Permitted Residential Sustainability Features

Low Impact Development		Renewable Energy	
Permeable Pavement	A	Solar Panels	A
Additional Canopy Trees	A	Solar Arrays	C
Buffering around natural resources	A	Solar Parking Lot Lighting	A
Blue Roofs	A	Solar Water Heaters	A
Berms	A	Geothermal Energy	A
Green Roofs	C	Accessory Wind Energy	C
Native Landscaping	A	Water Harvesting	
Bioswales	A	Grey Water Systems	A
Rain Gardens	A	Rain Barrels	A
Stormwater Vaults	C	Cisterns	A
A= Permitted in all zones C=Permitted in Commercial and Industrial zones only			

SECTION 106-79 STREET ACCESS AND DESIGN

- Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way, at least sixty (60) feet in width, unless a private road frontage has been provided.
- A building permit shall not be issued for the construction of any principal building unless said lot has the minimum frontage required on a public or private street
- Any Private Street shall not be accepted by the City of Adrian for maintenance in any form and shall have a thirty-three (33) foot right-of-way with a minimum twenty (20) foot paved width. Private streets shall be constructed to public street structural standard detail. Curb is optional.
- Driveway approaches shall require a right of way permit and be in accordance with the standards of the City's Engineering Services Department.
- Access driveways shall be surfaced with a durable pavement having an asphalt or cement binder, except driveways accessing single-family residential lots may be constructed of compacted gravel.
- All street access shall meet the standards of Section 106-87 Access Management and Driveways.

SECTION 106-80 LOTS

A. Lot Area Allocation

- No portion of a lot can be used more than once for determining compliance with the provisions for lot area and yard dimensions for construction or alteration of buildings.

2. No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot, adjacent lots in common ownership, required yard, parking area, or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.

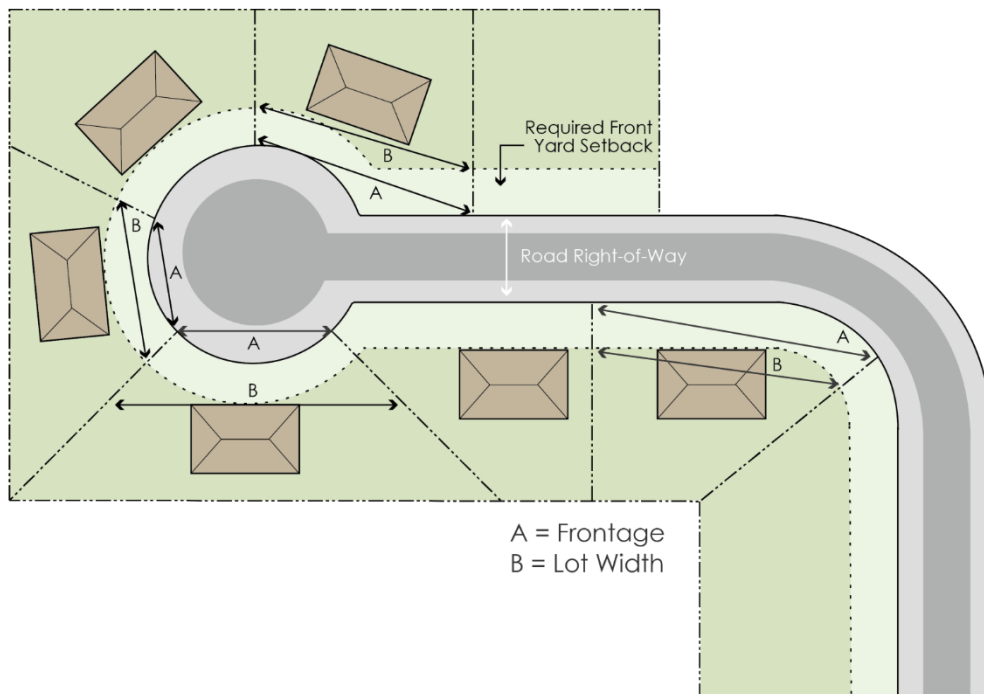
B. Lot Width/Depth Ratio

Lots created after the effective date of this Ordinance having a lot area of less than ten (10) acres shall have a lot width which is equal to, or greater than, one fourth ($1/4$) the depth of the lot.

C. Yard Requirements

1. Front yard requirements along rights-of-way shall be measured from the public road right-of-way line, private road access easement line, or the curb of any access road, drive, or internal driveway where no right-of-way or easement exists.

Figure 106-80-1 Lot Configuration



2. Corner lots and through lots in all zoning districts must provide the required front yard setback on each side of the lot which abuts a public street, private road, or access drive.
3. All references to front yard requirements include the exterior side yard of corner lots unless otherwise noted.
4. On curvilinear streets, the minimum front yard setback is measured tangentially to a curve parallel to the front lot line.
5. Variation in Front Yard.

- a. In any block in which seventy (70) percent of the lots have front yards that are less than required by the existing zoning, the setback on any remaining vacant lots is permitted to the average yard of the existing improved lots.
- b. In any block in which seventy (70) percent of the lots have front yards that are more than required by the existing zoning, the setback on any remaining lot is required to meet the average yard of the existing improved lots.

D. Grading, Excavation, Filling, Soil Removal, Creation of Ponds, and Clearing of Trees

1. The grading, excavation, filling, soil removal, creation of ponds, or clearing of trees within an area of less than one hundred (100) square feet, shall be permitted activities on any lot provided such activity is incidental to the uses on the lot and in accordance with applicable county and state regulations. Properties within the Floodplain Zone must obtain permission from the State of Michigan to conduct any construction on a property in the Floodplain Zone.
2. Grading, excavation, filling, soil removal, creation of ponds, or tree clearing within an area over one hundred (100) square feet, on a one-time basis, on properties NOT in the Floodplain Zone, may be permitted after review and approval of a ASF plan by the Planning and Zoning Administrator in accordance with [Article 3, Division 1: Site Plan Review](#) and with applicable county and state regulations.
3. Excavation and site preparation for building foundations is excepted from the excavating provisions of this Ordinance provided that such work is considered incidental to building construction and all necessary permits have been obtained.
4. Excavation required for swimming pools is excepted from excavating provisions of this Ordinance provided that all necessary permits are obtained and the pool is completely constructed within six (6) months of the excavation.
5. Any clearing of trees of over one-hundred (100) square feet on lots prior to site plan approval in accordance with [Article 3, Division 1: Site Plan Review](#) shall be prohibited.

E. Height Exceptions and Limitations

The building height restrictions of all zoning districts shall not apply to the following: parapet walls and cornices not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, belfries, cupolas, domes, ornamental towers, and penthouses or roof structures housing necessary mechanical appurtenances.

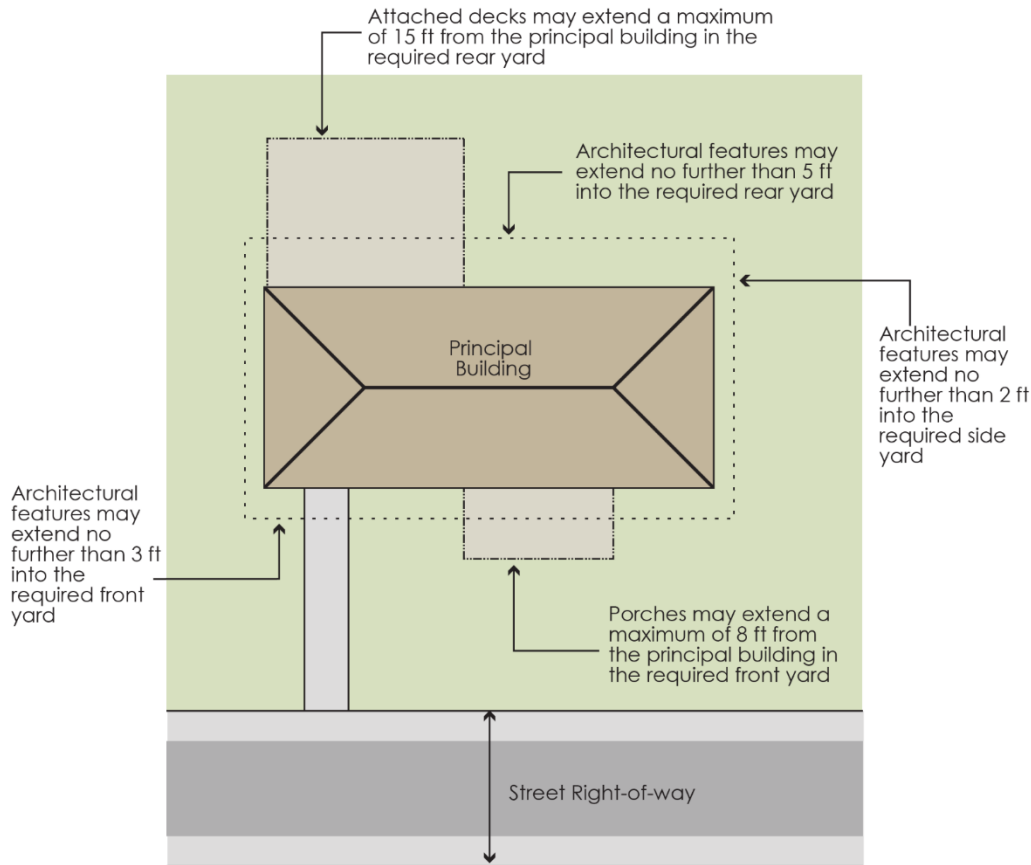
The height of structures may exceed the maximum required for planned development of twenty (20) acres or more in area provided that all yards shall be increased at least one (1) foot in depth for each additional one (1) foot of building height above the maximum permitted.

F. Projections into Yards (See also [Figure 106-71-1 Accessory Buildings and Structures Location Standards](#))

1. Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project no farther than:
 - a. Three (3) feet into a required front yard.
 - b. Five (5) feet into a required rear yard.
 - c. Two (2) feet into a required side yard.
2. Projection of building appurtenances such as unenclosed porches, patios, decks, balconies, stoops, window awnings, or similar features that are elevated six (6) inches or more above grade, into a required side yard shall be prohibited. An unenclosed porch, patio, deck, stoop, balcony, or window awning may project no farther than:
 - a. Eight (8) feet into a required front yard.
 - b. Maximum of 33% into required rear yard setback.

- c. Five (5) feet into the right-of-way in the B-3A if such feature is located at least eight (8) feet above ground level.
3. At-grade patios may extend into required side and rear yards but must meet the accessory structure setback.

Figure 106-80-2 Projections



SECTION 106-81 LOT COVERAGE

A. Impervious Surface Coverage

1. Applicability. Impervious surface coverage is a measure of intensity of land use that represents the portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water.
2. Calculation. Impervious surface coverage is calculated as the percentage of all impervious surface area of the total area of the lot.
 - a. If permeable pavers are used, such paving is not included in the calculation of impervious surface for up to 20% of total paved surface used in the coverage calculation, provided acceptable installation techniques are applied as determined by the Planning and Zoning Administrator.
3. Incentives. The following impervious surface coverage bonus is allotted if green roofs are installed:
 - a. Any green roof with a minimum of three inches and a maximum of six inches of growing media and a slope of zero to 12% may be used as an impervious surface bonus on a 2:1 basis. For example, every two square feet of green roof counts as one square foot when calculating impervious surface.
 - b. Any green roof with a minimum of three inches and a maximum of six inches of growing media and a slope greater than 12% may be used as an impervious

surface bonus on a 3:1 basis. For example, every three-square feet of green roof counts as one square foot when calculating impervious surface.

- c. In order to be eligible, all green roofs must be designed by a licensed landscape architect or equivalent licensed design professional, and constructed and maintained in accordance with the International Code Council's (ICC) "Green Construction Code," "ANSI/SPRI VF-1 External Fire Design Standard for Vegetative Roofs" (January 2010) and "ANSI RP12 Wind Uplift Design Standard for Green Roofs" (July 2010), as amended from time to time.
- d. To maintain credit, all green roofs must be watered, weeded, and otherwise maintained in accordance with industry best practices.

Division 2 Building Design Standards

SECTION 106-82 GENERALLY

A. Purpose

The purpose of this section is to advance the interest of public health, safety and general welfare as related to the exterior of buildings by:

1. Stabilizing and reinforcing property values to protect private and public investment, reverse area decline, and upgrade building quality.
2. Promoting the renovation of existing buildings and neighborhoods in order to preserve and reinforce their natural, historic, cultural, social and architectural qualities.
3. Encouraging the enhancement and maintenance of the economic vitality and character of the city.
4. Ensuring that new projects are compatible with the character of the surrounding area.

B. Standards

The Planning and Zoning Administrator or their designee shall determine whether the standards of this section are met and shall have discretion to forward the matter to the Planning Commission for final determination.

C. Existing Sites

Existing buildings and structures undergoing alteration, change in use or expansion shall be brought into reasonable compliance with the minimum standards of this section.

D. Waiver

The Planning Commission may waive the requirements of this subsection if it finds that a proposed building design is in keeping with the intent of this section and the recommendations of the comprehensive plan and meets all of the following conditions:

1. It is determined to not be grossly dissimilar in exterior design and appearance to nearby buildings and it does not adversely affect property values in the surrounding area.
2. It does not adversely affect the desirability of immediate and neighboring areas.
3. It does not impair the stability of the area or prevent the most appropriate use and development of real estate.
4. It does not adversely affect the public health, safety, comfort and welfare of the citizens of the city.
5. A structure may be determined to be compatible in design and appearance to other structures in the context in which it is to be located, even if it does not comply with the above criteria, if it has other design features that make it harmonious with other structures or improve the character of the area in which it is located.

SECTION 106-83 RESIDENTIAL DESIGN STANDARDS

A. Generally

The general standards in this section apply to all residential buildings and houses converted to non-residential uses in the R-O District. Use Specific standards are described in detail within this section.

1. Fenestration. The primary facade shall have no less than twenty-five percent (25%) of the total facade comprised of windows and doorways. First-story windows shall be equal to or taller than second-story windows.
2. Facade articulation. Blank walls over thirty (30) feet in length are not permitted.
3. Front Porch or Stoop.
 - a. Front porches and stoops shall not extend into the public right-of-way.
 - b. Front porches shall be open to the air and may only be enclosed into a room of the dwelling if the entire porch is behind the front yard minimum setback line.
4. Permitted Building Materials.
 - a. Primary Facade.
 - i. Brick (natural, glazed)
 - ii. Stone (natural, synthetic)
 - iii. Engineered or Fiber Cement Board Siding (e.g. Hardie Panel or LP SmartSide) Wood Siding (natural, composite)
 - iv. Wood Siding (natural, composite)
 - v. Vinyl Siding
 - b. Secondary Facade and up to fifty percent (50%) of primary facade
 - i. Stucco (traditional cementitious, EIFS)
 - ii. Architectural Metal Panel (insulated, composite)
5. Utility Services. Services and utility hookups shall not be visible from the primary street frontage.
6. Garage and Parking.
 - a. Driveways and parking areas shall be setback at least five (5) feet from the side or rear lot lines.
 - b. An attached garage shall not project more than six (6) feet forward of the dwelling portion of the home and shall not occupy more than sixty percent (40%) of the front building facade.

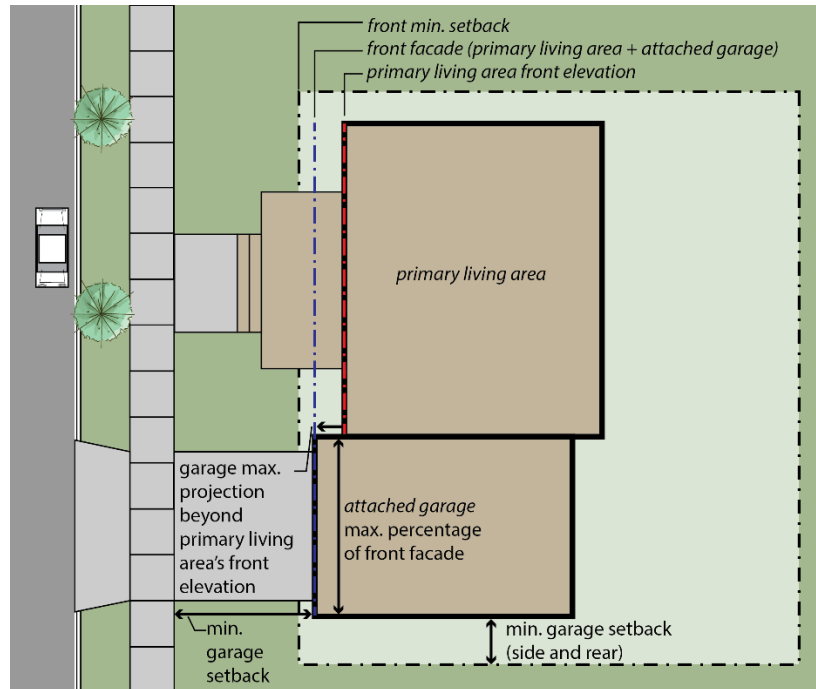


Figure 106-83-1 Attached Garages

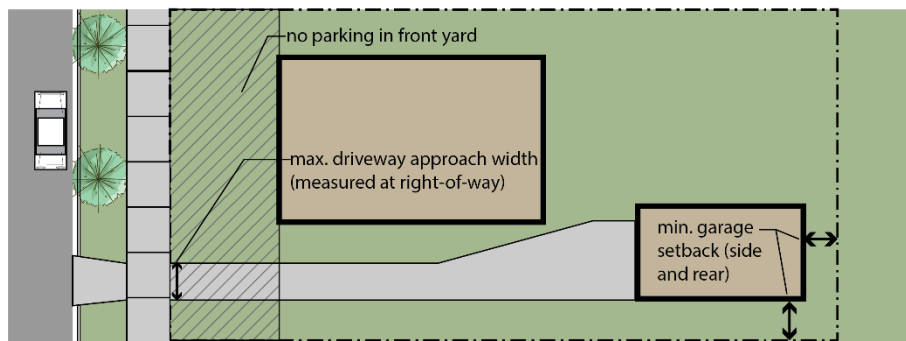


Figure 106-83-2 Detached Garages

B. Single Unit Detached

1. Building Entrance Orientation

- a. Garages, carports, and overhead doors may not apply as the primary entrance.
- b. The following standards apply to R-1 only:
 - i. All buildings shall provide at least one primary entrance facing the front lot line. A door may face a side lot line when the porch or stoop faces the front lot line.
 - ii. A walkway must extend from each dwelling primary entry to the sidewalk if sidewalk exists. If no sidewalk exists, a walkway shall extend to the driveway.
 - iii. All buildings shall include a stoop, porch, or portico.

2. Parking Access and Location

- a. Driveways may be next to the building.
- b. Parking may be provided on a driveway, garage, or carport in the rear or side yard.

- c. Parking areas shall not be in any required front or side street yard, except in the case of a dwelling with a driveway leading to a garage or parking area the drive may be used for parking.
- d. Multiple driveway entrances off the street or alley are prohibited.
- e. The following standards apply to R-1 only:
 - i. The driveway width shall be less than 50% of the front yard area.
 - ii. The maximum driveway width shall be 24 feet measured at the right of way.
 - iii. Garage may be located no closer to the front property line than the garages of dwellings typically found in the surrounding neighborhood.
- 3. Size: Within the R-1 and R-2 each dwelling unit must be no less than 600 square feet for the primary dwelling.

Figure 106-83-3 Single Unit Detached Building



C. Attached 2-4 Units (Duplex, Triplex, Fourplex)

1. Building Form.

The Attached 2-4 unit building type consists of structures that contain between two and four dwelling units stacked or placed side by side with each unit having access directly to the street. This type has the appearance of a medium-sized family home and is scaled to fit within traditional 'single-family' neighborhoods.

2. Building Entrance Orientation

- a. All buildings shall provide at least one pedestrian door facing the front lot line. Additional attached units may have doors on the side.
- b. Garages, carports, and overhead doors may not apply as the primary entrance.
- c. A walkway must extend from each dwelling primary entry to the sidewalk.
- d. A porch or stoop is required.

3. Parking Access and Location

- a. Driveways may be located adjacent to the building.
- b. Parking may be provided on-street or on a driveway, garage, or carport in the rear or side yard.
- c. The garage may be located no closer to the front property line than the garages of dwellings typically found in the surrounding neighborhood.
- d. Parking areas shall not be in any required front or side street yard, except in the case of a dwelling with a driveway leading to a garage or parking area the drive may be used for parking.

- e. Driveways and parking areas shall be setback at least five (5) feet from the side or rear lot lines.
- f. The driveway should be less than 50% of the front yard area.
- 4. Size: Within the R-1 and R-2 each dwelling unit must be no less than 600 square feet for the primary dwelling.

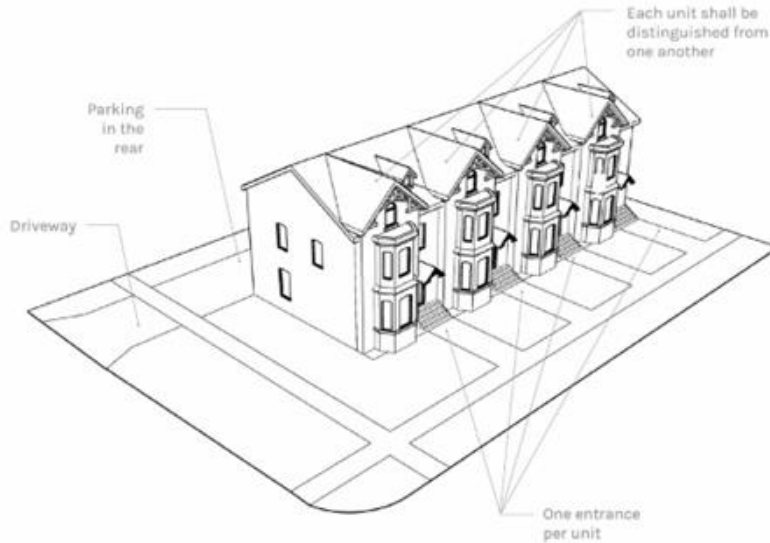
Figure 106-83-4 Attached Residential Building



D. Townhouses

1. Building Form. The Townhouse building type consists of structures that contain three or more dwellings joined by a party wall. Townhouses are typically narrow, 2-3 story residential buildings with each unit having access directly to the street. (see Figure 106-83-5)
2. Building Entrance Orientation.
 - a. Each dwelling shall provide a separate pedestrian entryway facing the front lot line with direct access to the sidewalk by way of a front porch or stoop with steps.
 - b. Primary entry for each unit or separated occupancy must face onto and connect to the primary street. The corner unit may face the secondary street. Secondary entries permitted from the side or rear.
3. Parking Access and Location.
 - a. Garages or carports must be accessed from the rear yard via an alley.
 - b. Parking may be provided on a driveway, garage, or carport located in the rear yard.
4. Articulation. Adjoined dwelling units shall be distinguishable through a change in plane, change in material, or architectural expression.
5. Size: Within the R-1 and R-2 each dwelling unit must be no less than 600 square feet for the primary dwelling.

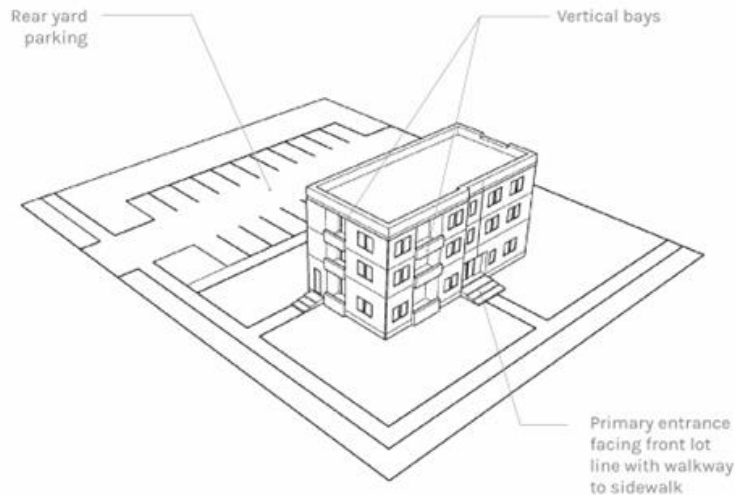
Figure 106-83-5 Townhouses



E. Flats

1. Description. This building type consists of multiple dwelling units placed side by side or stacked, typically with one shared entry. (see Figure 103-83-6)
2. Building Entrance Orientation
 - a. All buildings shall provide at least one pedestrian door facing the front lot line.
 - b. Secondary entries permitted from the side or rear.
3. Parking Access and Location
 - a. Building integrated parking permitted in rear of building.
 - b. Off-street parking shall be in rear yard.
 - c. Masonry screen wall required between parking and property line
 - d. Driveways must be in the side or rear yard.
4. Articulation. Employ vertical bays- through change in material, transparency, or plane- to distinguish building entrance, dwelling units, or unit layouts.

Figure 106-83-6 Flats



F. Cottage Courts

1. Description. Cottage courts are a grouping of small, single-family dwelling units clustered around a common area and developed with a coherent plan for the entire site. (see Figure 106-83-7)
2. Purpose. The purpose of Cottage Courts is to:
 - a. Provide a housing type that responds to changing household sizes, ages and financial security (e.g., retirees, small families, single-person households, young professional);
 - b. Provide opportunities for ownership of small, detached units within a neighborhood;
 - c. Encourage creation of more shared usable space for residents of the development through flexibility in density and lot standards;
 - d. Contribute to a strong sense of community through cluster arrangement;
 - e. Provide guidelines to ensure compatibility with surrounding uses; and
 - f. Allow for residential development in areas with environmental constraints like floodplains and woodlands.
3. Accessory dwelling units. Accessory dwelling units (ADUs) shall not be permitted in cottage cluster developments.
4. House Site Arrangement.
 - a. Cottage courts shall contain a minimum of four cottages, with a maximum of 12 cottages per grouping. A development may contain multiple groupings.
 - b. Groups of cottages shall be arranged on at least two sides of a common open space, or a configuration as otherwise approved by the Planning Commission.
 - c. On a lot to be used for a cottage court, existing detached residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
5. Floor Area.
 - a. The maximum first floor area is 1000 square feet.

- b. The total floor area of each cottage shall not exceed either one and one-half times the area of the main level or 1,200 square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than 12 feet above finished grade, or below the main level, shall be limited to no more than 50 percent of the enclosed space of the main level, or 400 square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space but shall not apply to attic or crawl spaces (less than six feet in height).
 - c. Attached garages shall be included in the calculation of total floor area.
 - d. Areas that do not count as total floor area are:
 - i. Unheated storage space located under the main floor of the cottage.
 - ii. Attached roofed porches.
 - iii. Detached garages or carports.
 - iv. Spaces with the ceiling height of six feet or less measured to the exterior walls, such as a second-floor area under the slope of a roof.
 - e. The total square foot area of a cottage dwelling unit may not be increased under any circumstance.
- 6. Required Open Space.
 - a. Quantity of Open Space. A minimum of 400 square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:
 - b. A minimum of 200 square feet per unit shall be private usable open space (setbacks and common open space shall not be counted as private open space); and
 - c. A minimum of 150 square feet per dwelling unit shall be provided as common open space. (Setbacks and private open space shall not be counted as common open space.)
 - d. Setbacks, stormwater management facilities, parking areas, buffers, and driveways do not qualify as open space area.
 - e. Each house shall abut its private open space. A fence or hedge not to exceed three feet may separate private open space from common open space.
 - f. Private usable open space shall be provided in one contiguous area with a minimum area of 200 square feet. No horizontal dimension of the open space shall be less than 10 feet and shall be oriented toward the common open space, as much as possible.
 - g. Required common open space shall be provided at ground level in one contiguous parcel. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two sides.
 - h. The minimum horizontal dimension for common open space shall be 10 feet.
- 7. Building Entrance Orientation.
 - a. Primary entry shall be oriented towards the common open space area.
 - b. Sidewalk connections shall be provided from primary entrances to sidewalks.
 - c. Covered front porches are required with a minimum area of 60 square feet with a minimum dimension of six feet on any side.
 - d. Secondary entrances facing a street or sidewalk shall have a five-foot by five-foot porch.
 - e. Five-foot-wide pedestrian pathways (sidewalks) must be included to provide for movement of residents and guests from parking areas to homes and other amenities.
- 8. Building Design.
 - a. Separation of Identical Building Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different

elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors.

- b. Variety in Building Design. A variety of building elements and treatments of cottages and garage or carport must be incorporated. Structures must include articulation, change in materials or texture, windows, or other architectural feature as shown in the city's design standards. No blank walls are allowed.

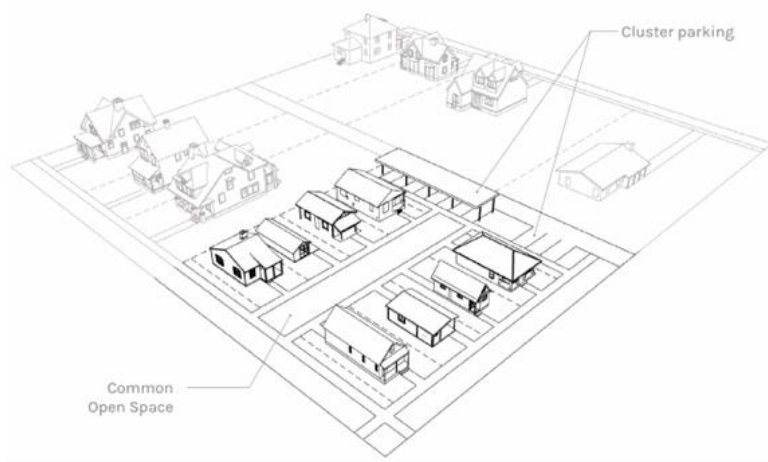
9. Parking.

- a. Shall be located on the cottage court development property.
- b. Shall be located in clusters of not more than five adjoining spaces.
- c. Shall be screened from public streets and adjacent residential uses by landscaping or architectural screening.
- d. Shall not be located in the front yard.
- e. Parking is allowed between or adjacent to structures only when it is located toward the rear of the principal structure and is served by an alley or private driveway.
- f. Off-street parking requirements are as follows:
 - i. Units under 700 square feet: one space per unit;
 - ii. Units between 700 and 1,200 square feet: one and one-half spaces per unit
- g. At least one parking stall per dwelling will be enclosed or covered.
- h. Access to parking shall be from a private drive that is accessible from a public road. The private drive must meet the city's engineering design and development standards.
- i. Covered parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the residential character along public streets.
- j. The design of detached garages must be similar and compatible to those of the dwelling units within the development.
- k. Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which precludes the use of the parking spaces for vehicles is prohibited.
- l. The design of carports must include rooflines similar and compatible to those of the dwelling units within the development.

10. Screening Requirements.

- a. Boundaries between cottages and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.
- b. Trash and outdoor storage receptacles shall not be placed in the front yard setback area.
- c. Common trash and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public rights-of-way.

Figure 106-83-7 Cottage Courts



G. Manufactured housing units

1. Any manufactured home intended for habitation outside a manufactured housing development must be certified by the manufacturer and/or appropriate inspection agency as meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development:
2. The unit must be inspected prior to a certificate of occupancy by the Planning and Zoning Administrator or their designee.
3. The wheels and tongue shall be removed.
4. The unit shall be installed according to the manufacturer's instructions and shall be secured to a permanent, continuous foundation constructed on the building site. The foundation must have a wall of the same perimeter dimensions as the dwelling unit and be constructed of such materials and type as required by the building code for on-site constructed single-unit dwellings.
5. The foundation and skirting, if above grade, shall fully enclose the chassis, undercarriage, and towing mechanism.
6. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first-floor entry of the dwelling unit and the adjacent grade.
7. The main roof of the dwelling unit shall have a minimum pitch of four (4) feet of rise for each twelve (12) feet of horizontal run.
8. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy, and other similar codes adopted by the City.
9. Where federal or state standards are stricter than those imposed by City codes, then those regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Planning and Zoning Administrator.

SECTION 106-84 COMMERCIAL/MIXED-USE BUILDING DESIGN STANDARDS

The following building design standards apply to commercial or mixed-use buildings in the B-1, B-2, B-3, R-O, O-S, and R-3 districts. Additional building design standards for B-3A are located in Section 106-57 B-3A Downtown Core District.

A. Facade Articulation.

1. Blank walls over thirty (30) feet in length are not permitted.

2. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building in the area, such as awnings, cornice work, edge detailing or decorative finish materials.
3. Ground floors shall be differentiated from the floors above by a horizontal expression line such as a string course, change in material or textures, awnings or canopies, or sign band.

B. Permitted Building Materials.

1. Primary Facade.
 - a. Glass and aluminum curtainwall
 - b. Brick (natural, glazed)
 - c. Stone (natural, synthetic)
 - d. Concrete (precast, cast-in-place)
2. Secondary Facade and up to fifty percent (50%) of Primary Facade.
 - a. Architectural Metal Panel (insulated, composite)
 - b. Terra Cotta Tile (glazed)

C. Building Entrance Orientation.

1. All buildings shall provide at least one pedestrian door facing the front lot line.
2. Secondary entries are permitted from the side or rear.

D. Utility Service.

Services and utility hookups shall not be visible from primary or secondary street frontage.

E. Parking.

1. Parking areas will be designed to ensure safe and efficient pedestrian circulation over the entire site.
2. Surface parking is not permitted between a front building facade and a street right-of-way.
3. Also see [Section 106-86 Residential Parking](#).

F. Additional R-O District Standards.

In the R-O district, houses converted to nonresidential uses shall also meet the building design requirements of [Section 106-83 General Residential Design Standards](#)

Division 3 Parking, Loading, and Access

SECTION 106-85 INTENT

The purpose of this Article is to:

1. Ensure adequate and well-designed parking and loading areas are provided in all districts at the time of erection, enlargement or change in use, of any principal building or lot.
2. Set standards for the design, maintenance, and operation of off-street parking and loading areas to further their efficient use.
3. Promote public safety and improve pedestrian navigation through parking and loading areas.
4. Improve stormwater management of these impervious areas within the site where feasible.

SECTION 106-86 OFF-STREET PARKING

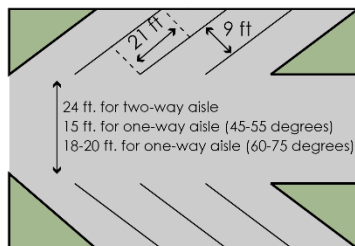
A. Generally

1. **Off-street parking spaces**, in conjunction with all land or building uses, shall be provided before the issuance of a certificate of occupancy.
2. **Dimensions.** All parking lots shall be striped and maintained showing individual parking bays, using the following dimensions:

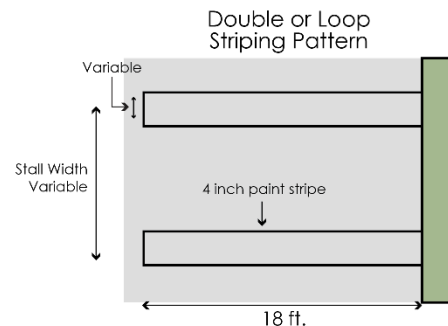
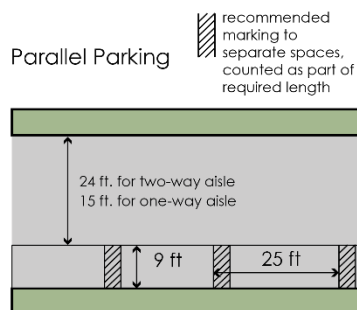
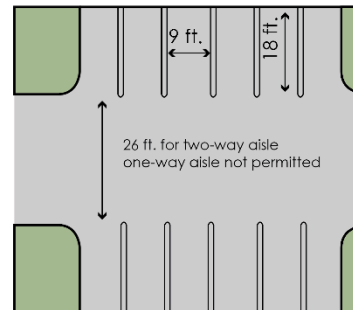
Table 106-86-1 Off-Street Parking Dimensions

Parking Pattern	Drive Lane Width	Parking Space Dimensions (ft)	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (Parallel Parking)	12 feet	9 X 25	20 feet	28 feet
30° (Diagonal)	11 feet	9 x 21	29 feet	47 feet
31° to 53° (Diagonal)	13 feet	9 x 21	33.5 feet	54 feet
54° to 74° (Diagonal)	18 feet	9 x 21	40 feet	62 feet
75° to 90° (Diagonal)	24 feet	9 x 18	44 feet	64 feet

45 - 75 Degree Pattern



80 - 90 Degree Pattern



3. **Parking Lot Marking.** All parking spaces must be marked with stripes three (3) to four (4) inches wide.
4. **Walkways.** In accordance with [Section 106-78-D, Sidewalks](#), walkways shall be located within the parking areas and provide access to the entrances of the building(s).
5. **Residential Parking**
 - a. Residential off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the same lot as the primary structure.
 - b. No parking shall be permitted in required front yards on a regular basis or on lawns, landscaped boulevard, sidewalks, or other unpaved areas on residential lots.
 - c. A minimum five (5) feet wide landscape buffer shall be required between the edge of parking area pavement and all property lines to provide adequate room for privacy screening and stormwater management.
 - d. Commercial and recreational vehicle parking in residential districts shall comply with the standards described in Section C (below).
 - e. Carports and Garage entrances facing the front yard shall be setback twenty (20) feet from the public right-of-way.
6. **Non-Residential Parking Location**

Off-street parking for R-3, B-2, B-3B, office and industrial districts and non-residential uses shall be either on the same lot or within lots under the same ownership and control within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building or use entrance to the nearest point of the off-street parking lot, except as otherwise permitted.

 - a. In all non-residential districts, parking is only permitted in the side or rear yard. In the B-1 District, no more than 25% of the parking may be in a side yard.
 - b. In B-2 one double-loaded bay of parking is permitted in the front yard between a building facade and the right of way.
 - c. Buildings located in the B-3A district are excluded from this parking requirement.
 - d. No off-street parking in the B-1 or B-3 districts may be between the front building facade and the public right of way.
 - e. Within the B-1 District, off-street parking shall be either on the same lot, lot(s) under the same ownership and control, in open public parking lots, or on the street within five hundred (500) feet of the building it is intended to serve, measured from the nearest point of the building entrance to the nearest point of the off-street parking lot. The Planning and Zoning Administrator may require some or all the parking required by [subsection D. Required Parking Spaces \(below\)](#) be provided outside of municipal parking lots or on-street if it is determined that sufficient capacity is unavailable within the municipal parking lot(s) or on-street. The Planning and Zoning Administrator may require a parking supply and demand study if necessary to make this determination.

7. Change in Use or Intensity

- a. Whenever the use of a building or lot is changed, parking facilities shall be provided as required by this article for the new use.
- b. If any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided to bring the site into compliance.
- c. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this Article are provided elsewhere, or the parking requirements of the site change as determined by the Planning and Zoning Administrator.

8. Storage and Repair.

- a. The use of required parking, drives and loading areas for material storage, refuse storage stations/dumpsters, storage or display of vehicles, trailers and/or merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited.
- b. It shall be unlawful to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of such property.

9. Construction. During construction, off-street parking shall be provided on-site for all construction vehicles and employees. Gravel surfacing may be permitted by the Planning and Zoning Administrator for such temporary parking.

10. Carports and Garages. Carports and garages for multiple-family dwellings and other residential uses shall be calculated as parking spaces on a one-to-one (1:1) basis. Carports and garages in such developments shall have a maximum height of fourteen (14) feet, measured from the grade to the peak of the structure. Carports shall be enclosed or obscured at least twenty-five percent (25%) along sides visible from public streets, residential districts or vehicular drives within the site. All details must be provided on the site plan and reviewed and approved by the Planning and Zoning Administrator.

11. Stacking Space Requirements

- a. Stacking spaces that block access to parking spaces shall not be included in calculating the required number of spaces.
- b. Each required stacking space shall be a minimum of twenty-four (24) feet long and nine (9) feet wide.
- c. Stacking space shall be designed so that an efficient circulation pattern is maintained on the site and a sufficient width is available to allow a vehicle to maneuver around another vehicle waiting in line.

B. Off-Street Parking Space Design and Setback Requirements

Where required, off-street parking facilities shall be designed, constructed, and maintained according to the following standards and regulations:

- 1. Ingress and Egress.** Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways.
- 2. I. Modification of Parking Requirements.**
- 3.** The City may reduce the parking space requirements based upon one (1) or more of the following conditions:

1. Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses having peak parking demands during differing times of the day or days of the week.

- a. Pedestrian connections shall be maintained between the uses.
 - b. For separate lots, shared parking shall be adjacent to each other with pedestrian and vehicular connections maintained between the lots.
 - c. Shared parking agreements shall be filed with the County Register of Deeds and the City Clerk after approval by the Planning Commission.
- 2. Convenient municipal off-street parking or on-street spaces located along the site's frontage.
- 3. Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers. In allowing a parking space reduction the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
- 4. Availability of other forms of travel such as transit. In allowing a parking space reduction the Planning Commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities.
- 5. Where the applicant has provided a parking study conducted by a qualified traffic engineer that demonstrates that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment. The Planning Commission may require a parking study to document that any one of the criteria (1) through (4) above would be met.
- 4. Access Management and driveway standards.**
 - a. All spaces shall be provided adequate access by means of maneuvering lanes.
 - b. Spaces backing directly onto a street use of the street for maneuvering between parking rows shall be prohibited
 - c. Access to off-street parking which serves a nonresidential use shall not be permitted across land that is zoned or used for residential purposes.
- 4. Surfacing, Drainage, and Grading.** Surfacing, drainage and grading plans shall comply with city engineering specifications and be subject to the review and approval of the City Engineer. All driveways, parking lots, access lanes and other vehicle maneuvering areas shall be hard surfaced with concrete, asphalt, or the equivalent.
 - a. Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
 - b. The grade of all driveways, parking lots, and loading-unloading areas shall not be less than one percent (1%) and not exceed a grade differentiation of four percent (4%).
- 5. Curbs.**
 - a. Curbs are required where necessary to protect site design features or direct storm water, curbing shall be made of concrete.
 - b. In all cases where parking facilities abut public or private sidewalks, a curb at least six (6) inches in height shall be placed so that a motor vehicle cannot be driven or parked extended over the sidewalk.
 - c. A six-inch high curb shall be provided to prevent motor vehicles from striking any structure, wall or fence.
 - d. Wheel stops or bumper blocks shall only be used where necessary where parking is perpendicular to a wall or a fence.
- 6. Parking lot islands.** See Section 106-90 Landscaping Standards
- 7. Parking lot screening and walls.** See 0 Fence and Screening Standards
- 8. Parking Lot Setbacks**

- a. **From Street Rights-of-Way.** Where parking is permitted in the front yard according to A. above, parking lots, including driveways and maneuvering aisles but excluding driveways, must be set back a minimum of twenty (20) feet from any adjacent street right-of-way line in all zoning districts except B-3, wherein the setback shall be a minimum of ten (10) feet. Required parking lot setback areas shall be landscaped according to the standards of [Section 106-90 Landscaping Standards](#)
 - b. **From Non-Residential Districts.** Parking lots shall have a minimum setback of five (5) feet from any non-residential property line that is not a street right-of-way line. This requirement may be waived by the Planning and Zoning Administrator where a shared access driveway, connected parking lots, frontage road, or rear service drive, designed in accordance with [Section 106-86 Modification of Parking Requirements](#)
 - c. **From Residential Districts.** Parking lots shall have a minimum rear and side yard setback of ten (10) feet from any residential zoning district. This setback area shall include screening, designed according to the standards of [Section 106-90 Landscaping Standards](#).
 - d. **From Residential Districts.** Parking lots shall have a minimum rear and side yard setback of ten (10) feet from any residential zoning district. This setback area shall include screening, designed according to the standards of [Section 106-90 Landscaping Standards](#).
 - e. **B-3A District.** The above setback requirements may be reduced in the B-3A Downtown Core by the Planning and Zoning Administrator upon showing that adequate buffering and/or screening is provided.
- 9. Reduced Parking Space Requirements:** The City may reduce the parking space requirements based upon or more of the following conditions:
1. Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses having peak parking demands during differing times of the day or days of the week.
 - a. Pedestrian connections shall be maintained between the uses.
 - b. For separate lots, shared parking shall be adjacent to each other with pedestrian and vehicular connections maintained between the lots.
 - c. Shared parking agreements shall be filed with the County Register of Deeds and the City Clerk after approval by the Planning Commission.
 2. Convenient municipal off-street parking or on-street spaces located along the site's frontage.
 3. Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers. In allowing a parking space reduction the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
 4. Availability of other forms of travel such as transit. In allowing a parking space reduction the Planning Commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities.
 5. Where the applicant has provided a parking study conducted by a qualified traffic engineer that demonstrates that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or

actual counts at a similar establishment. The Planning Commission may require a parking study to document that any one of the criteria (1) through (4) above would be met.

C. Parking Areas in Residential Zones

Any person desiring to establish a parking area as an accessory use in a residential zone shall submit plans to the Planning Commission showing the location, size, shape, design, landscape, curb cuts, and other features of the parking lot. The establishment and operation of a parking area accessory to commercial or industrial use in such parts of any residential district that abut either directly or across the street or alley from a commercial or industrial district is not permitted. All such parking areas and parking areas required for new multiple family dwellings and nonresidential buildings in all residential zones may then be authorized, subject to the following conditions:

1. All parking areas shall be landscaped, screened, surfaced, and drained as provided in this Ordinance.
2. No part of such parking areas shall extend into the required front yard.
3. Such parking areas shall be used solely for the parking of passenger automobiles. No parking of recreational vehicles in the front yard and no commercial repair work or sales or service of any kind shall be conducted on any such parking area.
4. Each entrance to and exit from such parking lot shall be at least twenty (20) feet distance from any adjacent property located in any residential zone, and the location and design of entrances, exit, surfacing, landscaping, marking, and lighting shall be subject to review to insure adequate relation to traffic safety, lighting, and protection of the adjacent residential area.

D. Required Parking Spaces

Except as otherwise expressly stated, the amount of required off-street parking shall be determined in accordance with the following ratios. An applicant may apply for an alternate parking plan in lieu of these standards. Biking requirements are stated in [Subsection F](#) and Electric Vehicle standards are in [Subsection G](#) of this Section.

Legend

DU: Dwelling Unit

BR: Bedroom

GFA: Gross Floor Area

Table 106-86-2 Residential and Institutional Parking Ratios

Use Group (LBCS Code)	Minimum	Maximum
Residential		
Senior Housing	.5/du	1/du
Single-Unit (attached or detached)	2/du	3/du
Accessory Dwelling Unit (ADU)	1	
Above 8 homes	1.5/du	2/du
All Group Living	.75/ BR	1.5 / BR
Institutional		
Places of Worship	1 per 6 seats(a)	1 / 4 seats
Health care, medical, or treatment (4500)	1 per 1000 gfa	1 / 600 gfa

K-12 Schools/Libraries (4100)	1 per classroom PLUS 1 per 5 auditorium seats	12 per classroom PLUS 1 per 5 auditorium seats
Child/Adult Care Centers	.5 per bed	1 per bed
Public Safety/Emergency Response	1/300 gfa	1/175 gfa
Utilities (4300) and Mass Storage Facilities (4400)	1 per 500 sqft office space	1 per 250 sqft Office space
All Other		1 / 250 gfa
NOTES		
a) Number of spaces shall be reduced to 1 per 10 seats when located within ¼ mile of a public parking lot or commercial lot with permission from the owner.		

Legend

GFA: Gross Floor Area

Table 106-86-3 Commercial and Industrial Parking Ratios

Use Group	Minimum	Maximum
Commercial/Office	Minimum	Maximum
AUTO-ORIENTED BUSINESSES		
Fuel Stations/Convenience	2 per bay AND 1 per 500 gfa	2 per bay AND 1 per 250 gfa
Auto Wash	1 per bay plus 1 per employee (a)	2 per bay plus 1 per employee (a)
Auto Repair	1.0 spaces for each service bay (bay can be included as a space), plus 1.0 space per employee, plus 1.0 space for each tow truck. plus 1.0 stacking space per bay	3.0 spaces for each service bay (bay can be included as a space), plus 1.0 space per employee, plus 1.0 space for each tow truck. plus 1.0 stacking space per bay
Drive-Ins (5220)	1 per 80 sq ft GFA	1 per 40 sq ft GFA
ENTERTAINMENT		
Assembly and Exhibition Halls	1 per 6 seats PLUS 1 per 2 employees	1 per 4 seats PLUS 1 per 2 employees
Indoor Recreation Centers	To be determined by Planning and Zoning Administrator or designee	No more than 20% above minimum
Outdoor Recreation Centers	To be determined by Planning and Zoning Administrator or designee	No more than 20% above minimum
FOOD AND BEVERAGE		

Restaurant	1 per 300 sq ft GFA	1 per 250 sq ft GFA
Bars and Taverns	1 per 250 sq ft GFA	1 per 100 sq ft GFA
RETAIL		
Shopping	1 / 500 sq ft	No more than 20% above minimum
Auto/Truck Sales	1 400 sq ft of gross floor area of sales room	No more than 20% above minimum
Outdoor Sales	1 / 1,000 sq ft	1 / 500 sqft
All Other Retail	1 / 500 sq ft	1 / 300 sq ft
SERVICE-ORIENTED BUSINESSES		
Commercial lodging (Hotels, motels, Bed & Breakfasts, Short-term rentals)	1 / occupancy unit AND 1 / employee	
Laundromats	1 for every 2 washing machines	2 for every 2 washing machines
Trade/appliance repair or similar	1 / 800 sq ft GFA	1 / 500 sq ft GFA
OFFICES		
Business & Personal Service	1 / 400 sq ft GFA	1 / 300 sq ft GFA
INDUSTRIAL USES		
Automotive Repair	1 / 400 sq ft GFA	1 per 400 sq ft usable floor area PLUS one per employee
General manufacturing, research, and labs	5 spaces PLUS one / employee	
Warehousing and wholesaling	Three spaces PLUS 1 / employee of largest shift	Three spaces PLUS 1 / employee of largest shift OR five / 1,700 sqft
Truck sales and services	1 / 300 sqft GFA salesroom PLUS 1 / service stall	1 / 200 sqft GFA salesroom PLUS 1 per service stall
NOTES		
a) Six (6) stacking spaces required for automatic washes in addition to the above requirements.		

E. Parking requirements for uses not listed

1. For uses not listed in subsection D above, the Planning and Zoning Administrator or their designee shall make a determination by applying the minimum or maximum off-street parking as specified in the Parking Ratio Table that is deemed to be the most similar to the proposed use. This shall be determined based on the characteristics of the use.

F. Bicycle Parking

In addition to the standards in D. Required Parking Spaces, uses in a non-residential and multi-family districts must provide bicycle parking in a publicly accessible location. The amount of required bicycle parking spaces shall be five (5) percent of the total number of required vehicle parking spaces.

G. Electric Vehicle Parking Space Design

Where provided, electric vehicle charging stations must comply with the following standards.

1. General

- a. EV Parking Spaces shall have signage indicating they are to be used exclusively for Electric Vehicles.
- b. Free-standing Electric Vehicle Charging Stations shall have bollards, bumper blocks, or raised curbs to protect the system.
- c. Electric Vehicle Charging Stations shall be wall-mounted or located to accommodate the charging of more than one Parking Stall.
- d. Electric Vehicle Charging Stations shall not create a trip hazard or violation of the accessible path of travel when the cord is connected to an Electric Vehicle.
- e. Where Parking Lots are separated into distinct areas or when Parking Structures have more than one level, the Electric Vehicle parking facilities shall be evenly distributed among the separate areas or levels.

2. Placement of Electric Vehicle Charging Stations

- a. Electric Vehicle Charging Stations may not reduce the required stall dimensions provided in [B. Off-Street Parking Space Design and Setback Requirements](#) and must maintain compliance with state barrier-free design requirements.
- b. Electric Vehicle Charging Stations on any walkways must maintain at least four feet of walkway width for pedestrians.
- c. Electric Vehicle Charging Stations may not be in any required interior landscape island, right-of-way screening, or conflicting land use buffer.

3. Class Standards

- a. EV-C (Electric Vehicle Capable) EV-C are Parking Spaces having a capped cable/raceway connecting the Parking Space to an installed electric panel with a dedicated branch circuit(s) to easily install the infrastructure and equipment needed for a future Electric Vehicle Charging Station. The dedicated branch circuit panel space shall be stenciled or marked legibly with the following text: Future Electric Vehicle Charging Circuit.
- b. EV-R (Electric Vehicle Ready) EV-R are Parking Spaces that are ready for installation of an Electric Vehicle Charging Station except for the EVCS itself. EV-R Parking Spaces shall have a junction box, terminated in an approved method, for a direct-buried cable or raceway to an electrical panel with a dedicated branch circuit(s) to power a Charging Station. The junction box shall be clearly marked and labeled with the following text: EV Ready Circuit.
- c. EV-I (Electric Vehicle Installed) EV-I are Parking Spaces with an operational Electric Vehicle Charging Station.

H. Alternative Parking Plans

1. Shared Parking. The provision for shared off-street parking for two (2) or more buildings or uses is permitted subject to the following:

- a. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, the Planning and Zoning Administrator may reduce the total number of spaces by up to twenty-five percent (25%) if they determine that the operating hours of the buildings or uses do not overlap.
- b. Where buildings are located on separate lots, written easements which provide for continued use and maintenance of the parking shall be submitted to the city for approval. Such agreement shall include provisions to address any changes in use which shall be reviewed per [Section 106-86-A-7B. Change in Use and Intensity](#).

- c. Where shared parking between two or more lots is utilized, provisions for pedestrian connection(s) must be provided.

2. Parking Lot Deferment.

- a. Where the property owner can demonstrate that the required amount of parking is excessive, the Planning and Zoning Administrator may approve a smaller parking area, provided that an area of sufficient size to meet the parking space requirements of this article is retained as open space, and the owner agrees in writing to construct the additional parking based on observed usage within six (6) months of being informed of such request in writing by the Planning and Zoning Administrator.
- b. The site plan shall note the area of deferred parking, including dimensions with a dashed boundary parking lot layout.
- c. Stormwater calculations shall be provided based on the required amount of parking to verify adequate capacity if an expansion is necessary.

3. Additional Parking. To minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, the number of spaces provided shall not exceed twenty percent (20%) beyond the number required by this Article, except as approved by the Planning and Zoning Administrator. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence of actual use and demand provided by the applicant.

I. Modification of Parking Requirements.

The City may reduce the parking space requirements based upon one (1) or more of the following conditions:

- 6. Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses having peak parking demands during differing times of the day or days of the week.
 - a. Pedestrian connections shall be maintained between the uses.
 - b. For separate lots, shared parking shall be adjacent to each other with pedestrian and vehicular connections maintained between the lots.
 - c. Shared parking agreements shall be filed with the County Register of Deeds and the City Clerk after approval by the Planning Commission.
- 7. Convenient municipal off-street parking or on-street spaces located along the site's frontage.
- 8. Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers. In allowing a parking space reduction the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
- 9. Availability of other forms of travel such as transit. In allowing a parking space reduction the Planning Commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities.
- 10. Where the applicant has provided a parking study conducted by a qualified traffic engineer that demonstrates that another standard would be more appropriate based on actual number of employees, expected level of customer traffic, or actual counts at a similar establishment. The Planning Commission may require a parking study to document that any one of the criteria (1) through (4) above would be met.

SECTION 106-87 ACCESS MANAGEMENT AND DRIVEWAY STANDARDS

A. Intent

The purpose of this Article is to provide access standards which will facilitate through traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.

B. Application of Standards

1. The standards of this section apply to all major and minor arterials in the City of Adrian Thoroughfare Plan.
2. The access standards shall be required in addition to, and where permissible shall supersede, the requirements of the Lenawee County Road Commission and the Michigan Department of Transportation (MDOT).
3. The standards contained in this section shall apply to all uses, except permitted single-family and two-family dwelling units.
4. For expansion and/or redevelopment of existing sites where the Planning Commission determines that compliance with all the standards of this section is unreasonable, the standards shall be applied to the maximum extent possible. In such situations, suitable alternatives which substantially achieve the purpose of this section may be accepted by the Planning Commission, provided that the applicant demonstrates all the following apply:
 - a. Size of the parcel is insufficient to meet the dimensional standards.
 - b. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
 - c. The use will generate fewer than five hundred (500) total vehicle trips per day or fewer than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on the most recent rates developed by the Institute of Transportation Engineers (ITE).
 - d. There are no other reasonable means of access.

C. Number of Driveways

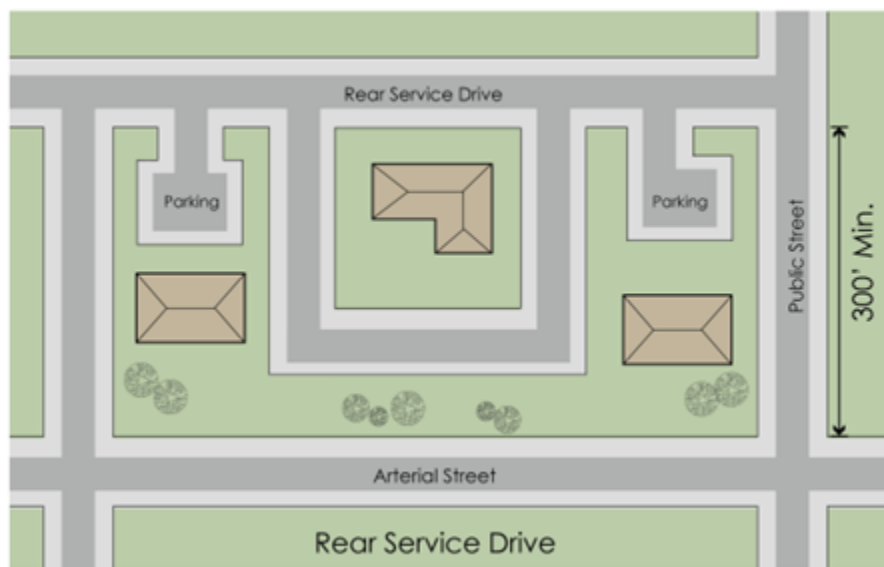
1. Access to a parcel shall consist of either a single, two-way driveway or a pair of one-way driveways wherein one (1) driveway is designed and appropriately signed to accommodate ingress movements and the other egress movements.
2. Where parcel frontage is insufficient to provide a driveway meeting the minimum driveway width and radii, a shared driveway or other means of access may be required.
3. Where parcels of at least two (2) acres in area, have frontage along two (2) streets, access should be provided only along the street with the lower average daily traffic volume, unless the Planning Commission determines this would negatively affect traffic operations or surrounding land uses.
4. Where the property has continuous frontage of over three hundred (300) feet and the applicant can demonstrate, using the Institute of Transportation Engineers Trip Generation Manual or another accepted reference, that a second access is warranted, the Planning Commission may allow an additional access point. Where possible, this access should be spaced according to the standards contained herein, located on a side street, shared with an adjacent property, and/or be constructed to restrict one (1) or both left turn movements.

5. Where the property has continuous frontage of over six hundred (600) feet, a maximum of three (3) driveways may be allowed, with at least one (1) such driveway being constructed and signed for right-turns-in, right-turns-out only.

D. Shared Access-Joint Driveways, Frontage Roads, Parking Lot Connections, and Rear Service Drives

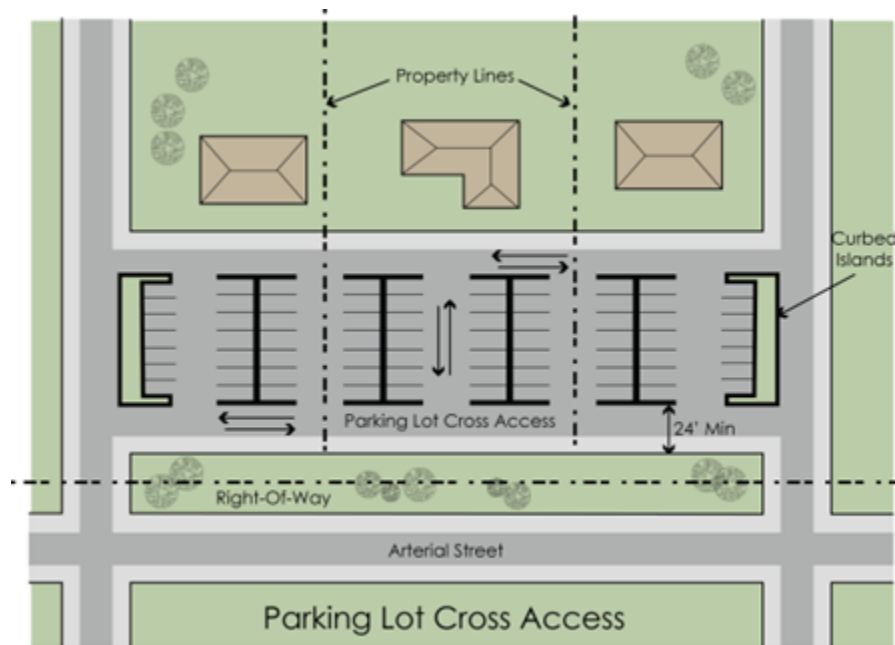
1. Shared use of access between two (2) or more property owners should be encouraged through use of driveways constructed along property lines, connecting parking lots and construction on-site of frontage roads and rear service drives; particularly within one-quarter mile of major intersections, for sites having frontage on two (2) or more streets, where frontage dimensions are less than three hundred (300) feet, at locations with sight distance problems, and/or along roadway segments experiencing congestion or accidents. In such cases, shared access of some type may be the only access design allowed.
2. In cases where a site is adjacent to an existing frontage road, parking lot of compatible use, or rear service drive, a connection to the adjacent facility may be required by the Planning Commission.
3. In cases where a site is adjacent to undeveloped property, the site should be designed to accommodate a future frontage road, parking lot connection or rear service drive.

Figure 106-87-1 Rear Service Drive



4. The applicant shall provide the City with letters of agreement or access easements from all affected property owners.

Figure 106-87-2 Parking Lot Cross Access



E. Adequate Sight Distance

1. Requirements for minimum intersection or corner sight distance for driveways shall be in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines defined in Chapter 9 of A Policy on Geometric Design of Highways and Streets, 1994.
2. The Planning Commission may adjust driveway location where there is inadequate sight distance.

F. Driveway Spacing from Intersections

1. Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the intersecting street's right-of-way line.
2. To preserve intersection operations and safety, the minimum distance between a driveway and an intersecting street right-of-way shall be based on the following:
 - a. For locations in the vicinity of intersections experiencing congestion (peak hour operations below level of service 'C'¹ for one (1) or more movements) and/or a significant number of traffic accidents (five or more annually), the Planning Commission may require that access be constructed along the property line furthest from the intersection.
 - b. For locations within two hundred (200) feet of any signalized or four-way stop intersection, driveways shall be spaced a minimum of one hundred fifty (150) feet from the intersection. Where this spacing cannot be provided, driveways designed for right-turn in, right-turn out only movements may be allowed, with a minimum spacing of seventy-five (75) feet from the intersecting street right-of-way.

¹ Level C" traffic congestion refers to a traffic flow condition as defined by the Level of Service (LOS) system, which categorizes road conditions from A (best) to F (worst) based on speed, maneuverability, and delays. LOS C is often considered an acceptable level of service for urban and suburban roadways, where moderate congestion is expected but not severe enough to cause major delays.

- c. For locations not addressed by paragraph 2. above, not including single-family parcels, driveways shall be spaced one hundred (100) feet from the intersection.

G. Driveway Spacing from Other Driveways

1. Driveway spacing from other driveways shall be measured from the centerline of each driveway at the point where it crosses the street right-of-way line.
2. Minimum driveway spacing from other driveways along the same side of the street shall be determined based on posted speed limits along the parcel for each frontage, as follows:

Table 106-87-1 Driveway Spacing from Other Driveways

<i>Posted Speed (mph)</i>	<i>Minimum Driveway Spacing</i>
25 mph	100 feet
30 mph	125 feet
35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet
55 mph	350 feet

3. Driveways shall be directly aligned with those across the street or, where offset, the minimum driveway spacing from driveways across the street shall be a minimum of one hundred fifty (150) feet, as determined by the Planning Commission, excluding when one (1) or both driveways are designed and signed for right-turn-in, right-turn-out only.

H. Driveway Design, Channelized Driveways, Deceleration Lanes and Tapers, and Bypass Lanes

1. **Standards.** Driveways shall be designed to the standards of the County Road Commission, except where stricter standards are included herein.
2. **Driveway Width and Radii:**
 - a. The typical driveway design shall include one (1) ingress and one (1) egress lane, with a combined maximum throat width of thirty (30) feet, measured from face to face of curb.
 - b. If the Planning and Zoning Administrator determines that traffic volumes or conditions may cause significant delays for traffic exiting left, two (2) exit lanes may be required.
 - c. For one-way paired driveway systems, each driveway shall be sixteen (16) feet wide, measured perpendicularly.
 - d. In areas with pedestrian traffic, the exit and enter lanes may be separated by a median with a maximum width of ten (10) feet.
 - e. Driveways shall be designed with twenty-five (25) foot radii; thirty-foot radii where daily semi-truck traffic is expected.
3. **Driveway Storage.** Driveway storage shall be determined by the Planning and Zoning Administrator based on traffic volumes and conditions. A minimum of forty (40) feet of driveway storage shall be provided for less intense developments and a minimum of one-hundred and twenty (120) feet of driveway storage shall be required for larger developments. Driveway storage shall be measured from the right-of-way line.

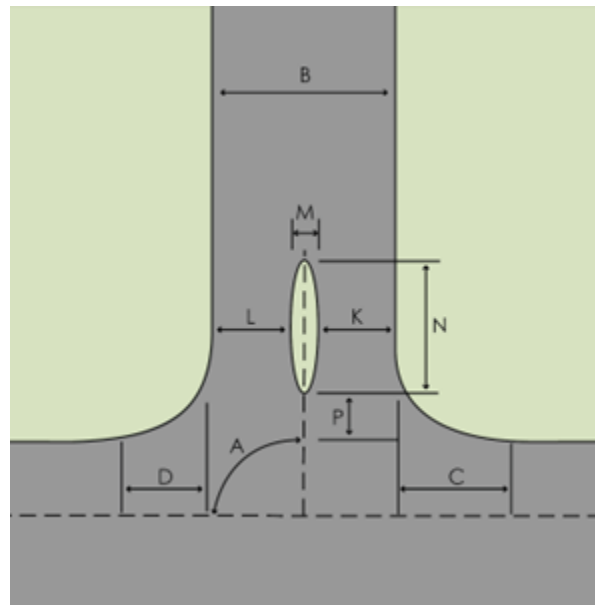
Table 106-87-2 Divided Commercial Driveway Standards

Design Features	Required (ft)	Range (ft)
------------------------	--------------------------	-----------------------

Intersecting Angle	A	90	-
Driveway Width	B	48	46-78
Entering Radius	C	30	25-40
Exiting Radius	D	25	20-35
Entrance Drive Width	K	16	16-27
Exit Driveway Width	L	22	20-27
Island Width	M	10	6-24
Island Length	N	12	6-18
Nose Offset	P	35	30-100

The required dimension shall be used unless the City specifies, or the applicant demonstrates technical justification for a different value. The range in dimensions indicate the working values for each design feature.

Figure 106-87-3 Diagram of Commercial Driveway



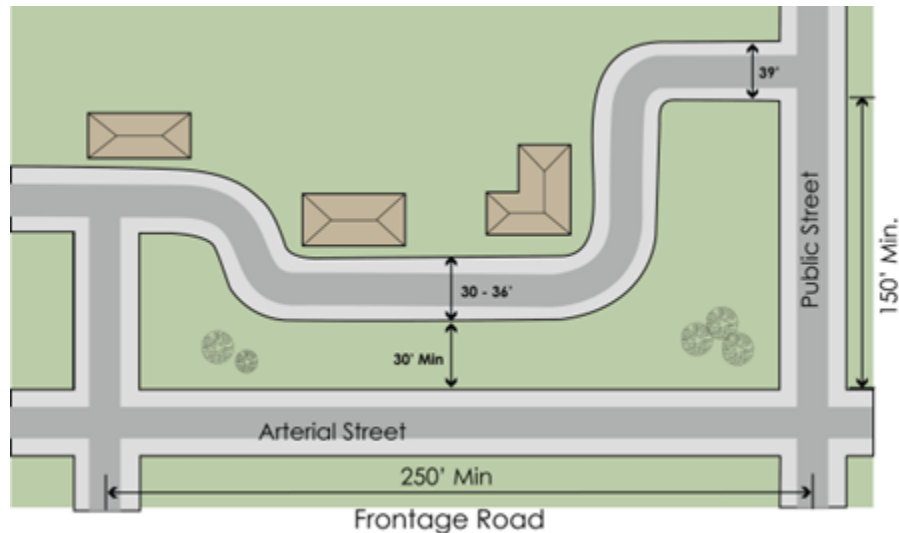
4. **Directional Driveways, Divided Driveways, and Deceleration Tapers and/or Bypass Lanes.** Directional driveways, divided driveways, and deceleration tapers and/or bypass lanes may be required by the Planning Commission where they are necessary to reduce congestion and accident potential for vehicles accessing the proposed use or site. Right-turn tapers shall be a minimum of seventy-five (75) feet in length and at least eleven (11) feet wide. The design of direction and divided driveways shall be in accordance with the designs in Figures Directional Driveway Standards and Divided Commercial Driveway Standards.

I. Design of Frontage Roads, Rear Service Drives, and Parking Lot Connections

Frontage roads, rear service drives and drives connecting two (2) or more parking lots shall be constructed in accordance with the following requirements:

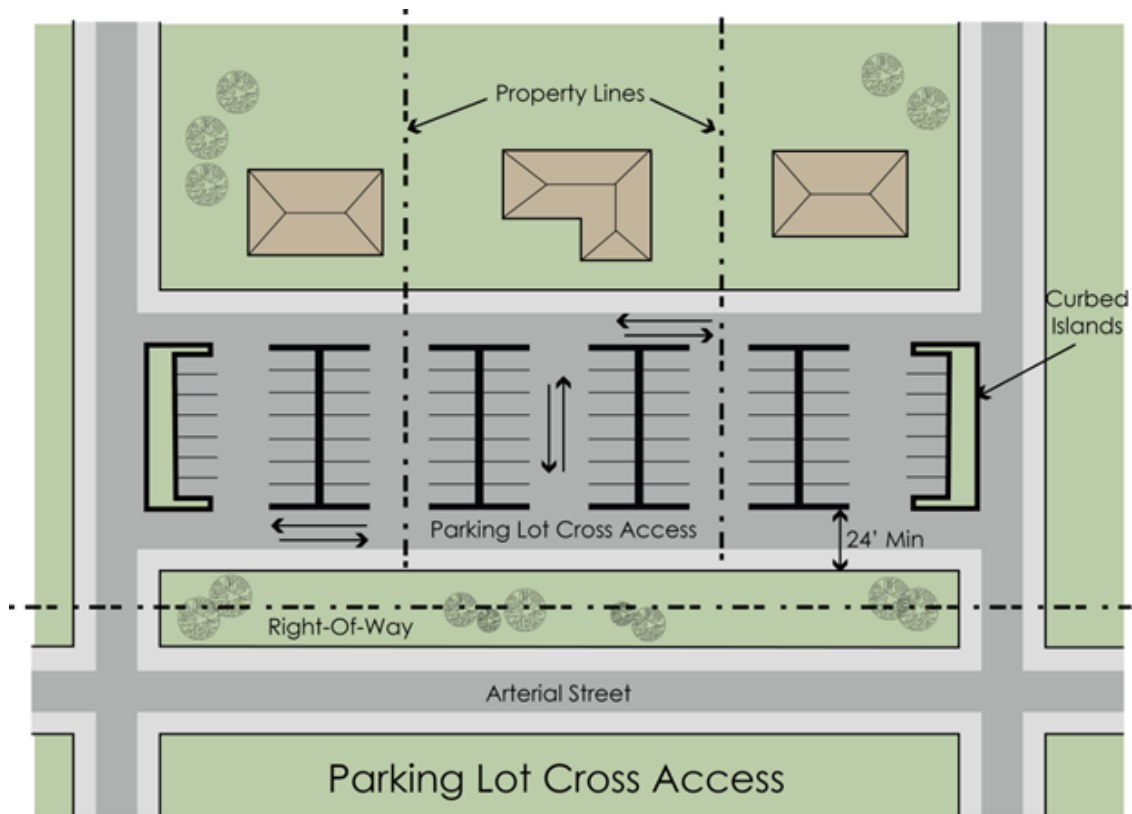
1. Pavement width shall be a maximum of thirty (30) feet, measured face of curb to face of curb; intersection approaches may be widened to thirty-nine (39) feet for a left turn lane.
2. Frontage road access to public streets shall be spaced according to the standards of F. Driveway Spacing from Intersections and G. Driveway Spacing from Other Driveways (above).
3. Frontage roads shall have a minimum setback of thirty (30) feet between the outer edge of pavement and the right-of-way line, with a minimum sixty (60) feet of uninterrupted queuing (stacking) space at the intersections.
4. Parking along or which backs into a frontage road shall be prohibited.

Figure 106-87-4 Frontage Road Design



5. For properties which are currently developed or adjacent to developed uses, and the standards of paragraphs a. through d. above are determined by the Planning and Zoning Administrator to be too restrictive, frontage roads can be defined through parking lots by a raised curb and/or painted islands, as shown, provided that at least every third island at the end of the parking row is a raised curbed island.

Figure 106-87-5 Parking Lot Cross Access



J. Waiver of Access Standards

It is recognized that certain existing site conditions may prohibit full compliance with the driveway spacing standards of this Section. The Planning Commission may, after considering the Waiver Criteria below, grant a waiver from the standards of this Section in the situations detailed below.

1. Applicable Waiver Situations.

- a. The request involves a change in use, expansion, alteration, or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum commercial driveway spacing standards.
- b. The modification will allow an existing driveway to remain that does not meet the standards of this Section but that has, or is expected to have, very low traffic volumes (fewer than 50 in- and out-bound trips per day) and is not expected to significantly impact safe traffic operations.
- c. The use is expected to generate a relatively high number of trips, and an additional driveway will improve overall traffic operations.
- d. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, existing development, topography, unique site configuration or shape), or existing off-site driveways make it impractical to fully comply with the standards.
- e. Because of restricted turning movements or the presence of a median that restricts turning movements, the driveway does not contribute to congestion or an unsafe situation.

2. Waiver Criteria.

- a. The proposed modification is consistent with the general intent of the standards of this Section.
- b. To the degree practical, the access is designed to maximize spacing from any adjacent major intersection, is either aligned with or adequately spaced from access points across the street, and finally, after consideration of the above, is spaced at least 60 feet from other access points.
- c. For access to an MDOT or County Road, the road agency has endorsed the proposed access design.
- d. Driveway geometrics have been improved to the extent practical to reduce impacts on traffic flow.
- e. Shared access has been provided, or the applicant has demonstrated it is not practical.
- f. Such modification is the minimum necessary to provide reasonable access, will not impair public safety or prevent the logical development or redevelopment of adjacent sites and is not simply for convenience of the development.

SECTION 106-88 LOADING REQUIREMENTS

A. General Applicability.

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

B. Change in Use and Intensity.

Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this article for the new use, regardless of any variance which may have been in effect prior to change of use.

C. Location

1. Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a public street.
2. Loading/unloading operations shall not interfere with traffic on public streets or off-street parking.
3. The vehicular path and turning radii to the loading area must be shown on the site plan to verify truck maneuverability for the largest truck intended to serve the use.

D. Size.

The size of all required loading/unloading spaces shall be at least ten (10) feet by fifty (50) feet or five hundred (500) square feet in area.

E. Surfacing and Drainage

1. Loading areas shall be hard surfaced with concrete or asphalt material.
2. Loading areas shall be graded and drained so as to dispose of surface waters.
3. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
4. Grading, surfacing, and drainage plans shall be subject to review and approval by the engineer.

F. Central Loading.

1. Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:
 - a. Each business served shall have direct access to the central loading area without crossing streets or alleys.
 - b. Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.
 - c. No building served shall be more than three hundred (300) feet from the central loading area.

H. Loading Space Requirements.

The minimum number of loading spaces shall be provided in accordance with the following table. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

Table 106-88-1 Loading Space Requirements

Institutional, Commercial and Office Uses	
Up to 5,000 sq. ft. GFA	1.0 space.
5,001-60,000 sq. ft. GFA	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA or fraction thereof
60,001 sq. ft. GFA and over	3.0 spaces, plus 1.0 space per each 50,000 sq. ft. GFA or fraction thereof
Industrial Uses	
Up to 1,400 sq. ft. GFA	0
1,401-20,000 sq. ft. GFA	1.0 space
20,001-100,000 sq. ft. GFA	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA in excess of 20,000 sq. ft. or fraction thereof
100,001 sq. ft. GFA and over	spaces

I. Screening.

When required off-street loading in a nonresidential district is visible from public view or abuts a residential district, the off-street loading shall be screened by a solid, masonry wall at least six (6) feet in height above the grade elevation at the residential district line, in addition to the landscape requirements of Article 6, Division 4: Landscaping, Screening, and Stormwater.

J. Calculations.

Required loading areas shall not be included in calculations for off-street parking space requirements.

Division 4 Landscaping and Screening

SECTION 106-89 INTENT & APPLICABILITY

All applications requiring a site plan review or ASF plan shall follow this Division.

The standards of this Division are intended to:

1. Promote the public health, safety and general welfare by reducing noise, air and visual pollution, air temperature, and light glare.
2. Improve air quality.
3. Prevent soil erosion and increase water retention.
4. Improve the appearance of parking lots and structures and areas predominantly used by vehicles.
5. Improve the aesthetics, safety, and comfort of pedestrian sidewalks, both within paved areas and along public rights-of-way
6. Require buffering between different land uses.
7. Protect residential privacy.
8. Encourage the use of landscape vegetation native to Michigan.

The standards contained in this Article are considered the minimum necessary to achieve the objectives identified above. In several instances these standards are intentionally flexible to encourage flexibility and creative design. Additional landscaping beyond the minimum specified is encouraged to further improve the function, appearance and value of the property.

SECTION 106-90 LANDSCAPING STANDARDS

A. General Standards

Landscaping Plan Required. A landscaping plan shall be required to be submitted as a part of all development applications subject to [Section 106-37 Submittal Requirements](#). A landscaping plan may be combined with other required application materials if compliance with [Section 106-37 Submittal Requirements](#) can be demonstrated in the combined materials.

B. Landscape Buffer Requirements

1. The following is required at the perimeter of all developments. A buffer shall be provided between the subject site and all adjacent properties, developed or undeveloped, in accordance with the table on the following page.
2. Planning Commission shall use the Landscape Buffer Table as the minimum requirements necessary and determine whether landscaping, a wall, a berm, or combination of these elements are needed to attain the intended screening.
3. Buffer zones shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services.

Table 106-89-1 Landscape Buffer Table

Zoning or Proposed use of Subject Site	Zoning of Adjacent Site											
	Single-Unit Residential	Multi-Unit Residential	Manufactured Home Park	Residential Office	Office	Commercial	Downtown	Industrial	Public Institution	Parking	Outdoor Storage	Utilities
Single-Unit Residential	-	B	-	-	A	A	A	A	A	B	A	B

Multi-unit Residential	B	-	B	B	B	B	A	A	A	A	A	A
Manufactured Home Park	B	B	-	B	A	A	A	A	A	A	A	A
Residential Office	-	B	B	-	B	B	B	B	A	A	A	A
Office	A	B	A	B	-	B	B	B	B	B	B	B
Commercial	A	B	A	B	B	-	B	B	B	B	B	B
Downtown	B	A	A	B	B	B	-	B	B	B	B	B
Industrial	A	A	A	B	B	B	B	-	B	-	A	A
Public Institution or Municipal	A	A	A	A	B	B	B	B	-	B	B	B
Parking	A	A	A	A	B	B	-	-	B	-	B	-
Outdoor Storage	A	A	A	A	B	B	B	A	B	B	-	-
Utilities	A	A	A	A	B	B	B	A	B	-	-	-

Table 106-89-2 Buffer Type Standards

Buffer Type	Standard
Buffer Zone A	20-foot minimum width and including a wall, berm or combination of these elements as determined by the Planning Commission
Buffer Zone B	10-foot minimum width

C. Specific Landscaping Standards

1. **Parking Lot Landscaping.** Parking lot landscaping shall be provided in accordance with the following standards:
 - a. Landscaping shall be dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist vehicular and pedestrian flow.
 - b. At least one (1) canopy tree shall be provided per eight (8) parking spaces provided.
 - c. All of the required parking lot trees shall be placed within the parking lot envelope as described by the area including the parking lot surface and extending outward ten (10) feet from the edge of the parking lot.
 - d. A minimum of one-third (1/3) of the trees shall be placed within parking islands located inside the perimeter of the parking lot.
 - e. Parking lot islands shall be curbed and be at least one hundred (100) square feet in area. Islands within parking lots having less than 100 spaces may be a minimum of ten (10) feet in width, parking areas with more than one hundred (100) spaces shall have islands at least twenty (20) feet in width. The depth of the island shall be two (2) feet shorter than an adjacent parking space.
 - f. Only trees, shrubs, grass or other living ground cover shall be used within parking lot islands.
 - g. The design and layout of the parking lots shall provide appropriate pedestrian circulation and connections to perimeter pedestrian connections.
2. **Detention/Retention Pond Landscaping.** Ponds shall be designed to provide a natural appearance. Detention and retention ponds shall be provided per the following standards:
 - a. Side slopes shall be such that the perimeter of the pond shall not need to be fenced.
 - b. The sides of the pond must be undulating to avoid an “engineered” appearance.

- c. One (1) canopy or evergreen tree and ten (10) shrubs are required per fifty (50) feet of pond perimeter, as measured along the top of the bank elevation. The required landscaping shall be planted in a random pattern, not limited to the top of the pond bank.
 - d. Wild grasses and wetland plantings shall be utilized on the side slopes and bottom of the pond to give it a more natural appearance, minimize ongoing maintenance, and provide improved filtering of sediments.
- 3. Interior Site Landscaping.** The following landscape requirements are in addition to other screening and buffering requirements:
- a. Site landscaping shall be located near building entrances, along building foundations, along pedestrian walkways, near service areas or as landscaped plazas.
 - b. Areas of lot coverage that are not paved or occupied by building footprint must be landscaped with living grass lawn, living plant ground covers, perennial / shrub beds, or a combination thereof.
 - c. Non-residential landscaping between the sidewalk and building and/or off-street parking:
 - i. Non-residential setback landscaping between the edge of sidewalk and building face shall consist of lawn, landscape planting beds, and paved pedestrian areas.
 - ii. There shall be a landscaping setback area of eight (8) feet between the edge of sidewalk and parking lot edge, which shall consist of lawn and landscape planting beds.
 - iii. Landscape planting beds shall be a minimum of 25 percent of the landscape setback area. This may be reduced to zero percent in areas where the public sidewalk is immediately adjacent to the building face.
 - iv. Setback areas greater than 20 feet in depth must contain at least one deciduous tree for every 30 feet of frontage or part thereof and a minimum of one shrub shall be planted for each ten lineal feet of frontage, or portion thereof.
 - d. Open space shall be landscaped with one (1) evergreen tree or shrub for every 1,000 square feet or portion thereof, plus one (1) deciduous tree for every 2,000 square feet or portion thereof.
- 4. Residential and Site Condominium Developments.** Landscaping for single-family and multiple-family residential developments shall be provided per the following requirements:
- a. Street trees shall be provided at a rate of one (1) tree per sixty (60) linear feet of frontage, or thereof, along all interior roads. The Planning Commission may determine that existing trees preserved within ten (10) feet of the road edge may fulfill the street tree requirement for that portion of the road. Trees should generally be planted between the sidewalk and road curb, in consideration of intersection sight distance.
 - b. The landscape plan shall also include details of the cul-de-sac islands, project entrances, accessory buildings, and common open space areas.
- 5. Other screening required.** In addition to required screens or walls, site elements such as trash receptacles, air conditioner units, utility boxes, and other similar components shall be appropriately screened with plant material.

D. Prohibited Materials. Where a landscape plan is required, the following plant materials are specifically prohibited:

Common Name	Species
Ash	Fraxinus spp.
Black Locust	Robinia pseudoacacia
Box Elder	Acer negundo
Cottonwood	Populus deltoides
Elms	Ulmus spp. (except disease resistant improved cultivars)
Ginkgo (female)	Ginkgo biloba (female)
Honey Locust (with thorns)	Gleditsia triacanthos (native variety)
Horse Chestnut (nut bearing)	Aesculus hippocastanum (fruiting varieties)
Mulberry	Morus spp.
Poplars	Populus spp.
Soft Maples (silver)	Acer saccharinum, Straight spp.
Tree of Heaven	Ailanthus altissima
Walnut	Juglans spp.
Willows	Salix spp.

E. Modifications and Waivers. Innovation in design of landscaping is encouraged. To that end, the approval body may modify or waive these landscaping requirements upon a finding that the intent of the ordinance is met. Criteria which shall be used when considering a modification or waiver shall include, but shall not be limited to:

1. Existing vegetation.
2. Topography.
3. Existing wetlands, floodplains, or other natural features.
4. Existing and proposed building and parking lot placement.
5. Building heights and views.
6. Adjacent land uses and distance between land uses.
7. Dimensional conditions unique to the parcel.
8. Traffic sight distances.
9. Alternative means of irrigation provided satisfactory to the approval body.

F. Landscaping Preservation

It is the intent of this ordinance to ensure that landscaping elements required and approved during the site plan approval process be preserved and maintained throughout the functional life of the development.

In addition to all newly introduced elements of the landscaping plan, the plan shall identify all trees that are proposed to remain, those which are proposed to be relocated and those that are proposed for removal.

All reasonable efforts shall be made to preserve and protect those existing trees that are proposed to remain during the construction process.

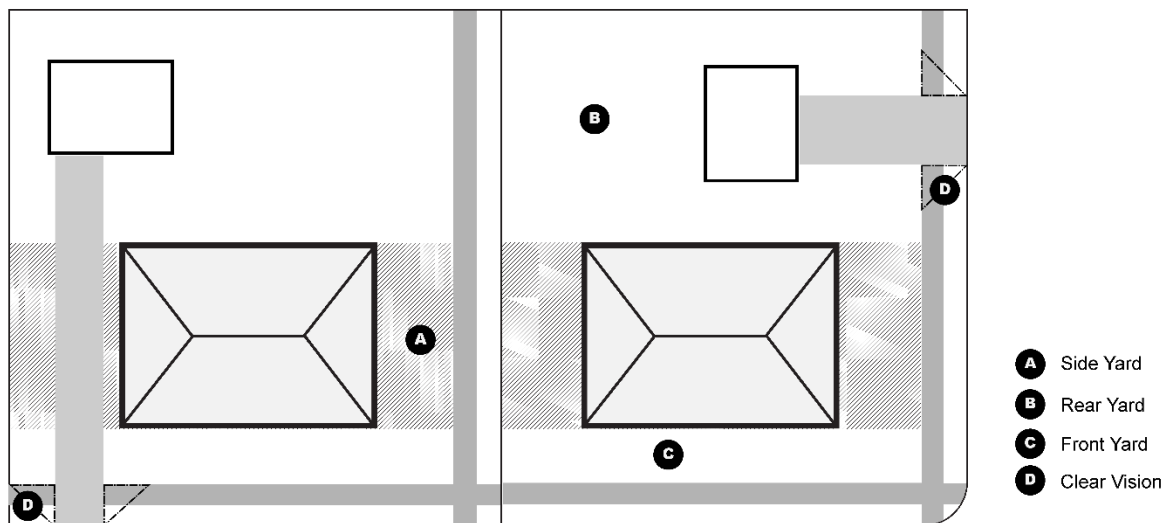
Landscape elements that are removed, die or are deemed beyond recovery during the ongoing life of the development shall be replaced with elements of the same or similar type as originally specified.

SECTION 106-91 FENCE AND SCREENING STANDARDS

A. Generally

1. All new fencing requires a permit. Repairs exceeding 25% of the existing fencing shall require a permit.
2. **Materials.** Fencing shall be constructed of high-quality durable material for outdoor use. Any material containing barbed wire or exposed metal is prohibited unless expressly permitted.
3. No fencing shall be in a public right-of-way or easement.
4. **Clear Vision.** Fences or walls shall not be erected or maintained to obstruct the clear vision area of motorists exiting driveways. This area shall be measured 15 feet from the street and 15 feet from the driveway on either side of the driveway.

Figure 106-91-1 Yard and Clear Vision Areas



B. Residential Fences, Walls, Hedges and Protective Barriers

1. The erection, construction or alteration of any fence, wall, hedge or other type of protective barrier in a single-family district shall be reviewed by the Planning and Zoning Administrator. The Planning and Zoning Administrator shall approve all fences that conform to the requirements of the zoning district wherein they are proposed and meet the requirements of this Section.
2. In any residential district, fences and walls are permitted along any lot line.
3. Unless otherwise stated, fences shall be a maximum of six (6) feet in height.
4. No fence located in the front yard shall be greater than forty-eight (48) inches in height. Fences located in the front yard shall not have more than 40% opacity.
5. No fencing shall have sharp design features and shall not contain barbed wire or razor wire.
6. For all fences hereinafter erected, the finished side of the fence shall face the property adjacent to the property where the proposed fence is installed.

C. Fences in Non-Single-Unit Residential Zoning Districts

1. **Approval.** All fences erected in multiple-family, manufactured housing, commercial and industrial districts shall require approval by the Planning and Zoning Administrator as part of site plan review.
2. **Rear and Side Yard.** The height of fences in the side or rear yard shall not exceed eight (8) feet; except taller fences shall be permitted for recreation facilities, wireless communication facilities, and commercial uses that have received special land use approval for outdoor storage and industrial uses.
3. **Front Yard.** Substantially solid or opaque fences located in the front yard shall not exceed three feet. No fence located in the front yard shall be greater than forty-eight (48) inches in height. Fences located in the front yard shall not have more than 40% opacity.
4. The Planning and Zoning Administrator may permit a taller fence or an obscuring wall in the front yard on nonresidential lots devoted to industrial use where necessary for security.
5. **Materials.** All fences hereafter erected shall be of an enclosure type. Barbed wire, spikes, razor wire, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences, are prohibited, except barbed wire cradles may be placed on top of fences enclosing permitted rear or side yard storage in the General Commercial, Light Industrial and General Industrial Districts and public utility buildings, as deemed necessary in the interests of public safety by the Planning Commission.

D. Parking Lot Screening and Walls

1. **From public street.** Parking lots shall be screened from view with a solid wall at least three (3) feet in height along the perimeter of those sides which are visible from a public street. The Planning and Zoning Administrator may approve alternative landscape plantings in lieu of a wall.
2. **Adjacent to residential.** Off-street parking areas shall be provided with a continuous and completely obscuring wall or fence not less than five (5) feet, but not more than six (6) feet in height measured from the surface of the parking area. This wall or fence shall be provided on all sides where the abutting property is used or designated as residential and shall be of solid type material such as treated lumber, brick, block or poured concrete or other approved material as determined by the Planning and Zoning Administrator. The side lot line required wall shall end a minimum distance of ten (10) feet from the front line.

E. Trash and Recycling Receptacles and Enclosures

1. **In General.** Receptacles, including waste receptacles, waste compactors and recycling bins, shall be designed, constructed, and maintained according to the standards of this section. Waste receptacle location and details of construction shall be shown for each receptacle location on site plans, except in certain cases as described. A change in receptacle location or size shall require modification of the enclosure, as warranted by this section.
2. **Location.** Waste receptacles shall be located in the rear yard or non-required side yard, unless otherwise approved by the Zoning Board of Appeals, and shall be as far as practical, and in no case less than ten (10) feet from any Residential District, for waste receptacles exceeding 1.5 cubic yards, and placed in such a way that they are not easily damaged by the refuse device. The location and orientation of the waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from a public street or adjacent Residential District.
3. **Access.** Waste receptacles shall be easily accessed by refuse vehicles without potential to damage the building or automobiles parked in designated parking spaces.

4. **Base Design.** The receptacle base shall be at least ten feet by six feet (10' x 6') and constructed of six-inch thick reinforced Portland cement concrete, 3500 psi at 28 days, with 6% air entrainment and reinforced with 6x6 W1.4 x W1.4 WWF or approved equal. The base shall extend six feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
5. **Enclosures.** Waste receptacle enclosures shall meet the following standards:
 - a. Waste receptacle shall be enclosed on three sides with a gate on the fourth side. A gate must be maintained in operable condition, and the enclosure kept in sanitary condition.
 - b. The enclosure shall be a berm constructed of brick; concrete or decorative precast solid screening wall panel of material durable and suitable for outdoor use; a wooden enclosure, provided the lumber is treated to prevent decay; or a combination of these materials, as determined by the Planning and Zoning Administrator to be durable and suitable for outdoor use, with a maximum height of six feet or at least one foot higher than the receptacle, whichever is higher, and spaced at least three feet from the receptacle.
 - c. Bollards or similar protective devices shall be installed at the opening to prevent damage to the enclosure.
6. **Lids or covers.** Each waste receptacle shall have an attached lid or cover.
7. **In the ERO District, a bulk waste receptacle (dumpster) is not required to be shown on a site plan when the following requirements are met:**
 - a. A central location (building or facility) on the college campus shall be noted on the site plan and designated as the primary location for receipt of waste material.
 - b. The bulk waste receptacle (dumpster), waste compactors and recycling bins located at the central location shall be designed, constructed and maintained according to the standards of this section.
 - c. A plan shall be submitted describing the distribution system by which college personnel collect waste material. The plan shall include the collection route, the days of the week and time of day when waste material is collected.

Division 5 Outdoor Lighting Standards

SECTION 106-92 GENERAL STANDARDS

A. Intent

The city strives to be resilient and follow sustainable practices in its outdoor lighting standards. These standards exist to conserve energy, reduce light clutter, balance safe outdoor lighting and comply with the Comprehensive Plan. The intent of these standards is to:

1. Reduce energy consumption.
2. Ensure outdoor lighting is sufficient and appropriately scaled for the activity on the site while minimizing light pollution and light trespass across property lines.
3. Enhance public safety and walkability during dark hours.
4. Minimize potential disruption to nocturnal ecosystems.
5. Reduce light clutter in the sky and enhance night sky visibility.
6. Align with Comprehensive Plan goals

B. Applicability

Unless expressly exempted, the regulations of this division apply to lighting installed after the effective date of this ordinance for all uses and developments. This includes, but is not limited to, new and replacement lighting installed anywhere on a site.

C. General Regulations

1. Shielding.

- a. All outdoor lighting shall be completely shielded from vehicular traffic on the abutting streets.
- b. All outdoor lighting that produces more than 4,050 lumens must be at least partially shielded. Partial shielding means that no more than 2.5% of the light should be visible above the horizon.

2. Direction and Control.

- a. No lighting shall be designed or installed to cast direct illumination on adjacent property.
- b. All lighting should be directed at the objects they are intending to illuminate.
- c. All lighting should be under a control that allows the ability to eliminate or reduce lighting when sufficient daylight is available. Control devices can include, but are not limited to, photoelectric switch, astronomic time switch or equivalent programmable lighting controller, building automation or lighting energy management system. Controls are not required for:
 - i. Lighting under canopies
 - ii. Lighting for parking garages, garage entrances and other similar structures
- d. Except where used for security purposes, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within non-residential zoning districts shall be turned off between 11:00 p.m. and sunrise, except when operating hours are during this time.

3. Light Trespass

Except for public right-of-way lighting, light levels at the property line, from all outdoor lighting should not exceed what is shown in Table 106-91-2 Illumination Standards at Property Line.

4. Fixture Height.

Light fixtures shall not be higher than fourteen (14) feet within three hundred (300) feet of a residential district. Otherwise, fixtures shall be no higher than twenty five (25) feet. Height shall be measured from the parking lot grade.

5. Prohibited Lighting

- a. No lighting shall flash, revolve, or produce intermittent lighting visible from a property line or street. This does not include motion-activated security lighting.
- b. High-intensity light beams such as searchlights and lasers unless approved for a temporary use in accordance with [Section 106-76D. Other Outdoor Recreation](#)

Outdoor recreational space for miniature golf courses and other similar recreational activities. Such recreation space shall not impact the traffic visibility within the designated sight triangle. The location, layout, design or operation of the outdoor facility shall not impair the continued enjoyment, use, and future development of nearby properties. The use shall not generate excessive noise, odors, dust, or other impacts. The Planning Commission may specify hours of operation and screening mechanism to assure compatibility with adjacent uses. Any such use shall be subject to site plan review by the Planning Commission

- c. Temporary Structures and Uses
- d. Upward-directed lighting, except as permitted elsewhere in this Division.
- e. Any lighting fixture that creates glare as deemed by the City to create a hazard or nuisance.

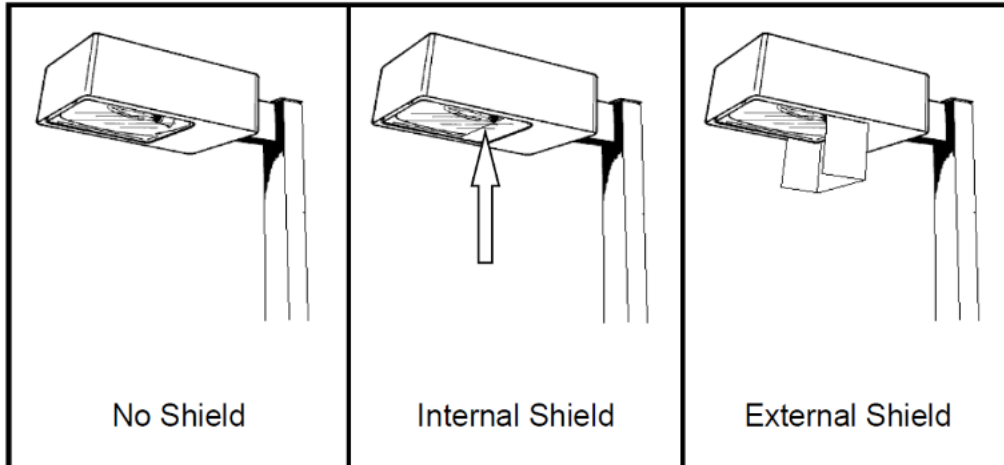


Figure 106-92-1 Light Shield Configurations.

SECTION 106-93 SPECIFIC LIGHTING STANDARDS

A. General

All lighting fixtures must follow the following standards unless they meet an exemption in Subsection E:

1. Non-Residential Districts

a. Freestanding Pole Lighting

- i. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide or LED, shoebox fixtures shall be used to keep a unified lighting standard throughout the City and prevent "sky glow".
- ii. Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare, and the proposed fixtures are necessary to preserve the intended character of the site.
- iii. Parking lot poles shall be located in parking lot islands, walkway, or landscape buffer. Light poles shall be prohibited in parking spaces.

b. Building-Mounted Lighting

- i. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide fixtures shall be used in an effort to maintain a unified lighting standard throughout the City and prevent "sky glow."
- ii. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare, and the proposed fixtures will improve the appearance of the site or is necessary for security purposes.

c. Window Lighting

- i. Any light fixtures visible through a window must be shielded to prevent glare at the property line.

- ii. Luminous tube, LED, and exposed bulb lighting (visible from the property line) is prohibited in the windows of a building unless it is part of a sign that meets the requirements of Article 6, Division 7: Signs.
- d. **Canopy Lighting**
 - i. All fixtures must be recessed into the canopy and the lens shall not extend below the lowest part of the fixture.
- e. **Other Lighting**
 - i. The internal illumination of building-mounted awnings or canopies is prohibited.
 - ii. Indirect illumination of signs and buildings is permitted provided there is no off-site glare.
 - iii. The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited unless approved for temporary use in accordance with [Section 106-76 Temporary Structures and Uses](#).
 - iv. Luminous tube, LED, and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of [Article 6, Division 7: Signs](#)

2. Residential Districts

- a. Any light fixture with an output exceeding 1,100 lumens which is used for outdoor lighting on any residential lot shall have the necessary shielding and/or beam-angle control and/or shall be aimed so that the direction of all directly emitted light is at or below horizontal. Any luminaire output less than what is listed above does not require shielding. If a motion-activated sensor that illuminates the light fixture for no more than five minutes upon activation is used, the said light fixture shall have a light output of up to 2,200 lumens (or incandescent bulb of 150 watts).
- b. Any light fixture with a light output exceeding 2,200 lumens (or incandescent bulb of 150 watts) which is used for outdoor lighting on any residential lot shall have the necessary shielding and/or beam-angle control and/or shall be aimed so that the light source is not visible along any property line, as viewed at a height of 36 inches above grade.

B. Exterior Lighting Plan

1. **Applicability.** An outdoor lighting plan must be submitted as part of any special land use or planned unit development application. The lighting plan must be reviewed to determine whether the proposed outdoor lighting complies with the standards of this article.
2. **Application Submittal.** Outdoor lighting plans must include a photometric study and data on the types of lighting fixtures to be used. The photometric plan must include all of the following unless the Planning and Zoning Administrator determines that a thorough review and determination is possible without such information:
 - a. Scale drawing of the site with all outdoor lighting fixture locations shown.
 - b. Fixture specifications indicating the type of fixture, height, shielding, luminaire type and wattage.
 - c. Lamp type and size.
 - d. A point-by-point illumination array for off-street parking areas and other vehicular use areas and along the property lines. The point-by-point array must show site illumination at (minimum) 10-foot intervals along the property line and at 20-foot intervals on the interior of the site.
3. **Inspection.** The City may conduct a post-installation inspection to verify compliance or to require remedial action at the expense of applicant.

C. Alternative Standards for Outdoor Recreation Uses

Because of their unique requirements for nighttime visibility and their limited hours of operation, the Planning and Zoning Administrator may permit alternative means of

compliance for outdoor recreation uses. In approving an alternative compliance lighting plan, the Planning and Zoning Administrator may impose reasonable conditions to help mitigate potential adverse impacts. Such conditions include limiting pole/fixture heights; limiting hours of operation; requiring special setbacks, landscaping, screening, or cutoff fixtures; and other techniques.

D. Light Levels.

Light levels on a site that is subject to site plan approval under this Ordinance shall meet the following average and maximum requirements for the developed portion of the site containing buildings, drives, and parking lots.

Table 106-93-1 Required Site Illumination

	Average Illumination (footcandles)	Maximum Illumination (footcandles)
Parking lots, loading areas, drive aisles	1-3 fc	10 fc
Sidewalks, site and building entrances	3-6 fc	10 fc
Under canopies such as gas stations, drive-thru banks porte-cochere	3 fc	22 fc
Along front lot line adjacent to the street frontage	.5 fc	3 fc

Table 106-93-2 Illumination Standards at Property Line

Source Zones	Impacted Zones	Maximum Light Level (footcandles)
Residential	Residential	0.1
Residential	Non-Residential	0.5
Non-Residential	Residential	0.1
Non-Residential	Non-Residential	0.5
Government	All	0.1

1. Light levels at the property line are measured at a height of 36 inches above grade at any angle.
2. For automobile dealerships and other types of outdoor sales areas the maximum illumination may be increased to fifteen (15) footcandles, provided the limits at the property line are not exceeded.

E. Exemptions

The following outdoor lighting applications are exempt from this article:

1. Emergency egress lighting and lighting required by the city, county, state, or federal law.
2. Lighting within the public right-of-way
3. Temporary lighting for holiday decorations
4. Decorative yard lighting by a flame source
5. Portable or temporary lighting used for construction, maintenance, or repair.
6. Lighting for City-approved special events

Division 6 Subdivision Control

SECTION 106-94 [See Code of Ordinances, City of Adrian, Chapter 78, Article II](#)

Division 7 Signs

SECTION 106-95 INTENT & APPLICABILITY

A. Intent

These regulations establish rules and standards for the construction, location, maintenance and removal of signs. Directional, informational, emergency, or traffic-related signs owned by city, state or federal government agencies are not regulated by this chapter.

The execution of these regulations recognizes that the purpose of this chapter is to protect the dual interest of the public health, safety and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for adequate identification, communication, and advertising. In order that such purposes can be achieved, the following objectives shall be applied for this chapter and any future additions, deletions and amendments:

1. **General.** Ensure that signs are located, designed, constructed, installed and maintained in a way that protects life, health, property and the public welfare;
2. **Public Safety.** Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from buildings or sites;
3. **Protect Aesthetic Quality of Districts and Neighborhoods.** Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views; preventing intrusion of commercial messages into non-commercial areas; and eliminating signs and sign structures on unused commercial properties. Also, to avoid glare, light trespass, and sky glow through selection of fixture type and location, lighting technology, and control of light levels;
4. **Free Speech.** Ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication;
5. **Reduce Conflict.** Reduce conflict among signs and light and between public and private information systems;
6. **Business Identification.** Allow for adequate and effective signage for business identification and other commercial speech, non-commercial speech, and dissemination of public information, including but not limited to, public safety information and notification as may be required by law;
7. **Foster Economic Development.** Ensure that signs are located in a manner that does not cause blight and distraction, but rather promotes identification and communication necessary for sustaining and expanding economic development in the City; and
8. **Recognize Unique Areas.** Acknowledge the unique character of certain districts, e.g., the B-3 District, and establish special time, place and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas.

SECTION 106-96 DEFINITIONS

A. Definitions.

Sign: means any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos and/or graphics, designed for the purpose of conveying, bringing attention to, identifying or advertising an

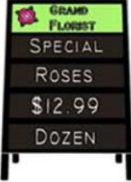
establishment, product, goods, services, or other message to the general public. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily visible to and directed at persons within the premises upon which the sign is located. For the purpose of removal, such terms shall also include sign supports. A sign shall not include any of the above that is customarily affixed to a person or clothing that is being actively worn by a person.

The following definitions are related to the regulation of signs in this ordinance (see end of this section for illustrative examples).

1. **Abandoned sign** means any sign which for a period of at least 30 days or longer no longer correctly directs or exhorts any person or advertises a bona fide business lessor, owner, product, service, or activity.
2. **Advertising vehicle or trailer sign** means any vehicle or trailer which, as its basic purpose, has the advertisement of products or the direction of people to a business or activity, whether such business or activity is on or off the premises.
3. **Animated sign** means a sign that has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alter in appearance in a manner that is not permitted by these regulations.
4. **Area of sign** shall be calculated by measuring the area of all sign elements circumscribed by a rectangle, as follows (see graphic below):
 - a. For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a rectangle that forms, or approximates, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building.
 - b. For a freestanding sign, the sign area shall include the sign frame, if any, but shall not include 1) a pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device. 2) Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, a decorative sign base or structural forms complementing the site in general.
 - c. Lower case letters with ascenders and descenders that extend beyond the limits of the sign height by a maximum of 12 inches, will not be calculated into the total sign area.
 - d. In the case of a flat, two-sided sign, only one side shall be used to calculate the sign area. In the case of a multiple-faced sign, the area of all faces shall be considered as one surface. A sign shall be considered flat if there is less than a two-foot space between the two sign panels.
5. **Ascenders** means the part of a lowercase letter that rises above the main body of the letter such as b,d,f,h,k,l and t.
6. **Awning sign**— see Canopy Sign
7. **Banner sign** means a temporary lightweight sign that is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable materials, including, but not limited to, cardboard, cloth, and/or plastic.
8. **Billboard** means a large panel for the display of advertising and messages.

9. **Blade sign.** A sign which is oriented perpendicular to the building facade, and which is suspended under a bracket, armature, or other mounting device.
10. **Canopy sign** means any sign that is painted on, applied, or attached to or hung from a marquee, mansard, awning, canopy or other structure projecting from and supported by the building and extending beyond the building wall.

SIGN AREA CALCULATION GUIDELINES

Sign Type	Sign Area	
		Individual Copy on Freestanding Sign Calculate sign area defined by imaginary rectangle drawn around outside of freestanding sign face. Base of ground sign not included in sign area. This calculation applies to other types of freestanding signs.
		Copy on Rectangular Wall Sign Panel Calculate sign area defined by sign panel. If letters are placed on a panel or other material that resembles a sign face, the entire sign face shall be included in the sign area calculation.
		Individual Copy on Wall Sign with Letters Placed on Building Facade Calculate sign area defined by imaginary rectangle drawn around outside of the integral design elements of the sign.
		Individual Copy and Logo on A-Frame Sign Calculate sign area defined by imaginary rectangle drawn around outside of freestanding sign face. Support base not included in sign area.
		Window Sign Area Available window area is counted and applied on a floor by floor basis.



11. **Changeable copy** means a sign that is designed so that its characters, letters, illustrations, or other content can be changed, altered or rearranged without physically altering the permanent physical face or surface of the sign. This includes manual, electrical, electronic, or other variable message signs.

12. **Damaged sign** means any sign which has become deteriorated or dilapidated so as to require more than minimal reconditioning to restore it to an average, normal, safe state of repair.
13. **Descenders** means the part of a lowercase letter that falls below the baseline as found in the letters g,j,p,q and y
14. **Device sign.** Permanent signs on vending machines, gas pumps, ice containers and similar items indicating only the contents of such devices.
15. **Digital Sign.** A sign component whose items of information including symbols, logos, graphics, and words can be changed or altered by electric, electron mechanical or electronic means.
16. **Directory sign** means small scale, pedestrian-oriented wall signs that are used for multi- tenant buildings to provide a directory of tenant locations within the building. They may also serve as the address sign for the property.
17. **Electronic Message Sign** means a sign with a fixed or changeable display or message composed of a series of lights that may be changed through electronic means.
18. **Embellishments** mean any framing or trim attached to or superimposed upon a sign.
19. **Entranceway sign.** A sign which marks the entrance to an apartment complex, condominium development, senior housing complexes, manufactured housing communities, office and industrial parks and similar uses.
20. **Feather sign** means any sign that is formed of material that is suspended or attached in such a manner from a pole or stake as to attract attention by waving and/or fluttering from natural wind currents.
21. **Festoon sign** means a sign made of fabric or material suspended, draped, and bound at intervals to form loops or scalloped folds.
22. **Flashing Sign**—see Animated Sign
23. **Freestanding sign** means any sign permanently affixed to the ground and not to a building, and which is not used for off-premises advertising.
24. **Frontage** (for sign purposes) - means that side of a building that faces a street. Principal frontage is typically the side with the building entrance, or as otherwise designated by the building owner.
25. **Government sign.** A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.
26. **Ground sign** - see Monument Sign
27. **Human sign.** A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product. Generally, signs of this nature are not regulated by this ordinance.
28. **Illumination or Illuminated** means a source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the street graphic.
29. **Mansard.** A sloped roof or roof-like facade. Signs mounted on the face of a mansard roof shall be considered wall signs.
30. **Marquee sign** means any sign painted on or attached to or supported by a marquee.
31. **Memorial sign or tablet.** A sign having the name of the building and/or the date of erection and cut, cast or engraved into a masonry or metal surface and made an integral part of the structure.
32. **Mural** (see [Section 106-07 Mural](#))

33. **Mobile Billboard** means an on- or off-premise advertising sign attached to a vehicle or trailer that is used for the primary purpose of advertising and that moves with pedestrian or vehicular traffic or is parked at specific locations. A vehicle which advertises the company of its primary use is not considered a mobile billboard.
34. **Monument sign** means a sign attached to a permanent foundation or decorative base and not attached or dependent on support from any building, pole, posts, or similar uprights. Monument signs include ground signs.
35. **Moving sign**—see Animated sign.
36. **Nameplate.** A non-electric, on-premise identification sign.
37. **Nonconforming sign** means a sign which met all legal requirements at the time of construction but became "nonconforming" as a result of subsequent changes to the sign regulations and/or amendments thereto; a prohibited sign is not a "nonconforming" sign.
38. **Obsolete sign.** A sign for a business or use that has closed.
39. **Off-premises sign** means any sign not strictly related to goods, activities or services given on the premises where the sign is placed or affixed.
40. **On-premises sign** means a sign limited to advertising the name and goods or services given on the premises where the sign is placed or affixed.
41. **Pennant** means any cloth, plastic, metal, or similar material suspended from one end to hang down, with a written message or advertisement, and any similar materials cut into strips and attached by strings, wire or ropes and suspended in such a manner as to attract attention by waving and/or fluttering from natural wind currents.
42. **Pedestrian sign** means a sign near street or sidewalk level, oriented and scaled to the pedestrian rather than the motorist. Such signs shall be self-supporting, as with an A-frame type sign, and not be permanently installed.
43. **Pole sign** means a permanent sign that is mounted on a freestanding pole(s) or other support that is placed on, or anchored in, the ground and that is independent from any building or other structure.
44. **Portable sign** means any sign not permanently affixed to the ground or a building, and which is designed to allow removal and reuse or relocation without any disassembly.
45. **Projecting sign** means a sign that extends beyond the building wall, where the horizontal sign face is not parallel to the building wall.
46. **Regulatory sign.** A sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of Uniform Traffic Control Devices.
47. **Roof sign** means any sign which is affixed to a building roof.
48. **Sandwich board sign.** Also known as a poster panel or "A" frame sign. A moveable nonpermanent sign placed within the pedestrian public right-of-way of a public sidewalk during regular business hours consisting of an "A" frame or "inverted T" frame or other temporary style, with not more than two flat surfaces containing messages, and not permanently affixed to any structure or to the sidewalk itself.
49. **Sign band** means an integral part of the storefront design that architecturally defines the top of the ground floor, or the location on the building's facade between the building entrance and the bottom of the second-floor windows, or, for a one-story building, the eave line.



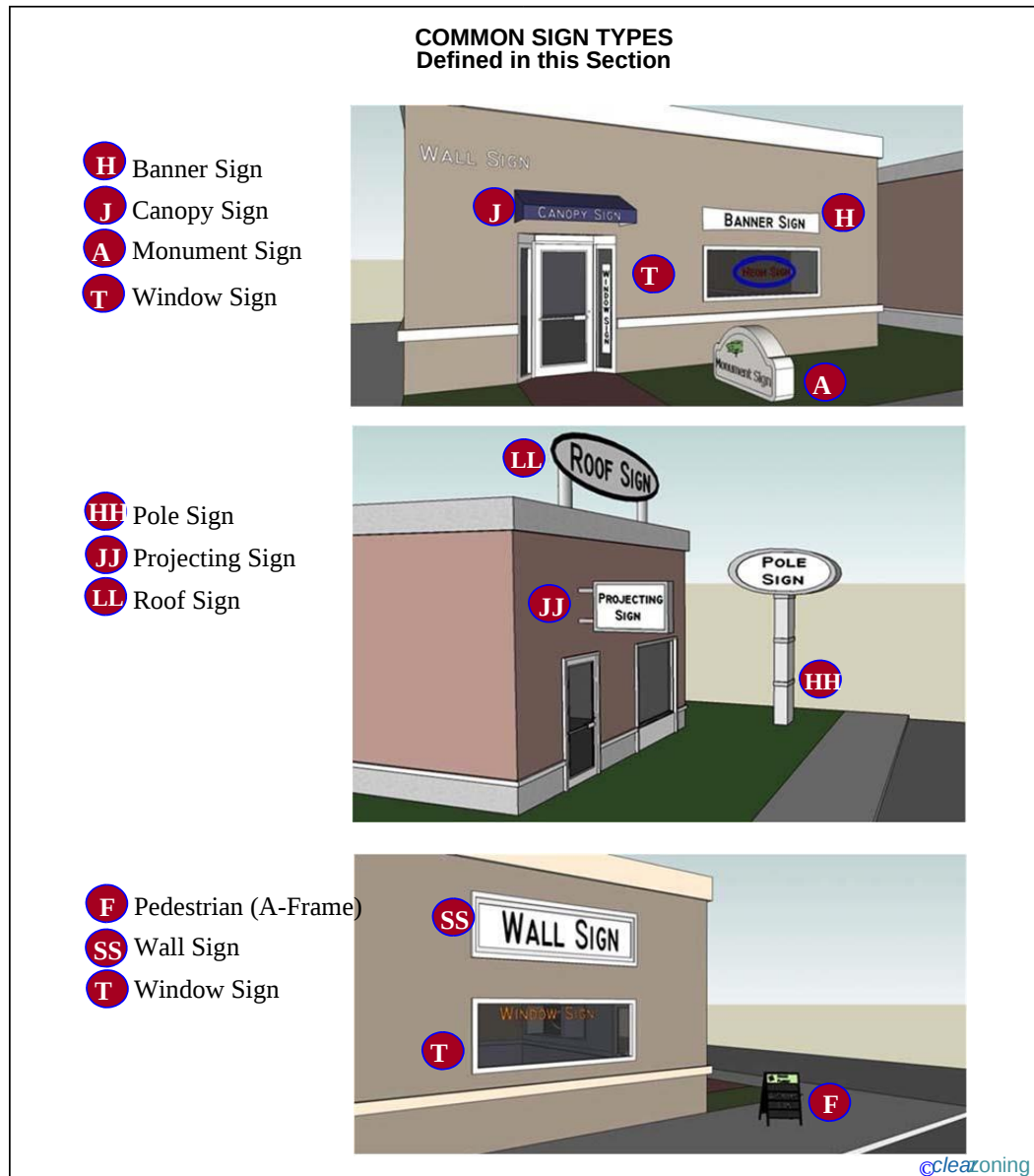
Figure 106-96-1 Example Monument and Pole Sign

50. **Sign face** means that part of the sign where copy and display matter is or could be.
51. **Sign height** means the vertical distance between the grade of the public street to which the sign is oriented and the highest point of the sign.
52. **Sign setback** means the horizontal distance between a sign and the property lot line as measured from that part of the sign, including its extremities and supports, nearest to any point on an imaginary vertical plane projecting from the property lot line.
53. **Snipe sign** means anything that is attached to trees, wires or to other objects that has a message appearing on it that does not apply to the present use of the premises or structure upon which the sign is placed and is not otherwise permitted by this Ordinance.
54. **Street Level Building Frontage** means the width of the principal structure, measured along the first floor (ground) elevation, which faces the front lot line.
55. **Street Level Business Frontage** means width of the portion of the street level building frontage that is occupied by a single business or other non-residential use that abuts the exterior wall facing the front lot line.
56. **Temporary sign** means a sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.
57. **Vehicle sign.** Signs affixed to a parked vehicle or truck trailer which is being used principally for displaying a message, rather than for transportation purposes.
58. **Wall sign** means any sign affixed flat against and parallel to a building wall, including the exterior of window areas.
59. **Window sign** means any sign, other than a product or decorative display, affixed to business windows and/or doors, or otherwise so placed to attract the attention of persons outside the building.

SECTION 106-97 GENERAL REQUIREMENTS

- A. No person or business firm, acting either as principal or agent, shall erect or install any sign or sign structure until a permit for such work has been issued by the Community Development Department to a contractor or the owner or occupant of the premises where the work is to be done, except as otherwise provided in this chapter.
- B. Signs with changeable copy may be changed by the owner, occupant, or their assignees, provided the sign has been approved and constructed per this chapter and the building code.
- C. No sign, sign structure or sign support shall project over any internal, side, or rear property line. Projection over a front or exterior side lot line shall only be as permitted in this Ordinance.
- D. No sign, sign structure or sign support shall project over the roof of any building, nor obstruct or obscure any building windows or significant architectural elements.
- E. All businesses, institutions, and residences shall be identified by a street address sign or number which shall be clearly visible from the street.
- F. Signs shall meet requirements for sight distances as described in [Section 106-78-B](#)
- G. Substitution. Any sign that can be displayed under the provisions of this ordinance may contain a non- commercial message.
- H. Illumination:
 1. Exterior lighting may be provided from an external light source attached to or near the sign and directed only to the face of the sign. Sign light sources shall be shielded in order to prevent visible glare to passing motorists and

- unnecessary spillover to the night sky, and they shall not be directed so as to trespass or encroach in or upon neighboring properties. Exposed neon tubing is permitted on signs in the B-1, B-2, B-3A, and B-3B districts, but is not permitted in other districts.
2. Internal Illumination. In all districts signs with internal lighting may be permitted. All illumination shall be steady and stationary in source and intensity, except as otherwise permitted.



SECTION 106-98 SIGN TYPES BY DISTRICT

Table 106-98-1 Sign Types Permitted in Residential Districts

Sign Type	Location	Max. Area	Max. Height & Length	Number
Monument sign	10 ft min. front and side yard setbacks	32 sq ft per side	6 ft from ground to top of sign	1 per subdivision, residential complex, or other permitted non-residential use. One additional sign if such use has frontage on more than one non-local road as defined in the Comprehensive Plan. Each sign shall be along a different street and each sign shall be located a minimum of 25 ft from the intersection of two streets or rights-of-way.
Wall sign (no illumination permitted)	On principal building frontage	0.5 sq ft	6 inches in height x 12 inches in width	1 per residential building
Temporary sign	In front or side Yard, not in right-of-way		3 ft high	see details in Section 106-101- 2 & 3

Table 106-98-2 Sign Types Permitted in General Business Districts (B-1, B-2, B3-B)

Sign Type	Location	Max. Area	Max. Height	Number
Principal Wall Sign	On principal building frontage to be placed at the sign band, when provided.	1 sq ft of sign per each lineal foot of street level business frontage. Signs on buildings that are set back more than 100 ft are allowed an additional 0.5 sq ft of sign area per lineal foot of street level business frontage, provided that no sign shall exceed a maximum of 90 sq ft.	-	One sign is permitted per street level business frontage. Buildings with multiple street frontages shall be permitted signs of the same type on each street frontage, with a maximum sign area based on that front's lineal measurement.
Monument Sign	10 ft minimum front and side yard setbacks	75 sq ft per side	6 ft from ground level to top of sign	See table 106-98-1. for provisions for number of Monument Signs. A monument sign is not permitted in addition to a pole sign.
Window Sign	Ground Floor Business Window	25% of total glass area per business	-	-
Other signs	See Section 106-96 Other Permitted Signs			



Illustration of corner building with identical wall signs on both frontages



Illustration of wall signs permitted for street level businesses with building frontage.

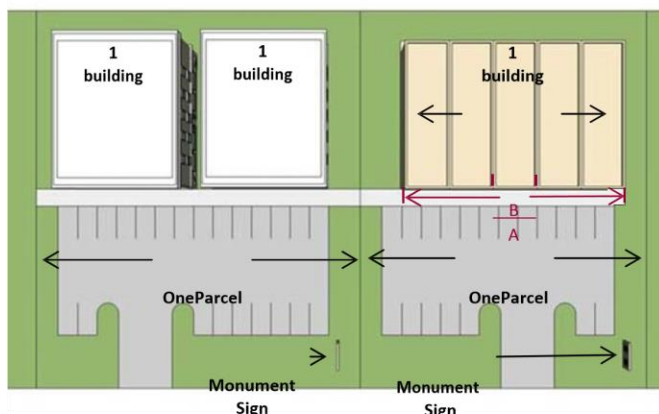


Illustration of one monument sign permitted per parcel.

A = Street level building frontage
B = Street level business frontage

Table 106-98-3 Sign Types Permitted in Downtown Central Business District (B-3A)

Sign Type	Location	Max. Area	Max. Height	Number
Wall Sign	On building frontage containing the main entrance at the sign band	1 sq. ft. per lineal foot of street level business frontage.	—	One sign is permitted per street level business frontage. Buildings with multiple street frontages shall be permitted signs of the same type on each street frontage, with a maximum sign area based on that front's lineal measurement.
Projecting Sign See Section 106-96	At least 8 ft. above ground level No closer than 20 ft to another such sign No higher than the ground floor of a multi-story building	24 sq. ft. total	See location	1 per occupant at street level
Window Sign	Ground Floor Business Window	25% of total glass area per business	—	—
Monument Sign	10 ft minimum front and side yard setbacks	1 sq ft per linear foot of building frontage, up to 30 ft per side	6 ft from ground level to top of sign	1 per street frontage

Temporary Pedestrian or A- Frame Sign —See Section 106-96-B	May be located in public right-of-way, but shall maintain 4 ft clear pedestrian area on sidewalks and where on-street parking is permitted, shall be setback 4 feet from the back of curb. No closer than 10 ft. from another such sign	6 sq ft per side	4 ft from ground level to top of sign	1 per street-level business with an exclusive or shared pedestrian entrance facing the street or public walkway
Other signs	See Section 106-96 Other Permitted Signs.			

Table 106-97-4 Sign Types Permitted in Office Districts (R-O and O-S)

Sign Type	Location	Max. Area	Max. Height	Number
Wall Sign	On principal building frontage to be placed at the sign band, when provided.	1 sq ft per lineal foot of street level business frontage, up to 20 sq ft	—	1 per street level business with building frontage. Corner buildings shall be permitted 1 identical sign (type and area) on each frontage
Monument Sign (formerly Pole Sign)	10 ft minimum front and side yard setbacks	1 sq ft per lineal foot of building frontage, up to 30 sq ft per side	8 ft from ground level to top of sign	1 per parcel.
Window Sign	Ground Floor Business Window	25% of window	—	—
Other signs	See Section 106-96 Other Permitted Signs.			

Table 106-97-5 Sign Types Permitted in Industrial Districts (I-1 and I-2)

Sign Type	Location	Max. Area	Max. Height	Number
Wall Sign	On principal building frontage	1 sq. ft. per lineal foot of street level business frontage, up to 200 ft	—	1 per street level business with building frontage.
Monument Sign	10 ft front setback	2 sq. ft. per lineal foot of building frontage, up to 100 sq ft.	8 ft from ground level to top of sign	1 per street frontage
Other signs	See Section 106-96, as applicable			

Table 106-98-6 Sign Types Permitted in the Education Research and Office District (ERO)

Sign Type	Location	Max. Area	Max. Height	Number
Principal Wall Sign	On principal building frontage to be placed at the sign band, when provided.	1 sq ft of sign per each lineal foot of street level building frontage. Signs on buildings set back more than 100 ft are allowed an additional .5 sq ft of sign area per lineal foot of street level building frontage, provided that the total sign area shall not exceed a maximum of 300 sq ft	—	One sign per occupied space per street level. Buildings with multiple street frontages shall be permitted signs of the same type on each street frontage, with a maximum sign area based on that front's lineal measurement.
Monument Sign (formerly Pole Sign)	10 ft minimum front and side yard setbacks	100 sq ft	8 ft from ground level to top of sign	1 per street frontage
Other signs	See Section 106-99 Other Permitted Signs, as applicable			
Additional requirements	When multiple signs are used for one institution in the ERO district, all such signs shall be compatible in terms of color, material, and design to provide a cohesive identity for the institution.			

SECTION 106-99 OTHER PERMITTED SIGNS

A. **Electronic message signs.** Such signs shall be permitted as a component of otherwise permitted signs in the B-2, B-3B, ERO, I-1, and I-2 districts as a portion of a wall or monument sign. They shall also be permitted as a portion of a monument sign in districts R-1 through R-3 with a permitted, non-residential use. All electronic message signs are subject to the following:

1. The sign must meet the requirements of [Sections 106-95 & 97](#).
2. Signs located in a non-residential district must be a minimum of one hundred (100) feet from a residential district; such signs may be located closer to a residential district, provided that the surface of the sign is not visible from the residential district. Signs located in districts R-1 through R-3 must be a minimum of one hundred (100) feet from an adjoining residential parcel line; such signs may be located closer to a residential parcel line, provided that the surface of the sign is not visible from the residence.
3. Scrolling messages and moving images are prohibited.
4. Audio speakers or any form of pyrotechnics are prohibited.
5. The electronic message sign may not display light of such intensity or brilliance as to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. Maximum sign luminance shall not exceed 0.3 foot candle above ambient light measurement based upon the size of the sign (in square feet) and distance measured perpendicular to the sign face in accordance with the following table:

Maximum Allowed Ambient Light Level (footcandles)	Area of Sign (square feet)	Measurement of Distance (feet) ¹
0.3	10	32
0.3	15	39
0.3	20	45
0.3	25	50
0.3	30	55
0.3	35	59
0.3	40	63
0.3	45	67
0.3	50	71
0.3	55	74
0.3	60	77
NOTES: Source: Model Code, Illuminating Engineering Society of North America ¹ Measured in feet, perpendicular to the face of the sign.		

- a. Electronic message signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for

the time period between one half-hour before sunset and one half-hour after sunrise.

- b. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above-listed light levels.
- c. In no case shall EMS luminance exceed 0.1 foot candle above ambient light along any adjacent property line that is zoned or used for residential purposes.
- d. In case of malfunction, the sign must go dark.
- e. The electronic display component shall not exceed fifty percent (50%) of the total sign area proposed for the sign within which the electronic sign will be included.
- f. A minimum of the upper twenty percent (20%) of a sign shall not include an electronic display component.



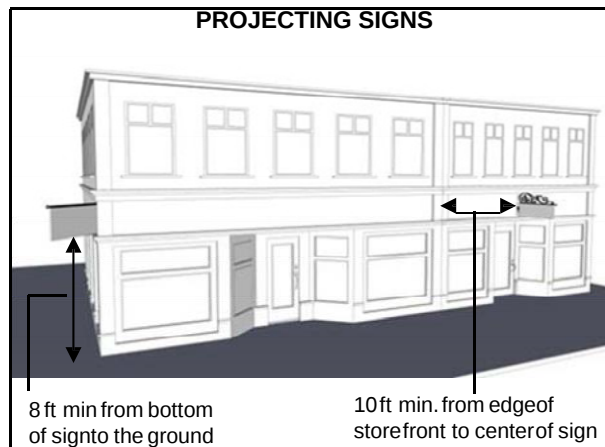
B. Billboards. The following regulations apply to billboards:

- 1. Billboards shall only be permitted within the US 223 Highway Corridor on property zoned Industrial
- 2. A sign panel may not exceed 20 ft in height and 48 ft in length. An 8 ft clearance is required between the ground and the bottom edge of the sign face.
- 3. Billboards shall be setback at least 50 feet from the edge of the right-of-way of the Federal Highway System-
- 4. Billboards shall be no closer than 1,000 feet from another such sign. Spacing shall be measured from the closest extremities of the two signs.
- 5. Sign faces shall be perpendicular or at an angle no less than 45-degrees to the road upon which they front.
- 6. No Billboard shall be constructed in a V-shape in excess of a 45-degree angle.
- 7. Embellishment may be added as a temporary extension comprising up to 10 percent of the off-premise sign face. The limits of the embellishment shall not

extend more than 5 feet above the sign face. The total height of the sign shall not exceed 30 ft.

8. Each permitted Billboard shall have a permanently installed, weatherproof plaque mounted in a conspicuous place that lists the name and phone number of the sign's installer, manufacturer, and owner, as well as the voltage of any electrical apparatus used.
9. Billboards shall meet the requirements of the adopted Building Code.
10. No Billboard larger than 64 square feet shall be built on wooden support poles. All other Billboards shall be constructed on steel beams, metal pipes or similar material and painted with a neutral or subdued color.
11. When illumination is provided, Billboards shall be externally illuminated. Internal illumination and electronic billboards shall not be permitted.
12. The sign permit application for a Billboard shall include construction plans certified by a state registered engineer who shall certify that the structure complies with the adopted building code and shall submit sufficient data to enable the Planning and Zoning Administrator to determine whether the Billboard complies with City zoning and construction requirements.

C. **Projecting Signs.** Projecting signs are for the benefit of pedestrians and are encouraged to be decorative in design. Such signs shall only be permitted under the following provisions:



1. Projecting signs shall only be permitted in the B-3A District.
2. Projecting signs shall be placed no closer than 10 feet to the horizontal edge of the storefront facade associated with the subject establishment provided; however, this subsection shall not apply if there is no storefront within 10' of sign.
3. Projecting signs shall have a maximum depth (thickness) of 6 inches.
4. Support structures for projecting signs shall be constructed of a material and color to match the sign and complement the building.

D. **Other Signs.**

1. **Special event signs** in non-residential Districts. A temporary grand opening banner may be erected in a non-residential district for a period not to exceed 15 days and shall be no greater than 26 square feet in area.
2. **Directory Signs.** In all non-residential districts, one directory sign no larger than 8 sq ft may be permitted per building at the principal building entrance. Such signs may be externally illuminated as provided elsewhere in this Article.
3. **Rear Entry Signs.** When a business has a rear entrance, a wall or projecting sign not exceeding 12 square feet in area is permitted at the rear entrance in addition to other signage allowed by this ordinance.

4. **Plaque signs.** In any district, one historic marker or building identification sign no greater than 2 sq ft may be affixed to a building at the ground floor level. In addition to other signage allowed by this ordinance,

5. **Canopy/Awning Signs.**

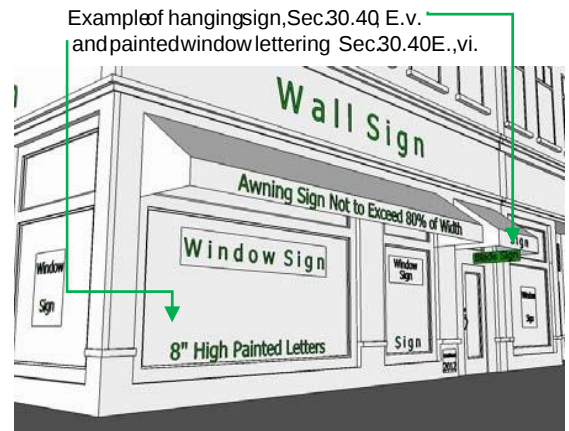
- a. Backlit Canopies are prohibited.
- b. Painted/stencil letters up to eight inches in height may also be applied to the vertical drip of an awning, not exceeding 80 percent of the width of the awning.

c. **Parking of Vehicles Displaying Signs.**

Mobile billboards are prohibited.

Commercial vehicles and trucks 1) displaying signs that are typically found on said vehicles and 2) that have a primary function of carrying goods or people, not advertising, may be permitted to park on the site of the principal use provided parking shall be in a rear or interior side yard.

- d. **Wayfinding:** For a collection of buildings and/or parcels under common management, wayfinding signs of similar size, color, and style used for directional guidance and identification may be installed. Such signs are not to be included in the calculations for other sign area, provided the following conditions are met:
 - i. Individual wayfinding signs shall not exceed eighteen square feet in area.
 - ii. Wayfinding signs shall not exceed a maximum of six feet in height.
 - iii. Electronic messages are prohibited.
 - iv. Such signs shall be located outside the public right-of-way.
 - v. Wayfinding signs shall be spaced to avoid clutter and shall include only the minimum number of signs necessary to reasonably provide guidance while maintaining the spirit and intent of this ordinance.
- e. **Entry and Exit:** Signs up to 3 (three) square feet may be installed at property entrances and exits (one per driveway). Such signs shall not exceed 4 (four) feet in height, including support structures. Interior illumination is not permitted.



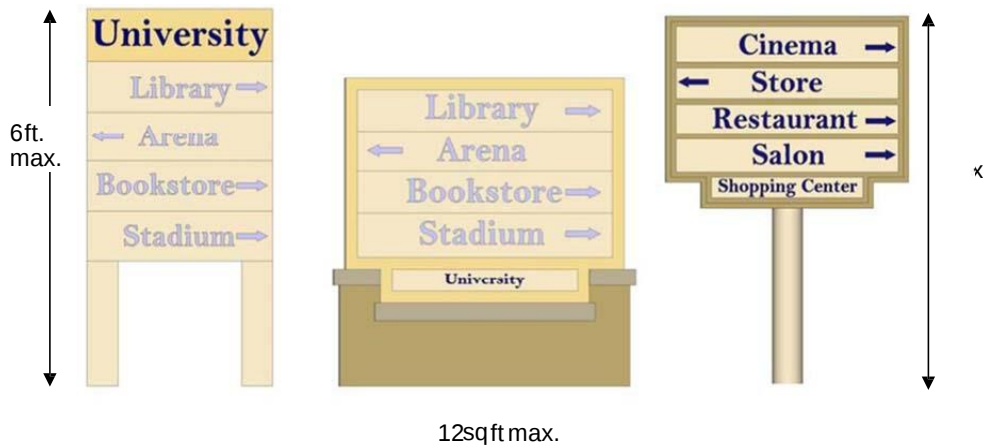


Figure 106-99-1 Examples of Wayfinding Signs

SECTION 106-100 PROHIBITED SIGNS

The following signs shall be prohibited:

1. Signs in the right-of-way unless otherwise expressly permitted in this ordinance or installed by a governmental entity.
2. Signs that flash, blink, or exhibit motion.
3. Signs which resemble any official traffic sign or bear the words "stop," "go," "slow," "caution," "danger," "warning" or similar words.
4. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or the light of an emergency or road equipment vehicle.
5. Signs which hide from view any traffic or street sign or signal or similar device.
6. Signs which emit sound, odor or visible matter.
7. Roof signs, or signs that project or extend over the roof line of a building.
8. Signs attached to benches or other street furnishings
9. Beacon lights, strobe lights, search/spot lights and laser lights
10. Festoons but not including decorative lighting.
11. Mirrors. No mirror device shall be used as part of a sign.
12. Obsolete or Abandoned Signs
13. Snipe Signs
14. Yard Signs as distinguished from temporary signs ([see Section 106-101 A](#))
15. Portable Signs
16. Freestanding Signs
17. Banners (except as otherwise provided for herein)
18. Feather Flag Signs
19. Any signs not expressly permitted are prohibited

SECTION 106-101 ADMINISTRATION & ENFORCEMENT

A. Signs permitted without a permit.

1. A traffic control sign on private property, such as "Stop," "Yield" and similar signs, the face of which meet traffic engineering standards and which contain no commercial message of any sort.

2. Temporary signs in residential districts. Except as provided within this section, temporary signs shall be permitted provided they do not exceed 3 feet in height and the total area of all temporary signs does not exceed 6 square feet.
3. Temporary signs in all districts as follows:
 - a. Election season. During the period from 30 days prior to an election until 5 days past an election held in the City, additional temporary, non-commercial signs shall be permitted subject to the following:
 - i. The maximum total temporary sign area and sign height in residential districts shall be 12 square feet and 3 feet, respectively.
 - ii. In non-residential districts, the maximum temporary sign area shall be 24 square feet and the maximum height shall be four feet (provided sight distance requirements are met)
 - iii. All signs permitted relative to this subsection shall be removed within 5 days of an election date in the City.
 - b. Property for Sale or Lease. In addition to the temporary signs permitted above, one additional temporary sign shall be permitted when a parcel, structure or unit on the parcel is offered for sale or lease. The sign area shall be limited to 9 square feet in residential districts and 36 square feet in non-residential districts, shall be no greater than 5.5 feet in height in residential districts and 8 feet in height in non-residential districts, and shall be attached to a wood post or similar support that is placed in the ground or the sign may be mounted to the facade of a structure. The sign shall be removed within 5 days of completion of the sale, signing of a lease agreement or other similar action, as determined by the Planning and Zoning Administrator.
4. Window signs
5. House number signs. A sign bearing the house number shall not exceed two square feet in area and shall be illuminated only by the reflector or external light source, placed behind the building line and erected so that the light source is not visible from outside the premises.

B. Permit Procedure.

All signs other than those identified in subsection A. above require a sign permit.

1. Application. Applications for sign permits shall be made upon forms provided by the Planning and Zoning Administrator
2. A master sign plan shall be reviewed in conjunction with the site plan and filed with the Planning and Zoning Administrator for all sites occupied by more than one tenant or unit. After filing and approval of the sign plan, all tenant/unit signs shall meet the requirements of the plan.
3. The following information shall be provided with the permit application:
 - a. Applicant's name, phone number, and email
 - b. Letter/graphic style
 - c. Location of each sign
 - d. Materials used
 - e. Dimension and proportion

- f. Wayfinding sign elements, as applicable
 - g. Sign type
 - h. District the sign is located in
- 4. All plans shall address the removal of all previously installed signage and repairs to mounting surfaces impacted by previous mountings. If it appears that the proposed sign is in compliance with all plans approved by the appropriate body, and all requirements of this section, then a sign permit shall be issued by the Planning and Zoning Administrator.
- 5. Fees. Every applicant shall pay a fee as established by the City Commission.
- 6. Duration. If the work authorized under a sign permit has not been completed within 6 months after date of issuance, the permit shall become null and void.

C. Sign Review

- 1. Approval Required. The Planning and Zoning Administrator shall review all plans that require a permit.
- 2. The Planning and Zoning Administrator shall consider and approve, deny, or approve with conditions, all sign applications with a complete application and fee is paid. The Planning and Zoning Administrator shall initiate a review by the Downtown Development Authority, if the site falls within the DDA district.
- 3. Requirements in the DDA District. Sign review approval shall be granted only upon determining the following:
 - a. The scale, color, texture and materials of the sign being used will identify the business succinctly, and will enhance the building on which it is located, as well as the immediate neighborhood.
 - b. The scale, color, texture and materials of the sign will be compatible with the style, color, texture and materials of the building on which it is located, as well as neighboring buildings.
 - c. The appearance of the building exterior with the signage will preserve or enhance, and not adversely impact, the property values in the immediate neighborhood.
 - d. The sign is neither confusing nor distracting, nor will it create a traffic hazard or otherwise adversely impact public safety.
 - e. The sign is not located in such a manner as to obscure, obstruct, or otherwise physically interfere with the clear or unobstructed view of an official traffic sign, signal, or device, or obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.
 - f. The sign otherwise meets all requirements of this Chapter.
- 4. Requirements for All Signs. All signs must meet requirements d. through f. above.

D. Additional Permit Regulations for Billboards.

All Billboard signs shall require a permit. Permits shall be issued, regulated, and revised under the following provisions:

- 1. Application. In order to obtain a permit to erect, substantially modify, or relocate any billboard sign under the provisions of this chapter, an applicant shall submit to the Planning and Zoning Administrator a permit application that sets forth in writing a

complete description of the proposed sign and shall include all information required on application forms provided by the Planning and Zoning Administrator including but not limited to a final site plan and elevation drawings of the proposed sign.

- a. The name, address, and telephone number of the property owner, the persons entitled to possession of the sign and the sign contractor or erector. If a license is required to erect the sign, the license number of the licensed sign company shall be provided.
 - b. Plans indicating the scope and structural detail of the work to be done including details of all connections, guy lines, supports, footings, and materials to be used, size, height, configuration and number of sign faces.
 - c. If the sign is electric, electrical diagrams and details are required for an electrical permit. Such information shall include the name(s) of the licensed electrical installer.
 - d. An agreement to defend, indemnify, and hold the city harmless for all damages, demands, or expenses of every character that may in any manner be caused by the sign, sign structure, or sign installation.
 - e. An applicant shall obtain and attach to the application the written consent for the erection of such sign of the person having the right to use and possession of the premises on which the sign is to be erected. A permit issued by the state for such sign shall be presented to the Planning and Zoning Administrator.
 - f. Prior to the issuance of a sign permit, an applicant shall obtain and attach to the application a final site plan, signed and certified by a civil engineer licensed in the state, drawn to scale and requirements to be included as provided herein, delineating the following:
 - i. Property boundaries of proposed sign site, showing nearest intersecting street and names of owners and boundaries of parcels of land abutting the proposed site.
 - ii. Description of the property by lot number, square, and subdivision name or exact legal description of the proposed site.
 - iii. The GPS (Global Positioning System) coordinates and street address of the proposed sign structure.
 - iv. Sign location including pole(s) and sign face(s).
 - v. Sign dimensions.
 - vi. Existing billboard signs located on the same side of the street, within 1,000 feet measured along the edge of the right-of-way.
 - g. The Planning and Zoning Administrator shall act upon a completed application for permit within 30 working days after the receipt of all application documents including the final site plan, by issuing in writing, approval or disapproval of the permit application.
2. Emergency permit. In extenuating circumstances where a sign becomes unsafe due to accident or natural disaster, the Planning and Zoning Administrator may upon review issue an emergency permit for a temporary or a substitution sign for a period of time not to exceed 45 days.

3. Revocation. The Planning and Zoning Administrator is authorized and empowered to revoke any permit issued by them upon failure of the holder to comply with the provisions of this chapter or with the signed plans submitted to the Zoning Administrator.
4. Billboard permit fees. Permit fees shall be as set forth by resolution of the City Commission.
5. Annual inspection. The Zoning Administrator or designee will inspect the condition of each permitted sign structure annually. There will be an annual inspection fee as set forth by resolution of the City Commission due each January 1, to maintain a valid permit.

E. Enforcement.

1. These regulations shall be administered by the City of Adrian Community Development Department.
2. Nature of Sign Violations. A person who violates any of the provisions of this Article is responsible for a Municipal Civil Infraction. Each day such violation continues shall be considered a separate offense.
3. Validity & Severability Clause. If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not prohibit the enforcement of other provisions of this ordinance.

SECTION 106-102 MAINTENANCE

- A. Damaged or Abandoned Signs.
 1. Signs which are broken, torn, bent or whose supports are broken, bent or damaged, and signs that are not reasonably level and plumb shall be repaired and installed in a manner prescribed by the Planning and Zoning Administrator and / or Building Official, but in no case shall repair requirements exceed building code requirements and the original condition of the sign and/or its supports.
 2. Abandoned signs shall be removed or put into service. Removal of such signs shall include removal of the poles and/or supports.
- B. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this ordinance. Failure to comply with this section may result in action by the Planning and Zoning Administrator or Building Official to rescind the permit with subsequent removal of the entire structure.
- C. A sign shall be maintained as to have no more than 20 percent of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material.
- D. A sign shall not be maintained with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical. If the sign is determined by the Building Official to pose a safety hazard, immediate action may be required.
- E. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed.
- F. An internally illuminated sign shall not be allowed to stand with only partial illumination.

SECTION 106-103 NON-CONFORMING SIGNS

- A. Subject to the provisions of this section, nonconforming signs that were otherwise lawful on the effective date of this section may be continued.
- B. A nonconforming sign shall not be moved, replaced, enlarged or altered, except to bring the sign into complete conformity with this section. A message panel may be replaced provided

that it does not change the character or area of the sign and does not increase the non-conforming aspects of the sign.

- C. No illumination shall be added to a nonconforming sign.
- D. A nonconforming sign shall not be reestablished after the activity, business or usage to which it relates has been discontinued. A nonconforming sign shall not be maintained or displayed by anyone other than the person who operated the business being advertised on the signage at the date of adoption of this section. This shall not preclude a business from replacing the message panel as permitted above.
- E. If a nonconforming sign is destroyed, it shall not thereafter be repaired, reconstructed or replaced, except in conformity with all the provisions of this chapter, and the remnants of the former sign structure shall be removed from the property. For purposes of this section, a nonconforming sign is "destroyed" if damaged is to an extent that the cost of repairing the sign to its former condition or replacing it with an equivalent sign equals or exceeds 50% of the replacement value of the sign so damaged, including labor.

SECTION 106-104 REMOVAL OR AMORTIZATION

No sign shall be maintained or permitted to exist when it no longer advertises a bona fide business in existence and being actively conducted or a product sold. Any such sign, or any unsafe sign, or any sign which is in violation of the provisions of this article, is hereby declared to be a nuisance per se. Any such sign shall be removed by the owner within 30 days. If the owner shall fail or neglect to cause any such sign to be removed within such 30-day period, the city may enter upon the premises and remove the sign and charge the cost thereof to the owner. For the purpose of this section, the definition of the term "sign" as set forth in [Section 106-96](#) shall be expanded to include all parts, columns and supports of any pole or wall sign, and the term "remove" means that all parts of the sign shall be removed from the property, and in the case of a painted wall sign, such sign shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

SECTION 106-105 WAIVERS AND APPEALS

A. Authority of Zoning Board of Appeals

- 1. The Zoning Board of Appeals shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or determination made by the Planning and Zoning Administrator or other administrative official in connection with the endorsement of this article.
- 2. The Zoning Board of Appeals shall have the power to authorize a variance from the strict application of this article where such application will result in practical difficulties, not including financial hardships, to the property for which a variance is sought.

B. Variance

- 1. A variance may be allowed by the Zoning Board of Appeals only in cases involving practical difficulties when the evidence supports all of the following affirmative findings:
 - a. The alleged practical difficulties are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city.
 - b. The alleged practical difficulties which will result from a failure to grant the variance, include substantially more than mere inconvenience or inability to attain a higher financial return, or both.
 - c. Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this article, the practical

difficulties that will be suffered by a failure of the Zoning Board of Appeals to grant a variance and the rights of others whose property would be affected by the allowance of the variance.

2. The findings of fact set forth in subsection (B) of this section shall be made by the Zoning Board of Appeals, which is not empowered to grant a variance without an affirmative finding of fact on the categories set forth in such subsection.

C. In addition, the Zoning Board of Appeals may consider waiving or modifying the requirements of this Article for signage that accurately and authentically reproduces a historic sign or is historically appropriate in conjunction with historically appropriate building renovations or rehabilitations.

SECTION 106-106 MURALS

All murals shall comply with the following standards:

- A. **Zoning Districts.** A mural of 500 square feet or smaller is permitted in all zoning districts. Any mural more than 500 square feet is permitted in the B-1, B-2, B-3B and B-3A Downtown Core District.
- B. **Permission of Owner.** If the owner of the building or structure on which the mural is placed is not the occupant of such building or structure, the person who leases or otherwise has the right to occupy such building or structure shall obtain the prior written permission of the owner to place the mural on the building or structure. Such a lessee or other person with the right of occupancy shall provide a copy of the letter to Planning and Zoning Administrator or if requested.
- C. **Permit Required.** A mural that is produced off-site and affixed in a structurally sound and professional manner on the exterior wall and that is larger than 200 square feet shall require a permit under the provisions of [Section 106-05 Permits and Certificates](#).
- D. **Windows, Doors, and Other Architectural Features.** No mural shall obstruct any window, door, or architectural feature of the exterior wall on which the mural is placed.

APPENDIX A USE MATRIX

	A	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
1	Last Updated: as approved by the Planning Commission August 5, 2025	Residential				Commercial						Institutional	Industrial		Special Districts	Specific Use Requirements
2	P=Permitted as Principal A= Permitted as Accessory S=Special Land Use	R1	R2	R3	RMP	RO	OS	B1	B2	B3A	B3B	Education Research	I1	I2	MJ Overlay	
3	Residential															
4	Single-Unit Dwelling	P	P	P		P										106-51, 106-83-A,B
5	Two-Unit Dwelling	P	P	P		P										106-83-C
6	Multifamily (up to 6 units) including townhouses, flats & cottage courts		P	P		P					P					106-83.C,D,E,F
7	Multifamily (over 6 units) including townhouses, flats & cottage courts			P							P					106-83.C,D,E,F
8	High-Rise Dwellings								S		S					106-84
9	Dwelling Units above Office/Commercial			P		P	P	P		P	P					subject to the conditions in that specific district
10	Manufactured Housing Parks				P											106-54, 106-83-G
11	Accessory Dwelling	A	A	A		A										106-71-A,B
12	Live/Work Units			P		P	P				P					subject to the conditions in that specific district
13	Home Occupations	P	P	P	P	P										106-71-D
14	Group Living and Care Facilities															
15	Child Day Care Center	S	S	S	S		S				S					106-72-J,K
16	Convalescent, nursing homes, assisted living			S		S	S	S								106-72-J,K
17	Adult foster care family home			P		P										106-72-J,K
18	Adult foster care small group home			P		P										106-72-J,K
19	Adult foster care large group home					S			S							106-72-J,K
20	Adult Day Care Center								S							106-72-J,K
21	Fraternity / Sorority House											P				106-72-M
22	Student Group Housing											P				106-72-M
23	Shelter care facility, Residential			S		S		S					S			106-72-M
24	Shelter care Facility, Rehabilitation								S				S			106-72-T
25	Institutional, Education and Health Centers															
26	Schools, public and private (Preschool - 12)	S	S	S		S	S		S			S	S			106-73-A
27	Colleges and Universities											P				106-73-B
28	Trade Schools, personal services								P		P		P			
29	Trade Schools, trades & industrial												P			
30	Municipal buildings and uses (not including storage facilities)	P	P	P		P	P	P	P	P	P	P	P	P	P	
31	Public Utility Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	106-73-C
32	Museums, Education Centers and Libraries					P	P	P	P	P	P	P				
33	Cemeteries	S	S	S									P	P		TBD
34	Medical Uses															
35	Hospitals						P		P			P				106-73-D
36	Urgent Care Clinics						P	P	P		P					
37	Outpatient surgical offices (clinics)						P	P	P							
38	Medical and Dental offices (non-surgical)					P	P	P	P		P					
39	Veterinary Offices and Clinics (without boarding or day care)					P	P	P	P	P	P		P			106-74-B
40	Work-Release Facility or transitional housing												S	P		106-74-J
41	Commercial															
42	Restaurants (without drive-thru service)			S		S	S	P	P	P	P	A	S			
43	Drive-thru food establishments							S	S							106-72-L
44	Restaurants with outdoor seating			S		S	S	S	S	S	S	A				106-72-R

[illegible]

APPENDIX B ZONING MAP

<https://cityofadrian.maps.arcgis.com/apps/webappviewer/index.html?id=544d77a49a0540f5a7d7f4a76ee9779d>

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AMMENDMENTS, CORRECTIONS, CHANGES

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