# CITY OF ADRIAN ZONING ORDINANCE

**Effective date**

**September 2019**

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**CITY OF ADRIAN**

**MICHIGAN**

**AMENDMENT TO**

**ZONING ORDINANCE**

**ARTICLE I**

**PREAMBLE**

1.0 ENACTMENT AND AUTHORITY

The City Commission of the City of Adrian in the County of Lenawee under the authority of the City-Village Zoning Act, 207 of the P.A. of 1921 of the State of Michigan, as amended, hereby ordains, enacts and publishes this Ordinance.

1.1 SHORT TITLE

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

1.2 PURPOSE IN VIEW

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

1.21 To protect and promote the public health, safety, and general welfare of the City.

1.22 To control and guide the orderly growth and development of the City in accordance with its Comprehensive Planning Program, and to implement the growth and development goals and policies contained therein, some of which are enumerated as follows:

A. To encourage a wide range of housing opportunities in an orderly manner in the City from single family to multiple family and congregate housing for the elderly;

B. To ensure that the residential housing environment of the City safe, healthful and free of visual blight;

C. To preserve the character and value of certain historic areas and structures.

D. To preserve and enhance the appearance and viability of the Central Business District; and

E. To ensure the orderly development and operation of industrial uses.

1.23 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.

1.24 To promote and protect the value of land and buildings which are appropriate to the various districts established by this Ordinance.

1.25 To prevent against conflicts among the use of land and buildings.

# ARTICLE II

# DEFINITIONS

## 2.0 USAGE

2.01 For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted and defined as set forth in this section.

2.02 Unless the context clearly indicated to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the work “herein” means this Ordinance; and the word “this Ordinance” shall mean “the Ordinance text, tables and maps included herein, as enacted or subsequently amended”.

2.03 A “person” includes a corporation, a partnership, and a unincorporated association of persons such as a club; “shall” is always mandatory; a “building site” includes a plot, lot, condominium building site, or parcel; a “building” includes a structure; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used for occupied”.

2.04 The “City” is the City of Adrian in the County of Lenawee, State of Michigan; and “City Commission”, “Board of Appeals”, and “Planning Commission” are respectively the City Commission, Board of Appeals, and Planning Commission of the City of Adrian.

2.05 Any words not defined in this ordinance shall be construed as defined in the Housing Law of Michigan, Act 167, Public Acts of 1917, as amended.

## 2.1 TERMS AND WORDS DEFINED

### 2.11 <u>AccessoryBuilding</u>

A detached subordinate building or structure on the same premises with a main building, occupied or devoted to an accessory use which is appropriate, supplemental and customarily related to that use at the main building or premises. Where an accessory building is attached to a main building in a substantial manner by a wall or roof, such accessory building shall be considered part of the main building, including a carport, covered porch or shed, or other roofed structure.

2.12 AccessoryUse,orAccessory

A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related. When “accessory” is used in this text, it shall have the same meaning as accessory use.

An accessory use to a residential principal use includes, but is not limited to the following:

A. Residential accommodations for guests, servants and/or caretakers.

B. Swimming pools for the use of the occupants of a residence, or their guests.

C. Domestic or agricultural storage in a barn, garage, shed, tool room, or similar accessory building or other structure.

D. Home occupations as defined and permitted herein.

E. Outdoor storage of consumables related to the normal operation of a residential household, including, but not limited to, firewood.

An accessory use to a nonresidential principal use includes, but is not limited to the following:

A. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.

B. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.

C. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.

D. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

E. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.

2.12.1 AdaptiveReuse

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

2.13 AdultFosterCareFacility

A government or private facility for adults who are aged, emotionally disturbed, developmental disabled, or physically handicapped and who require supervision but not continuous nursing care.

2.14 Alley

A strip of land over which there is a right-of-way, public or private, on which generally no dwelling or land uses front, serving as a rear entrance to one or more properties.

2.15 Alterations

Any change, addition, or modification in construction of type of occupancy; and any change in the roof or supporting members of the building or structure, such as bearing walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed”.

2.16 Animal

Animal shall mean dog, cat, bird, reptile, mammal, fish or any other dumb creature.

2.17 AreaofShallowFlooding

Means a designated AO zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and indeterminate, and where velocity flow may be evident.

2.18 AreaofSpecialFloodHazard

Is the land in the floodplain within a community subject to a one percent or greater change of flooding in any given year.

2.18.1 AssemblyHall

A building or facility used primarily to provide meeting space for social gatherings, including but not limited to wedding receptions, graduation parties and business or retirement functions. This term includes, but is not limited to, a banquet hall and rental hall.

2.19 AutomobileorTrailerSalesArea

An area used for the display, sale or rental of new and used motor vehicles, boats, trailers or recreation vehicles (including mobile homes) in operable condition and where no repair work is done.

2.20 AutomobileRepair–Major

Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair, overall painting and vehicles rustproofing.

2.21 AutomobileRepair–Minor

Any activity involving minor repairs to motor vehicles and the incidental replacement of parts of such vehicles. A place where either gasoline or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and applied directly into motor vehicles, including sale of accessories, greasing, oiling and minor automotive repair on the premises.

2.22 AutomobileWashEstablishment

A building, or portion thereof, the primary purpose of which is that of washing motor vehicles, and in which the driver remains in or near the vehicle.

2.23 BaseFlood

Means the flood having one percent change of being equaled or exceeded in any given year.

2.24 BasementorCellar

Basement or cellar shall be that which is defined in the City of Adrian building code.

2.25 Bedroom

For the purpose of determining density in the Planned Residential District, the term bedroom means a room or area within a dwelling unit designed and intended to provide sleeping accommodations for one or more human beings.

2.26 Block

The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsub divided acreage, lake, river or live stream; or between any of the foregoing and other barrier to the continuity of development, or corporated boundary lines of the City of Adrian.

2.27 BedandBreakfastFacility

A bed and breakfast facility is a building, other than a hotel, where lodgings and light breakfasts for persons, other than family, are regularly served for compensation.

2.28 BoardofZoningAppeals

The City of Adrian Board of Zoning Appeals, the members of which have been duly appointed by the City Commission and which is authorized as a body to interpret, hear appeals, and grant variances only in accordance with the provisions of this Ordinance.

2.28.01 Breweries,Micro-BreweriesandDistilleries,BrewPubs

A. Brewery: A facility for the manufacture and processing of beer, malt liquor or similar beverage products with an annual production capacity of 15,000 barrels (465,000 US Gallons) or more.

B. Micro-Brewery/Micro-Distillery: 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 75 percent or more of its annual production sold off-site.

C. 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.

2.29 Building

A building is an edifice, framed or constructed and designed to stand more or less permanently and covering a space of land, for use as a dwelling, store, storehouse, factory, sign, and shelter or for some other useful purpose. Building in this sense includes a trailer, tent, or vehicle used as a dwelling.

2.30 Building,Existing

An “existing” building is any building actually constructed or the construction of which is started previous to the effective date of this Ordinance: Provided, that the construction of any such building continues uninterruptedly and is completed within six (6) months from such date. Any building damaged by fire, collapse, or decay to the extent of its full assessed value as of record at the time of damage shall not be considered in existing building.

2.31 Building,Height

Building height is the vertical distance from the average elevation of the adjoining grade paralleling the front, or if on a street corner, the front and side, of the building, to the highest point of the roof surface if the roof is flat; to the deck line, if the roof is the mansard type; or the average height between the eaves and the ridge if the roof is gable, hip or gambrel type.

2.32 BuildingLine

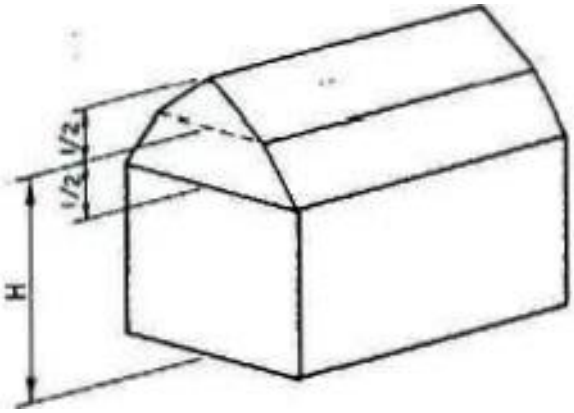
A line parallel to the front lot line, and which marks the location of the building.

2.33 BuildingInspector

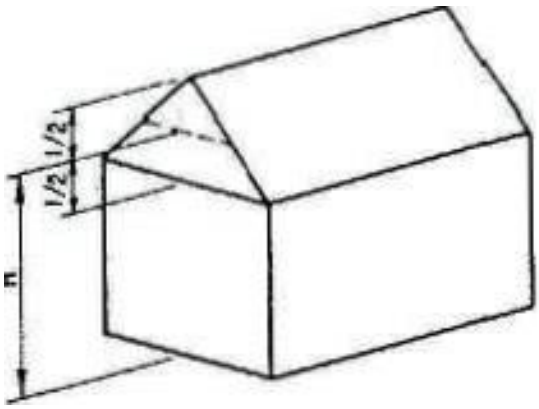
The officer charged with the administration and enforcement of the building code, or his/her duly authorized representative.

2.34 BuildingPermit

A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the City of Adrian.




GAM6Rtl ROOF

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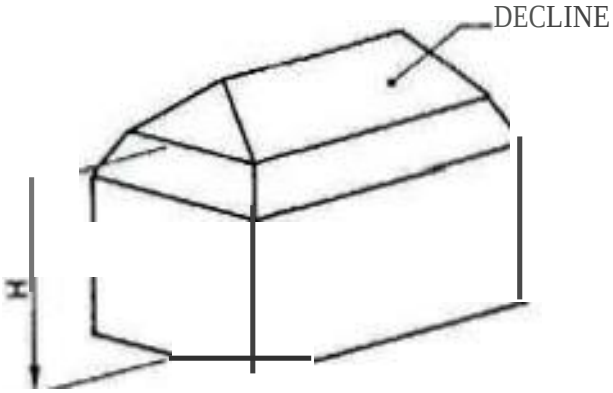
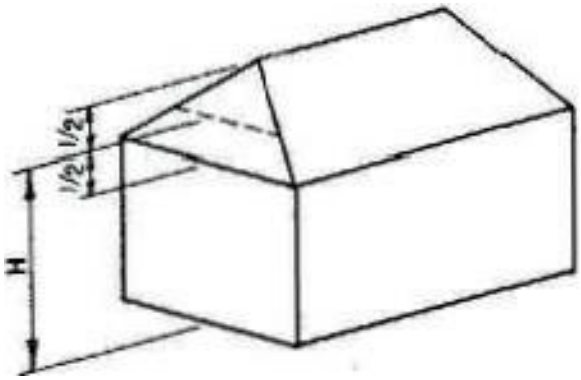
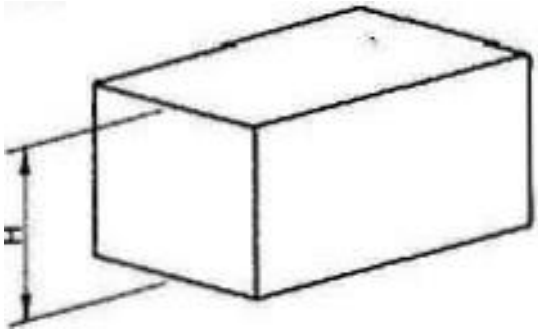



MANSARD ROOF

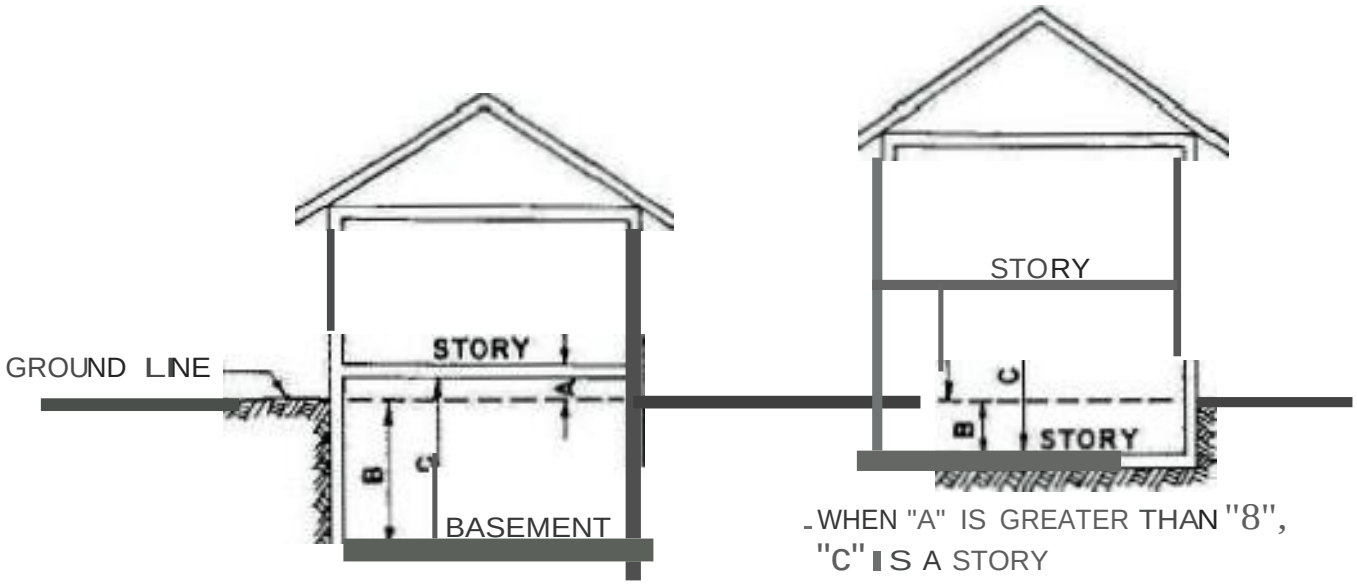


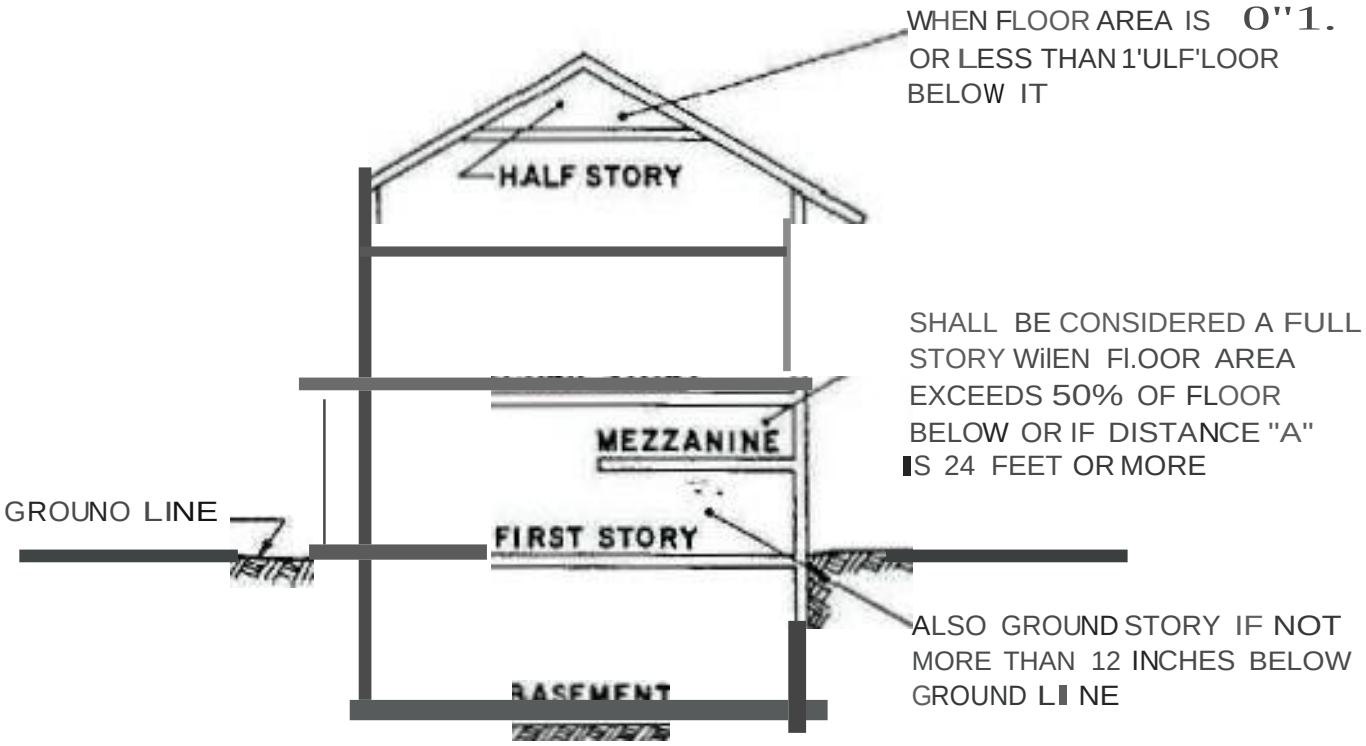

HIP ROOF




FL.AT ROOF

H • HEIGHT OF BUILDING




## — — — — --STRUCTURAL TERMINOLOGY-- ---

2.35 BuildingSite

A lot, or a two dimensional condominium unit of land (i.e. envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory building. All building sites shall have access to public or private roads.

2.36 Reserved for future use

2.37 MedicalClinic

A building or group of buildings where human patients are admitted, but not lodged overnight for examination and treatment by more than one (1) professional, such as a physician, dentist or the like.

2.38 VeterinaryClinic

A building or group of buildings where animals are admitted, treated and may be kept overnight for examination and treatment by more than one professional or paraprofessional.

2.39 CommercialUse

A commercial use relates to the use of the property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises. Garage, rummage, basement, porch, lawn sales and similar sales conducted on residential premises are hereby deemed a commercial use, if such sales are conducted on more than two (2) occasions during any consecutive twelve (12) month period or if either of said two sales lasts for more than six (6) days.

2.40 CommercialVehicle

Any motor vehicle other than a motorcycle or passenger automobile designed or used primarily for transportation of persons or property.

2.41 CommonElements

Portions of the condominium project other than the condominium units.

2.41.01 CongregateLivingFacility

A residential housing structure, owned, operated or sponsored by a U.S. Internal Revenue Service-designated tax-exempt Michigan non-profit corporation, whose occupants are likely or contemplated to reside for a limited or temporary duration. Congregate living facilities shall be further defined by, but not limited to, the following sub-categories:

A. FraternityorSororityHouse

Fraternity or sorority house means 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.

B. DormitoryorResidenceHall

Dormitory or Residence Hall means those facilities used for housing students, which are 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.

C. StudentGroupHome

Student Group Home means those facilities where 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.

D. HousingShelter

A structure providing necessary and temporary housing for persons or families, for no more than seven (7) months. Minors (age 18 years or younger) accompanied by a parent or a guardian shall not be counted in the number of unrelated persons. Housing shelters shall be subject to the following conditions:

1. The housing shelter shall be located on a major, minor or collector street as defined by the Existing Functional Classification System map.

2. The housing shelter shall provide on-site supervision of occupants at any time occupants are at the shelter.

3. Residents of the shelter shall not possess alcohol, weapons, or illegal drugs.

4. The shelter shall be screened from view from abutting and/or adjoining residential properties.

5. The shelter shall be accessory to the principal use, which may be located in a permanent structure itself or be located in a portion of the host principal use structure. Examples of a host principal use structure include a church or other type of non-profit organization, whereby the principal use structure may also serve as a host for a shelter.

6. Occupant capacity shall be in conformance with the Michigan Building Code and Property Maintenance Code as adopted by the City.

7. A principal use shall house no more than one (1) housing shelter.

8. The shelter must be open for occupants on 24 hour-per-day, 7 day-per-week basis. Daytime availability may be established by arrangement with a secondary Michigan non-profit organization that clearly demonstrates capacity and availability to host occupants, and where such arrangement is certified through an executed written agreement.

E. TransitionalHousingFacility

A permanent structure, whereby the principal use provides transitional housing for one (1) or more unrelated persons, and also offers food, shelter and programming that assist in helping to improve the basic needs of occupants. Transitional housing facilities shall be subject to the following conditions:

1. Occupant capacity shall be in conformance with the Michigan Building Code and Property Maintenance Code as adopted by the City.

2. The facility must offer on-site support services and programming to improve the basic needs of occupants on a 24-hour- per-day, 7 day-per-week basis.

3. The facility shall be screened from view from abutting and/or adjoining residential properties.

F. TemporaryShelter

A Temporary Shelter is intended to provide emergency short-term housing for one (1) or more unrelated persons and offers food, shelter and programming that assist in helping to improve the basic needs and conditions of occupants. Permits shall be subject to Section 4.8, Permits for Temporary Buildings, Structures and Uses and considered only in emergency cases when a Housing Shelter is at or over capacity. The need for a Temporary Shelter must be verified to the Board of Zoning Appeals.

2.42 CondominiumUnit

That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use approved by the Michigan Department of Commerce.

2.43 Construction

The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

2.44 ConvalescentorNursingHome

A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders wherein seven (7) or more persons are cared for. Said home shall conform and qualify for license under State Law.

2.45 CurbLevel(Grade)

Curb level or grade is the mean level of the established curb in front of the building. Where no curb has been established, the City Engineer shall establish such curb level for the purpose of these regulations.

2.46 DayCareFacility

Day care facility means a facility for the care of children under eighteen (18) years of age, as licensed and regulated by the state under Act No. 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), as amended, and the associated rules of the state department of social services. Such organizations are further defined as follows:

(1) Family day care home means a private home in which one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

(2) Group day care home means a private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

(3) Child care center means a facility, other than a private residence, receiving one (1) or more preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

2.47 <u>Development</u>

Means 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.

2.48 Dwelling

A house or building, or portion thereof, which is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling.

In case of mixed occupancy where a building is occupied wholly as the home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling.

A. Dwelling,Multiple: A multiple dwelling is a building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including homes.

B. Dwelling,One-Family: A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking, and kitchen accommodations for one (1) family only. Every one-family dwelling shall have a minimum width throughout the entire length of the dwelling of twenty-four (24) feet measured between the exterior parts of the walls having the greatest length.

C. Dwelling, Two-Family: A detached two-family dwelling is that occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.

D. Dwelling Unit: A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent, or other portable building be considered a dwelling in single-family, two-family, or multiple-family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

E. EfficiencyUnit: An efficiency unit is a dwelling that includes a kitchen and separate bathroom. The bathroom shall contain a water closet, lavatory and bathtub or shower. An efficiency unit must comply with the International Property Maintenance Code as adopted by the City.

2.49 Erected

The word "erected" includes built, constructed, reconstructed, moved upon; and "erecting" includes any physical operations required for the building on the premises where the building is being constructed, reconstructed, or moved. Excavating, filling, draining, and the like, shall be considered a part of erecting.

2.50 EssentialServices

Includes all publicly or privately owned utilities, such as electrical, gas, water, sewer, and communication generation, storage, distribution, collection, supply and disposal systems; municipal police, fire, and road maintenance services; the erection, maintenance, alteration and removal of the foregoing; and all personal property and fixtures including poles, wires, pipes and other accessories reasonably necessary for the furnishing of adequate service by such utility or municipal department. All buildings structures associated with essential services must receive a building permit from the City of Adrian.

2.51 Excavation

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

2.52 Family

A. DomesticFamily: One or more persons living together and related by the bonds of consanguinity marriage, or adoption together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as single, domestic housekeeping unit in the dwelling.

B. FunctionalFamily: Persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single nonprofit unit. The definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group where the common living arrangements and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforced by the building inspector in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6).

C. Group Family: Persons living together in a dwelling unit whose relationship may be of a non-permanent character, but may also contain domestic or functional families. All persons of a group family must be cooking and otherwise housekeeping as a single household unit and shall be operated under license from the State of Michigan or control by a U.S. Internal Revenue Service-designated tax-exempt Michigan non-profit corporation. This definition shall be limited to residential dwelling units and does not include congregate living facilities.

2.53 Farm

The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

2.54 FirstStory

A first story is the lowest story of a building the ceiling of which is more than six (6) feet above the average surface elevation of the ground or sidewalk adjacent to its exterior walls.

2.55 FloodorFlooding

Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters

b. The unusual and rapid accumulation or runoff of surface waters from any source

2.56 FloodHazardBoundaryMap

(FHBM) Means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

2.57 FloodInsuranceRateMap

(FIRM) Means an official map of a community on which Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

2.58 FloodInsuranceStudy

Is the official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Hazard Boundary-Floodway map and the water surface elevation of the base flood.

2.59 FloodHazardArea

Means land which on the basis of available flood plain information is subject to a one percent or greater change of flooding in any given area.

2.60 FloodPlain

Means any land area susceptible to being inundated by water from any source (see definition of flood).

2.61 Floodway

Means the channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which must be reserved in order to discharge the base flood.

2.62 FloorArea

A. One-Family 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 dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

B. Multiple-Family Residential: For the purpose of computing the minimum allowable floor area in a multiple-family residential dwelling unit, the floor area shall be the net floor area exclusive of hallways. Net floor area is the sum of the horizontal areas of the several rooms measured from the interior faces of the walls of each room. The floor area measurement shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches and balconies.

C. Usable (for the purpose of computing parking): That area used for or intended to be used for the sale of merchandise or services, or used 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, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

FOR MORTUARIES THE AREA OF THE ROOMS USED IN THE BUSINESS LESS AREAS USED FOR STORAGE, HALLWAYS, EMBALMING ROOMS, UTILITIES OR SANITARY FACILITIES.

2.63 Frontage

The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

2.64 Garage,AutomotiveCommercial

Any premises available to the public and used solely for the storage of automobile or motor-driven vehicles, for remuneration, hire, or sale, where any such vehicles or engines may also be serviced for operation, or repaired, rebuilt or reconstructed.

2.65 Garage,Private

A private garage is a building or other structure designed for the housing of automobiles and having capacity for not more than three (3) automobiles.

2.66 Garage,Public

A public garage is any building or premises, other than a gasoline filling station, used for the housing or care of more than three automobiles, or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire, or sale.

2.67 GasolineFillingStation

A gasoline filling station is a space, structure, building or part of a building, used for the retail sale, service or supply of motor vehicle fuels, lubricants, air, water, batteries, tires, other accessories, motor vehicles washing or lubricating; or customary facilities for the installation of such commodities in or on such motor vehicles, including special facilities for minor repair or similar servicing thereof.

2.68 Greenbelt

A greenbelt, wherever required by this ordinance, shall be a planting strip or buffer strip at least ten (10) feet in width, which shall consist of deciduous or evergreen trees or a mixture of both, spaced not more than thirty (30) feet apart and at least one (1) row of dense shrubs spaced not more than five (5) feet apart and which grow approximately five (5) feet wide and five (5) feet or more in height after one (1) full growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.

2.68.05 Non-CommercialGreenhouses

A permanent structure framed with wood, metal, brick and other substantial material and enclosed in glass or rigid plastic used for cultivating plants. It may or may not include a supplemental heat source.

2.68.1 GroupFamilyHome

A facility intended to provide housing for group families.

2.69 HarmfulIncrease

Means an unnaturally high stage on a river, stream or lake which causes, or may cause, damage to property, threat to life, personal injury, or damage to land or water resources.

2.70 HazardousMaterial

Any materials that have been declared to be hazardous to any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

2.71 HomeOccupation

A home occupation is any occupation, craft or profession carried on by one or more members of a family residing on the premises; provided that no commodity other than those customarily associated with the business is sold upon the premises; provided, further, that no mechanical equipment is installed except such as is normally used for purely domestic or household purposes; provided, further, that not over twenty-five (25) percent of the total actual floor area of a single-family structure is used for home occupation, crafting or professional purposes.

2.72 InstitutionalUses

Churches, schools, hospitals, and other similar public or semipublic uses. This excludes nursing homes, convalescent homes, and adult foster care facilities.

2.72.4 HoopHouse

A structure made of PVC piping or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape which is used to extend the growing season. Hoop Houses are only permitted in the B-3, WH, I-1 and I-2 districts and are subject to all restrictions, set-back and lot coverage requirements of the district in which they are located. Hoop houses are not permitted in any residential district.

2.73 JunkYard

Any land area including buildings thereon used primarily for the outdoor collecting, storage and abandonment of waste paper, rags, scrap metal or discarded materials which are for sale; or which is used for the outdoor collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition for the sale of parts thereof.

2.74 Kennel

Any lot or premises on which three (3) or more common house pets are kept permanently or temporarily boarded outside of the principal structure.

2.75 Laboratory

A place devoted to experimental, routine study or basic study such as testing and analytical operations, and which manufacturing of product or products, except prototypes for testing market, is not performed.

2.76 LandUsePlan,Official

The plan so designated by the Planning Commission

2.77 LimitedCommonElements

A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

2.78 LoadingBerth

An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is five hundred twenty-eight (528) square feet in area.

2.79 LodgingHouse

A lodging house is a building or part thereof, other than a hotel, including so-called tourist homes, where lodgings are provided for hire, more or less transiently, and with or without provision for meals.

2.80 Lot

A measured portion of a parcel or tract of land which is described and fixed in a recorded plat and having frontage on a public street or road either dedicated to the public or designated on a recorded subdivision.

2.81 LotArea

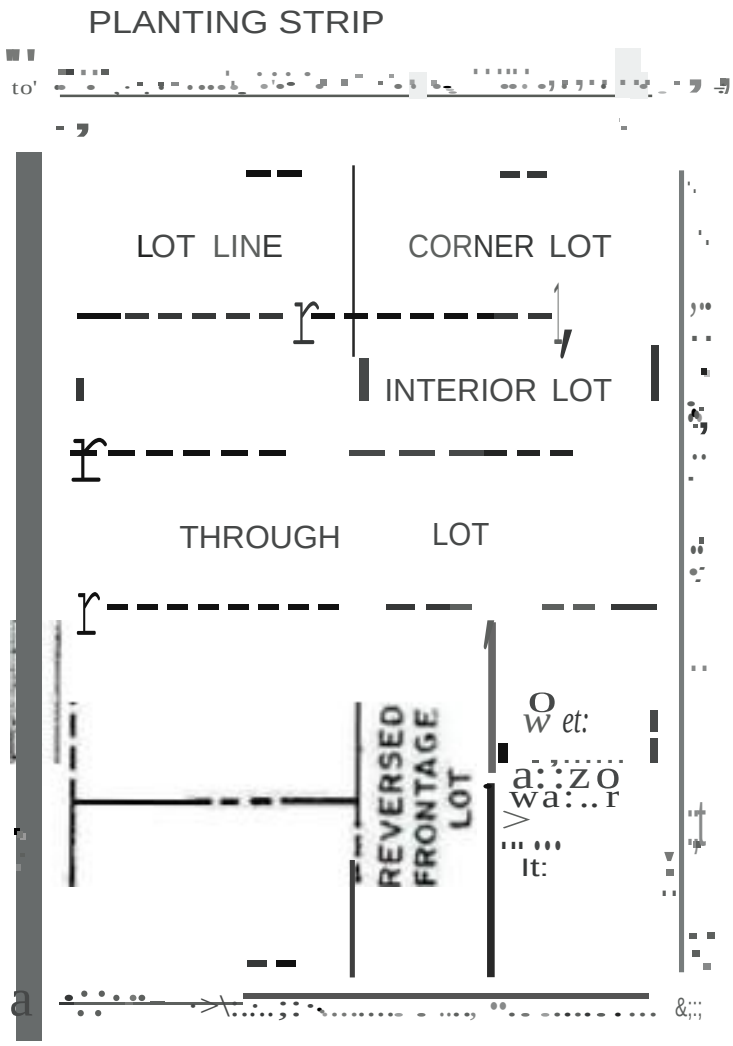
Area of a lot bounded by lot lines.

2.82 Lot,Corner

A lot whose lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

2.83 LotCoverage

The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed but shall not be deemed to include fences, walls, or hedges used as fences, or swimming pools.




TYPES OF LOTS

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2.84 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.

2.85 LotLine

A boundary line of a lot.

2.86 LotLine,Front

The exterior line or right-of-way of a road on which a lot fronts or abuts.

2.87 LotLine,Rear

Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

2.88 LotLine,Side

Any lot line not a front or rear lot line.

2.89 LotofRecord

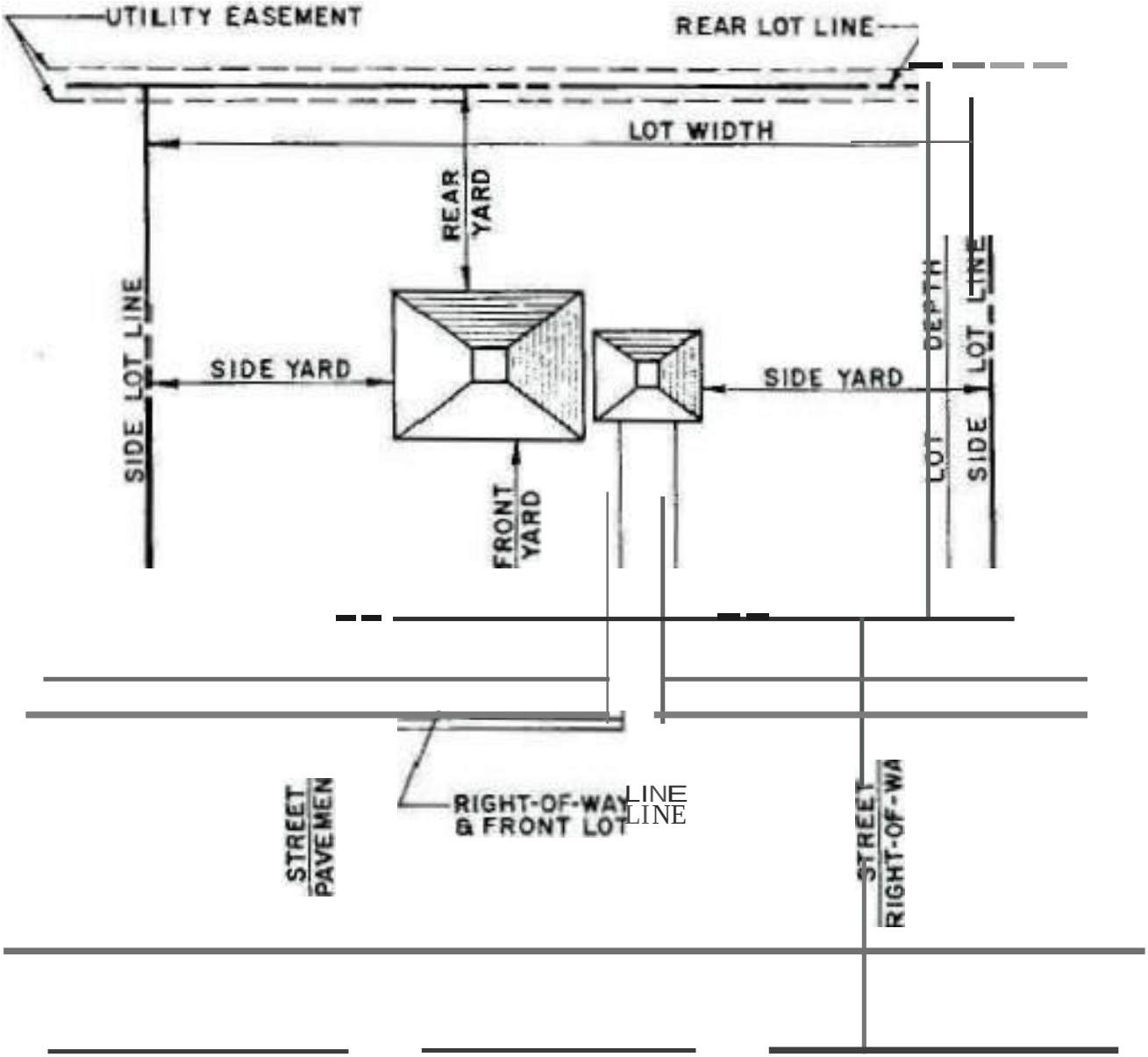
A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

2.90 LotWidth

The average distance between side lot lines measured at the building line, on a line parallel to the street, and measured at right angles to the side lot lines.

2.90.1 Mixed-UseDevelopment

The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.




LOT TERMINOLOGY

2.91 MobileHome

A structure transportable in one (1) or more sections which is built on a chassis and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle (Act 419, Michigan P.A. of 1976). All mobile homes must conform to the U.S. Department of Housing and Urban Development's code for mobile homes. Mobile home includes a double-wide unit.

2.92 MobileHomePark

A parcel or tract of land, under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended or used incidental to the occupancy of a mobile home, and which is not intended for use as recreation vehicle trailer park (Act 419, Michigan P.A. of 1976).

2.93 Mezzanine

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

2.94 Mini-Warehouses

Mini-warehouse buildings are groups of buildings in a controlled access and fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer's goods or wares.

2.95 LocalStreet

A street of limited continuity used primarily for access to abutting residential properties.

2.96 Modular

A structure which meets the requirements of the M.R.B.C. building and construction code, and which is transported in one (1) or more sections on a removable chassis, and is designed to be used on a permanent foundation, when connected to the required utilities, such as plumbing, heating, and electrical systems. Pursuant to M.R.B.C. the characteristics of modular are:

A. A pitched roof of heavy truss construction able to support a "deadweight" of at least ten (10) pounds, and having roof shingling of five (5) inch exposure.

B. A heavy deck flooring of wood on two (2) by eight (8) floor joists;

C. A drain ventilation size of three (3) inches in diameter extending twelve (12) inches above the roof; and

D. Establishment on a foundation as approved by the building code.

2.97 Motel,orMotorHotel

A building or a series of attached, semi-detached, or detached rental units providing long term or transient lodging with motor vehicle parking in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the approval by the City Commission with the exception of units for use of the Manager and/or Caretaker.

2.98 NewConstruction

Means structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

2.99 Non-ConformingLotorRecord(SubstandardLot)

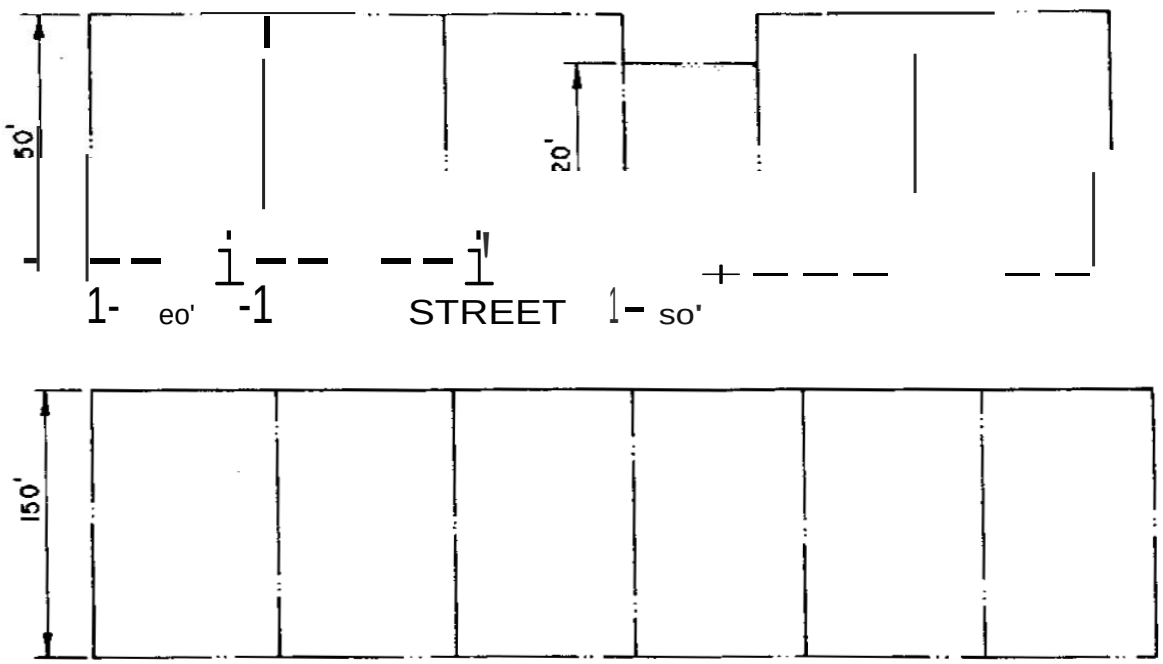
A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located.

2.99.01 Non-ConformingStructure

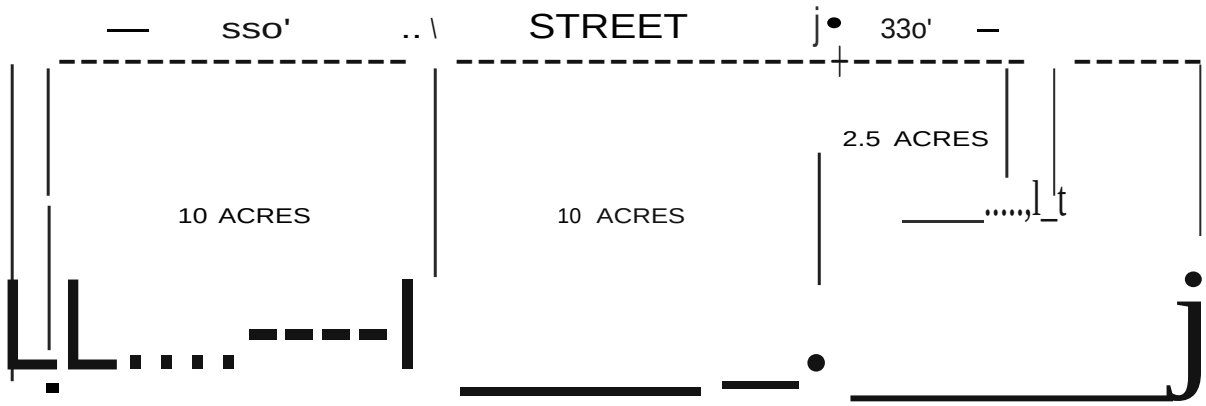
A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum yard setback requirements of the zoning district in which it is located.

NON-CONFORMING LOT (PLATTED) OF RECORD

ZONING REQUIRES MINIMUM LOT SIZE OF 80'X 150'




NON-CONFORMING LOT (PARCEL} OF RECORD

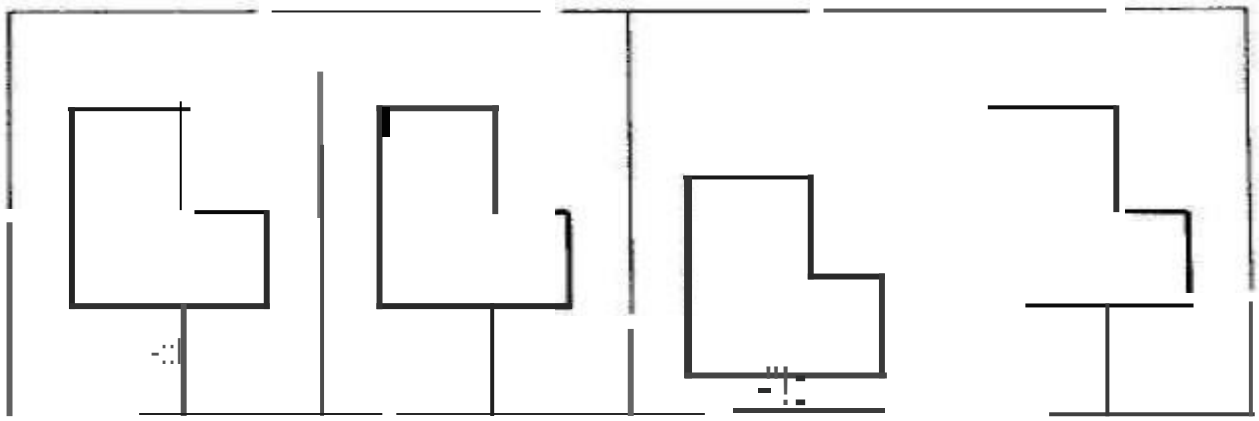



ZONING REQUIRES MINIMUM LOT SIZE OF 10 ACRES

## EXAMPLES OF NON-CONFORMING LOTS

WILKINS&. WHEATON EI\IGINEERS/PLANNERS, INC.

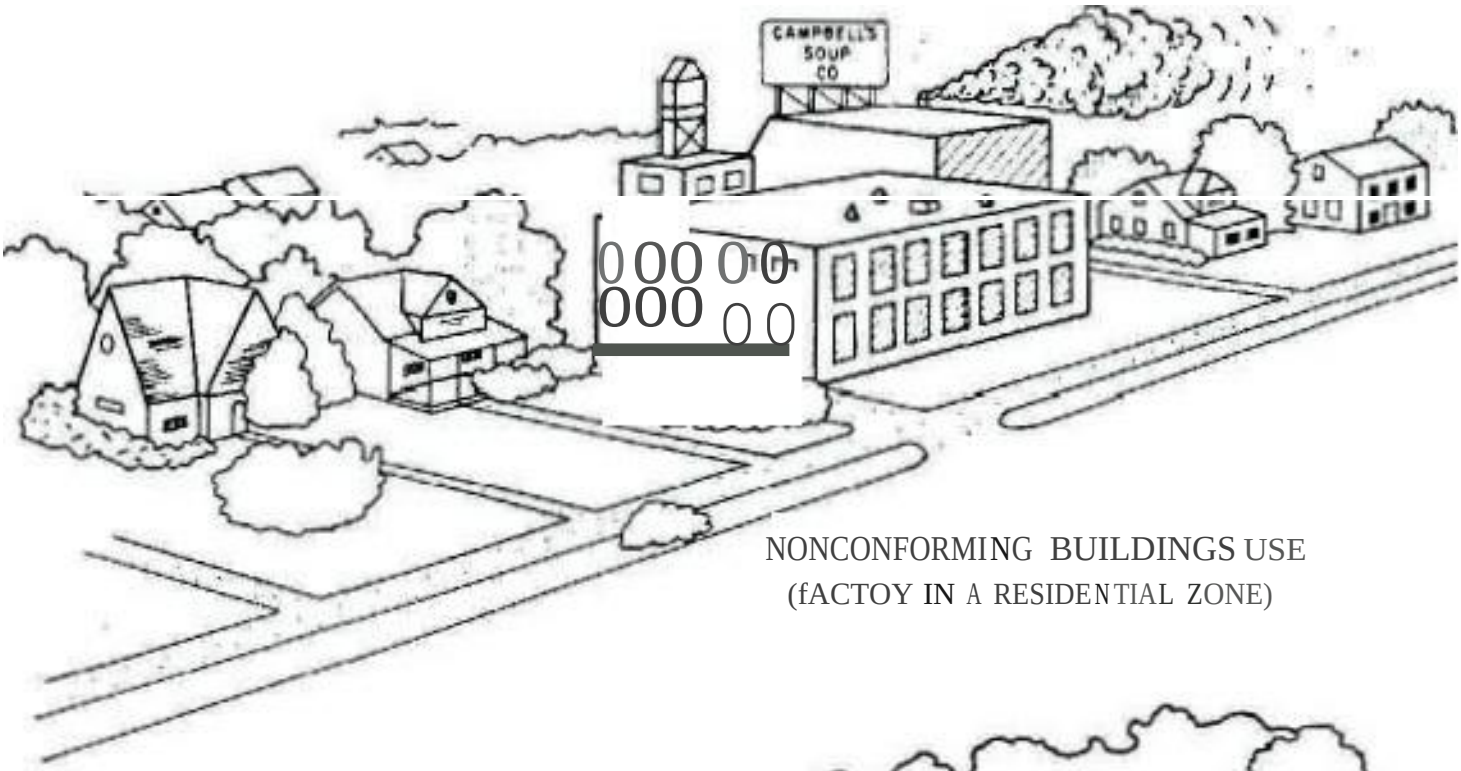
MAXIMUM HEIGHT PERMITTED IS 20FEET



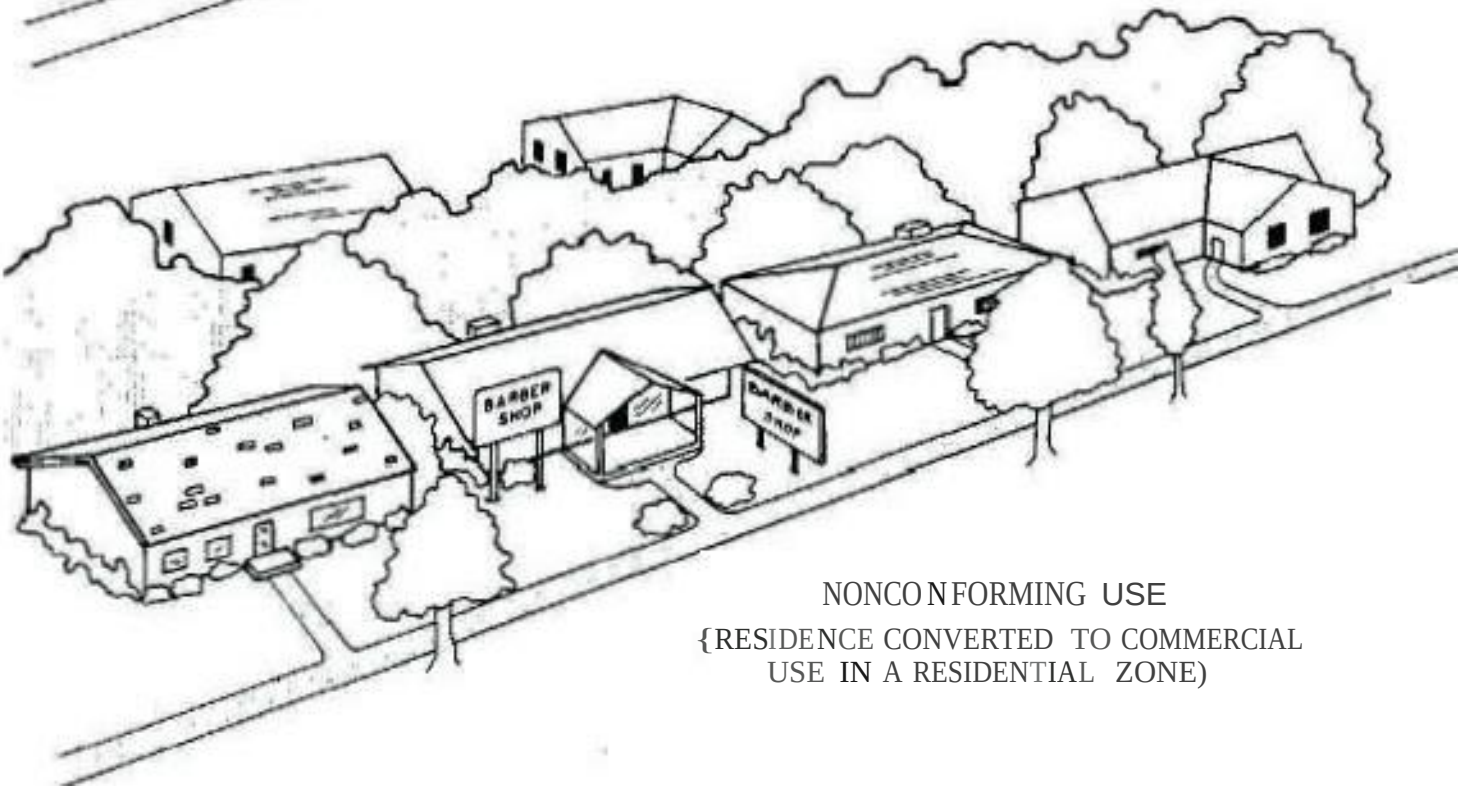
MINIMUM FRONT YARD REQUIREMENT IS 30FEET

## EXAMPLES OF NON-CONFORMING STRUCTURES

WU.J(IN$- & Wtt£AI0H £"NG-IH-££RS/PLANNERS • INC.




NONCONFORMING BUILDINGS USE
(fACTOY IN A RESIDENTIAL ZONE)




NONCONFORMING USE
{RESIDENCE CONVERTED TO COMMERCIAL
USE IN A RESIDENTIAL ZONE)

## ----------NONCONFORMING USE-- ----------

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2.99.02 Non-ConformingUse

A use lawfully existing in a building or on land at the effective date of this Ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

2.99.021 Non-PublicSchool

"Non-public school" means a private, denominational or parochial school.

2.99.03 Nuisance

The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, seweraged, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this Ordinance, nuisances and all such nuisances are hereby declared illegal.

2.99.04 Off-StreetParkingLot

A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

2.99.05 OpenFrontStore

A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

2.99.06 OrdinaryHighWaterMarks

Means the line between upland and lake or stream bottom land which persists through successive changes in water levels, and below which the presence and action of the water is so common or recurrent as to mark upon the soil a character, distinct from that which occurs on the upland.

2.99.07 OpenAirBusiness

Shall be defined to include the following:

A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

B. Sidewalk cafes.

C. Retail sale of fruits and vegetables.

D. Tennis courts, archery court, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.

E. Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale; rental or repair services.

F. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

2.99.08 Parcel

A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory building(s), condominium units, or by any other use or activity permitted thereon and including open spaces and setbacks required under this ordinance, and having its frontage on a public or private street.

2.99.081 "Park-and-Sell"VehicleSales

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.

2.99.09 ParkingSpace

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles. Perpendicular and angle parking spaces shall have a minimum dimension of nine by eighteen (9 x 18) feet. Parallel parking shall be a minimum of eight by twenty (8 x 20) feet in dimension.

2.99.10 PlanningCommission

The “Planning Commission” shall mean the City of Adrian Planning Commission and shall have all powers granted under authority of Act 209 of the Public Acts of 1921, as amended, and as provided in this Ordinance.

2.99.101 PublicSchool

“Public School” means a public elementary or secondary educational entity or agency that has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local art school district, special act school district, intermediate school district, or public school academy corporation. Public school also includes a laboratory school or other elementary or secondary school that is controlled and operated by a state public university described in Sections 4, 5 or 6 of Article VIII of the State Constitution of 1963.

2.99.11 PublicUtility

A public utility is any person, firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation, to the public, electricity, gas, steam, communication, transportation, drainage or water.

2.99.12 RecreationVehicles

A vehicle primarily designed as temporary living quarters or recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, (Act 419, Michigan P.A. of 1976, as amended).

2.99.13 Repairs

Repairs are the rebuilding or renewal of a part of an existing building for the purpose of maintaining its original type and classification.

2.99.14 ResearchandDevelopmentFacility

A research and development facility is any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed which is the interim step between full research and development and ultimate full scale production.

2.99.15 Restaurant

A. Drive-in Restaurant: A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristic:

1. Foods, frozen desserts or beverages are served directly to customers in motor vehicles, or by means which eliminates the need for the customers to exit the motor vehicles.

2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged or permitted.

B. Fast-Food Restaurant: A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both the following characteristics:

1. Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.

2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

C. Carry-Out Restaurants: A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

1. Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.

2. The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

D. Standard Restaurant: A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages (alcoholic and nonalcoholic) to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

1. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.

2. A cafeteria-type operation where foods, frozen desserts, or beverages (alcoholic and nonalcoholic) generally are consumed within the restaurant building.

E. Bar/Lounge/Tavern: A structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and snacks may also be permitted. If the bar/lounge/tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

2.99.16 PavedRoadorStreet,Private

A private right-of-way reserved for the use of the occupants of the abutting structures. Said 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.

2.99.17 RoadorStreet,Public

A public right-of-way of sixty (60) feet or more in width which has been dedicated for the purposes of providing access to abutting private lots of land including the space for pavement and sidewalks.

2.99.18 Shed

A shed is a lightly constructed one (1) or two (2) story building for temporary use during the erection of a permanent building; or a light one (1) story structure attached to, or auxiliary to another building and intended for storage only.

2.99.19 Setback

The minimum horizontal distance a foundation or wall of building or structure or any portion thereof is required to be located from the boundaries of a lot, parcel, or building site of land upon which the same is situated.

2.99.20 ShoppingCenter

A commercial establishment or a group of fewer than 10 establishments which is planned, developed, owned and managed as a unit, with 80,000 square feet or less in gross floor area, with off-street parking provided on the property and related in its location, size and type of shops to the trade area.

2.99.20A ShoppingMall

A commercial establishment or a group of 10 or more establishments which is planned, developed, owned and managed as a unit, with more than 80,000 square feet in gross floor area, with off-street parking provided on the property and related in its location, size, and type of shops to the trade area.

2.99.21 Sign

For the purpose of this ordinance, the term “sign” shall mean and include any announcement, declaration, display, illustration or insignia used to advertise or promote the interests of any person or product when the same is placed out-of-doors in view of the general public.

2.99.22 SiteCondominiumProject

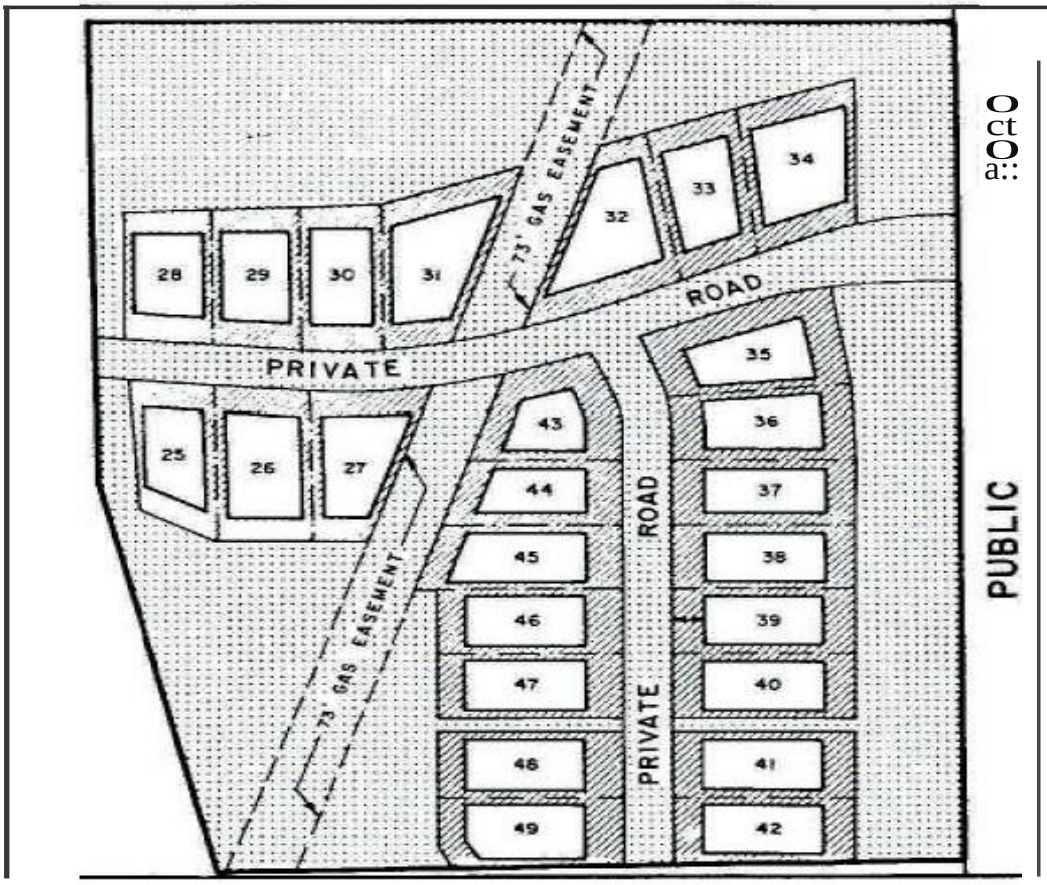
A plan or project consisting of not less than two (2) single family units established in conformance with the Michigan Condominium Act P.A. 59 of 1978, as amended.

2.99.23 Structure

Means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home.

2.99.24 StructuralChangesorAlterations

Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.




SITE CONDOMINIUM TERMS

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NOTE: ALL LIMITED COMMON ELEMENT AREAS ARE CONVERTIBLE AREAS

WILKINS & WHEATON ENGINEERS/PLANNERS, INC.

2.99.25 SubstantialImprovement

Means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent 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. 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. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

2.99.26 SwimmingPool

Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold water to a depth of greater than twelve (12) inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

2.99.27 TemporaryUses

a. TemporaryBuildingorUse–Construction

A structure or use permitted by the Building Inspector to exist during periods of construction of the main use, not to exceed six (6) months. Two (2) extension periods of six (6) months each are allowed.

b. TemporaryUse–Non-Recurring (See Sections 4.83 and 4.87)

c. TemporaryUse–Seasonal (See Sections 4.84 and 4.87)

2.99.271 TheaterorConcertHall

A building or facility used primarily for the presentation of motion pictures or live performances for observation by patrons. The term does not include an adult entertainment establishment (see Section 17.2, paragraph 3, B).

2.99.28 Townhouses

A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is an entrance to each dwelling. Townhouse shall not be used as a synonym for the term “condominium” which refers to how property or space is owned rather than for a particular housing style.

2.99.29 Trailer

The term “trailer” includes any trailer coach, motor home, tent camper, demountable camper, utility trailer or unit designed as a vacation unit for short-term seasonal occupancy, which measures nine (9) feet or less in width, and thirty-five (35) feet or less in length, which is designed to be operated on highways, which is in good running condition and which complies with all requirements of state law for licensing of such vehicles.

2.99.30 Trunk Line Highway

A roadway which provides for traffic movement between areas and across the City and provides access to abutting properties.

2.99.31 Use

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

2.99.32 Wall,Obscuring

A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

2.99.321 WirelessCommunicationsAntenna

An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission, excluding amateur radio operators' antennas.

2.99.322 WirelessCommunicationsFacility

Includes wireless communication antennas or towers and all unstaffed facilities related to the use of the radio frequency spectrum for the purposes of transmitting or receiving signals, usually consisting of an equipment shelter or cabinet, support structure and/or other transmission and reception devices. The definition excludes ancillary antennas such as those usual to individual businesses and residences; or local CB, amateur radio or fleet type communications.

2.99.323 WirelessCommunicationsTower

A tower, including but not limited to, self-supporting lattice, guyed, or monopole which elevates the wireless communications antenna and related transmission or receiving equipment and may include accessory transmission or receiving equipment.

2.99.324 Work-ReleaseFacility

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.

2.99.325 WorshipHall

A building or facility used principally for religious worship, including churches, synagogues, cathedrals, tabernacles, temples, mosques and shrines but not undertaker's chapels or funeral buildings.

2.99.33 Variance

A varying or relaxation of the standards of the zoning ordinance by the Board of Zoning Appeals; and where such variances will not be contrary to the public interest; and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in practical difficulty.

2.99.34 Yard

A yard is an open space, unoccupied and unobstructed from the ground upwards, except as otherwise provided herein, and on the same lot with the building. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure.

A “required yard” is that portion of any lot on which the erection of a main building is prohibited.

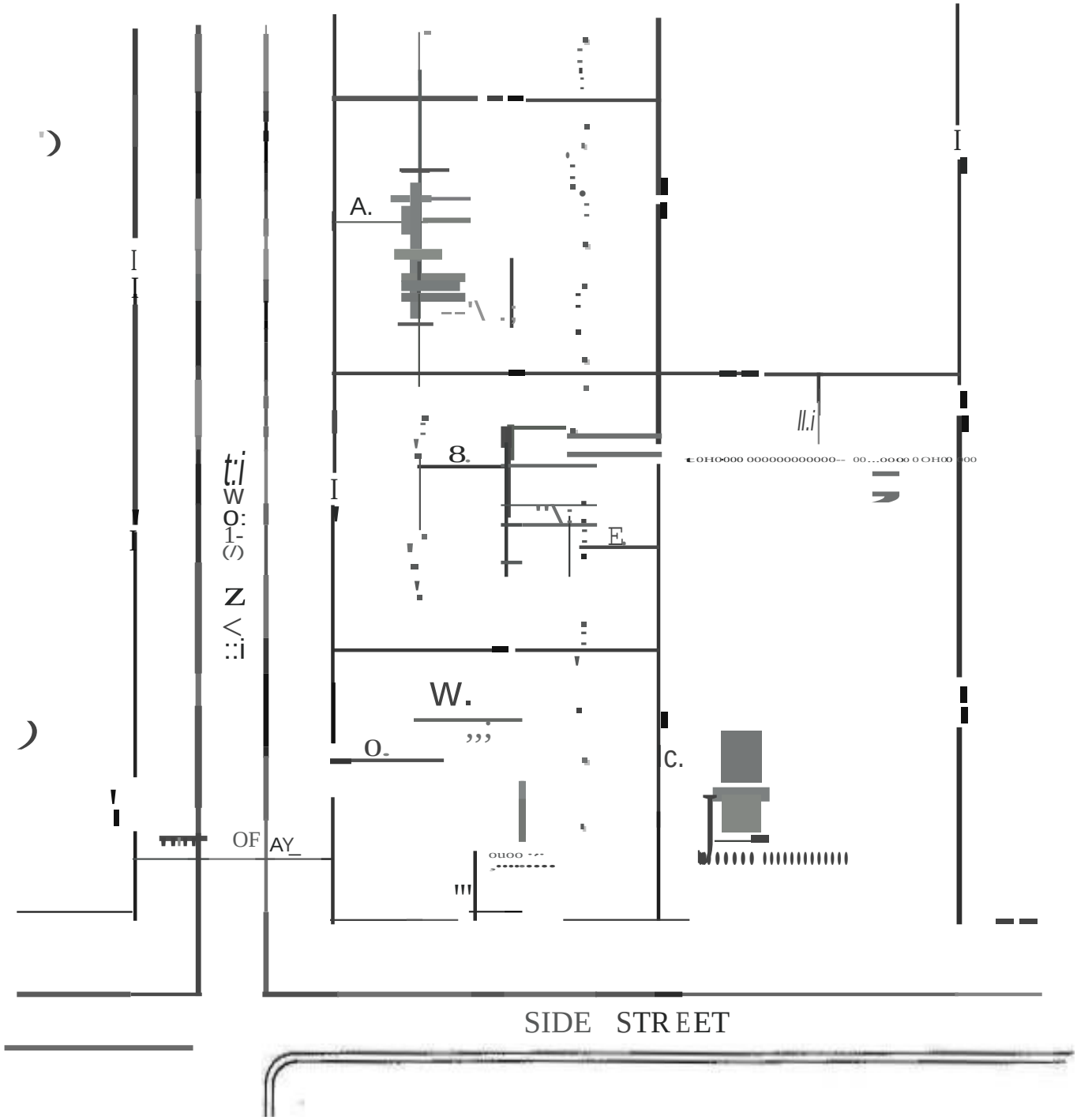
A “front yard” is a yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.

A “rear yard” is a yard on the same lot with a building between the rear line of the building and the rear lot line and extending from one side lot line to the other side lot line.

A “side yard” is a yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard.

2.99.35 ZoningException

A use permitted only where specified facts and conditions, detailed in this Ordinance, are found to exist. The facts and conditions set forth in this Ordinance for the exception must be met without modification or alteration, unless a Variance, as hereinafter defined, is obtained pursuant to the provisions of ARTICLE IV, Section 4.7.




A. DEFICIENT FRONT YARD

8. FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REO'O

C. MINIMUM SIDE YARD REQ'D

O. MINIMUM FRONT YARD R I!O'O. AI..SO B UII..OI NG SETOACK LINE

E. MINIMUM REAR YARD REQ'D

F. MINIMUM YARD REQ'O. ON SIDE STREET WITH HOME FRONTAGE

J

YARD REQUIREMENTS

WILKINS & WHEATON ENGINEERS/PLANNER

## ARTICLE III

## ZONING DISTRICTS AND MAP

3.0 DISTRICTS ESTABLISHED: For the purpose of this Ordinance, the City of Adrian is hereby divided into the following districts:

Residential Districts

R-1 One-Family Residential District
R-2 One-Family Residential District
R-3 One-Family Residential District
R-4 One-Family Residential District
RT Two-Family Residential District
RM-1 Multiple-Family Residential District (Low Rise)
RM-2 Multiple-Family Residential District (High Rise)
RM-H Residential Mobile Home Park

Non-Residential Districts

OS-1 Office Service District
B-1 Local Business District
B-2 Community Business District
B-3 Central Business District
B-4 Shopping Center District
WH Warehouse and Wholesale District
ERO Education, Research and Office District
E1 Exclusive Industrial District
I-1 Light Industrial District
I-2 General Industrial District
P-1 Vehicular Parking District

3.1 DISTRICT BOUNDARIES AND INCLUSION OF THE ZONING MAP BY REFERENCE

The boundaries of these districts are hereby established as shown on the Zoning Map, City of Adrian Zoning Ordinance, which accompanies this ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this ordinance as if fully described herein.

3.2 DISTRICT BOUNDARIES INTERPRETED

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following center lines of streets, highways, or alleys, shall be construed to follow such center lines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following city limits shall be construed as following city limits.

4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to following such center lines.

6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.

7. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.

## 3.3 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.

## 3.4 ZONING OF VACATED AREAS

Whenever any street, alley or other public way, within the City of Adrian shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zone District as the property to which it attaches.

## 3.5 DISTRICT REQUIREMENTS

All buildings and uses in any district shall conform to the requirements of the Schedule of Regulations.

# ARTICLE IV

# GENERAL PROVISIONS

## 4.0 EFFECTS OF ZONING

Zoning effects every structure and use. Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except when in conformity with the regulations herein specified for the zoning district in which it is located.

In case any building or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

If construction on a building is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance, or affecting amendment.

## 4.1 APPLICATION OF REGULATIONS

The regulations set by this ordinance throughout the City and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.

4.11 All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located.

4.12 No building or other structure shall hereafter be altered:

A. To accommodate or house a greater number of persons or families than permitted by the Zoning District.

B. To have narrower or smaller rear yards, front yards, or other side yards, other than permitted.

4.13 No yard or lot existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

## 4.2 SCHEDULE OF DISTRICT REGULATIONS

Regulations affecting the arrangement of buildings, materials and equipment occupying such land for each of the districts are hereby established as set forth in the Schedule of Regulations.

## 4.3 GENERAL REGULATIONS

### 4.31 Permits Required

In accordance with other City codes, ordinances and regulations duly adopted by the City Commission, and in accordance with this ordinance, no building shall hereafter be erected, relocated or altered in its exterior or interior dimension or use, and no excavation for any building shall begin until a building permit has been issued. With respect to this zoning ordinance, eligibility for a building permit shall be established upon conformance with the provision contained herein. This shall apply to all new construction and all major improvements to existing structures, a building permit is required. (A permit is not required for commercially available or similar storage sheds less than 100 square feet in area).

A. In accordance with other City codes, ordinances and regulations adopted by the City Commission and in accordance with this ordinance, no building shall be erected, relocated, or altered in its exterior or interior dimension or use, and no excavation for any building shall begin until a building permit has been issued.

B. Eligibility for a building permit and/or an occupancy permit is conditioned upon first obtaining a zoning compliance permit from the Zoning Administrator.

C. No building or structure or part thereof shall be located, erected, constructed, reconstructed, converted, enlarged or moved; nor shall any change be made in the use of any building, structure or land without a zoning compliance permit having been first obtained from the Zoning Administrator for such building structure or land.

D. A zoning compliance application shall be completed and submitted to the Zoning Administrator.

E. The Zoning Administrator shall review the application to determine whether the proposed construction and/or change in use complies with the Zoning Ordinance.

F. Appeals of a denial of a zoning compliance permit may be made to the Zoning Board of Appeals within 30 days of the denial of the permit.

G. Violations of this ordinance constitute a municipal civil infraction.

4.32 Certificate of Occupancy Required

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 Building Inspector.

4.33 Structures

A. Restoring Unsafe Buildings: Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector or the Lenawee County Health Department. A building or structure condemned by the Building Inspector may be restored to safe condition provided change of use or occupancy is not contemplated nor compelled by reason of such reconstruction or restoration; except that if the damage of cost of reconstruction or restoration is equal to or in excess of its State Equalized value, the structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.

B. Structure to Have Access: Every principal structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection, and required off-street parking.

C. One Single-family Structure Per Lot: No single family detached residential structure shall be erected upon a lot with another single family detached residential structure. In addition, every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot or a building site as herein defined.

D. Exceptions to Height Regulation: The height limitations contained in the Ordinance do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

4.34 Accessory Buildings

Accessory buildings except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main building.

B. Accessory building shall not be erected in any required yard, except a rear yard.

C. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line in the R-3 and R-4 Districts and five (5) feet to any side or rear lot line in the R-1 and R-2 Districts.

D. No detached accessory building in R-1 through R-4, RT, RM-1, OS-1, B-1, B-2, B-3, B-4 and P-1 Districts shall exceed one (1) story of fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Zoning Board of Appeals review and approval if the building exceeds one (1) story or fourteen (14) feet in height.

E. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot in rear of such corner lot. In no instance shall an accessory building be located nearer than ten (10) feet to a street right-of-way line.

F. When an accessory building in any Residence, Business or Office District is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Zoning Board of Appeals. Accessory buildings with a floor area of one hundred (100) square feet or less shall not be subject to Zoning Board of Appeals review.

G. The parking of a travel trailer, motor home or camper trailer when in use or occupied for periods exceeding twenty-four (24) hours on lands not approved for such use shall be expressly prohibited, except that the Chief of Police may extend temporary permits allowing the parking of said travel trailer, camper trailer or motor home in a rear yard on private property, not to exceed a period to two (2) weeks. All travel trailers, camper trailers, or motor homes parked or stored shall not be connected to sanitary facilities.

H. The open storage of any recreational vehicle such as but not limited to: truck camper bodies, snowmobiles, boats, motor homes, camper trailers, travel trailers, all terrain vehicles, etc., shall be permitted only within the confines of the rear yard and shall further respect the requirements of this Section applicable to accessory buildings, insofar as distances from principal structures, lot lines and easements are concerned.

I. The open storage of utility trailers, boat trailers and other similar conveyance shall be permitted only within the confines of the rear yard and shall further respect the requirements of this Section applicable to accessory buildings, insofar as distances from principal structures, lot lines and easements are concerned.

J. Private Pools shall be permitted as an accessory use with the rear yard only, provided they meet the following requirements.

1. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall. The side yard setback shall apply to side yards greater than ten (10) feet.

2. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.

3. No swimming pool shall be located in any easement.

K. Accessory structures must be aesthetically compatible in design and appearance and at a minimum constructed of material similar in appearance and quality as the primary structure.

L. No detached accessory building roofline shall extend over an adjacent property, nor shall the drainage from any accessory building roof be drained onto an adjacent property.

M. No detached accessory buildings included those of 100 square feet or less, shall be permitted within any required setback area.

N. Number of accessory structures permitted: Each primary structure shall be permitted one detached accessory building, (exclusive of private swimming pools) and one tool/garden shed no greater than 100 square feet.

O. Size and height and use restrictions:

1. Accessory buildings shall not exceed the height of the principal building or 14 feet whichever is less.

2. A detached accessory structure shall not exceed 600 square feet or the ground floor area of the principal building, whichever is greater.

3. Accessory buildings shall not include residential or living quarters.

4.35 <u>Lots</u>

A. New Lots to be Buildable: All newly created lots shall have buildable area. The <u>net</u> buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.

B. No new lots shall be created which do not meet the minimum lot size regulations of this Ordinance.

C. Corner Lots: On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard. The owner shall elect, and so designate in his application for permit, which of the remaining two (2) required yards shall be the required side yard and which the required rear yard.

D. Existing Platted Lots: (See Section 4.52)

The use of more than one (1) lot in common ownership where the same do not comply with ninety (90%) percent of the minimum requirements of this ordinance shall be determined on the basis of neighborhood character. For the purpose of this section, the Board of Appeals shall use the following standards to determine neighborhood character:

1. Two Lots: If each of the two (2) adjacent lots in question has both frontage and area measurements that equal or exceed the individual frontage and area measurements of at least sixty (60%) percent of the total number of developed lots within four hundred (400) feet on both sides of the same street, each of said lots in question shall be construed to be in character with the neighborhood. If not, the two (2) lots shall be considered a single lot.

2. Three Lots: If each of the three (3) lots in common ownership has both frontage and area measurements that equal or exceed the individual frontage and area measurements of at least sixty (60%) percent of the total number of developed lots within four hundred (400) feet on both sides of the same street, each of said lots shall be construed to be in character with the neighborhood. If not, the three (3) lots shall be considered one (1) or two (2) lots meeting the zone district requirements.

3. Four or More Lots: If each of the four (4) or more lots in common ownership are less than the minimum requirements, they shall be resub divided into one (1), two (2) or three (3) lots meeting the zone district requirements.

E. Notwithstanding for any platted or unplatted property on public or private roads, and other provisions of this ordinance, it is the intent of this section that the dividing of any property for purposes of residential development is such that any lot created by division have direct and immediate frontage on a public street, unless otherwise approved in a recorded subdivision, planned unit development, mobile home development or site condominium. It is recognized, however, that owning to hills, streams or other topographical

features or to utility installations or easements, certain undeveloped or partially developed properties may exist which cannot be reasonably developed or divided so as to provide all lots with direct and immediate frontage on a public street. The division of such properties so as to situate one (1) or more lots behind another, in its relation to a public street, may be approved by the Planning Commission, subject to public hearing thereon and compliance with the following criteria:

1. Every lot or parcel shall have access to a public or private street. Said lot shall comply in all respects with the lot area and width requirements of the zone district in which it is located, and shall be subject to determination by the Planning Commission as to appropriate front and rear lot lines for setback purposes, based on the particular conditions applying to the property and to surrounding area.

2. Approval of any such division shall be conditioned upon the submission, by the applicant, of a plot plan drawn to scale and indicating the relationship of the proposed divisions to adjoining streets and neighboring properties. In addition to its review by the board, such plan shall be reviewed by the planning office with respect to the Plat Act, master plan, street plan, utility plan or other plans or ordinances of the city applicable to the use or division of land, and shall conform to the provisions thereof.

3. Any rear lot approved in such division shall be accessible to, and developed with connections to, city sewer and water services, and storm water services. When any such division creates lots which are not included in a utility assessment district, or in excess of the number of benefits assessed, such lots shall be subject to utility service assessment at the prevailing rate in effect at such time as the division is approved by the Commission.

4. Any lot or parcel that does not front on a public street shall require an approved private street that shall be constructed to public street standards and submit drawings showing the width and other geometric details, a cross section of the road base system showing base material, type and thickness, along with surfacing type and thickness.

5. Such division shall be found by the Planning Commission to be compatible and harmonious with the established character of adjoining and nearby residentially developed lands, and no such division shall be approved which would have a detrimental effect. In making a determination of compatibility, the Planning Commission shall consider such factors as:

(a) The width, depth and lot area of established lots in the neighborhood in which such division is proposed.

(b) The proposed development of lots and dwellings in relation to other lots, whether developed or undeveloped, in the neighborhood.

(c) The effect of additional curb cuts and traffic resulting from the proposed division.

(d) Review by appropriate departments for emergency vehicle access.

(e) A detailed drainage plan.

4.36 Antennas and Satellite Receiving Stations

Antennas and satellite receiving stations when not utilized for commercial broadcasting are permitted as accessory uses in all zoning districts, except the P-Parking District, subject to the following conditions:

A. Where the accessory antenna is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.

B. An accessory antenna may be erected in any required yard except a front yard, shall not project forward of the rear building line, and shall not be closer than five (5) feet to any side or rear lot line. Movable antennas shall not revolve closer than three (3) feet to any side or rear lot line.

C. An accessory antenna shall not exceed fifteen (15) feet in height above the highest point of the building. The total yard area devoted to an accessory antenna use shall not exceed one-hundred (100) square feet of yard area. Antennas in excess of fifteen (15) feet in height shall be approved by the Board of Zoning Appeals.

D. A corner lot, the side yard of which is substantially a continuation of the front lot line of the lot to its rear, shall be regarded as having two front yards. When an antenna is

located on this type of lot, it shall not project beyond the continued front lot line of the rear lot.

E. In case of double frontage lots, accessory antennas shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on said streets in the same block or adjacent blocks.

F. In all cases, an accessory antenna shall be anchored or fastened securely to the building or surface to which it is attached or upon which it rests.

G. The provisions of this Chapter do not apply to structures or equipment licensed by the City during the time that such structures or equipment are located on land or buildings owned or occupied by the City.

H. Wireless communication towers, whether or not for the purpose of providing essential service, are permitted in the E-1, I-1, I-2 and WH districts, as uses subject to a Zoning Exception Permit, subject to the standards in Section 25.17.

I. The height limits of this Chapter may be modified, upon appeal to the Zoning Board of Appeals in their application to church spires, belfries, cupolas, penthouses, domes, water towers, observation towers, power transmission lines and towers, roof-mounted dish antennas, masts and aerials, flagpoles, chimneys, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenances pertaining to and necessary to the permitted uses of the zoning districts in which they are located. If such facilities are proposed specifically to house and disguise wireless communication facilities, their height limits shall be those found in Section 25.

J. Wireless communication antennas are not subject to the height limits of this Chapter, except when attached to wireless communication towers. Wireless communication towers and their associated facilities are subject to the height limits found in Section 25. The height limits found in Section 25 may be modified, upon appeal to the Zoning Board of Appeals, to the minimum extent demonstrated as necessary to comply with operational needs and applicable federal regulations.

4.37 Off-Street Parking and Loading

All buildings located in the City shall provide off-street parking adequate for the use intended.

The dimension of off-street parking spaces shall be in accordance with the following minimum dimensions:

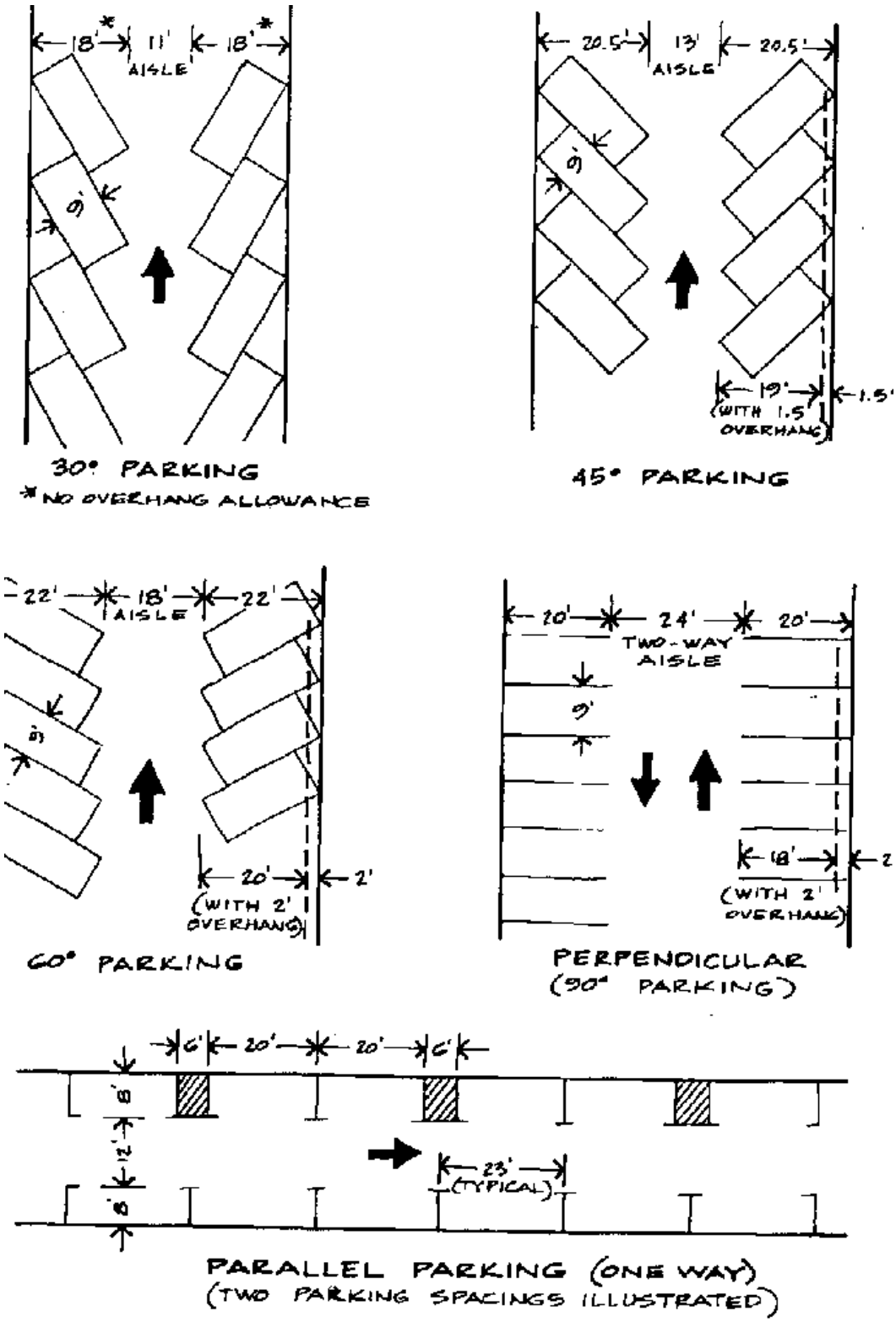
| **Parking Pattern** | **Maneuvering Lane Width** | **Parking Space Width** | **Parking Space Length** | **Total Width of One Tier of Spaces Plus Maneuvering Lane** | **Total Width of Two Tiers of Spaces Plus Maneuvering Lane** |
|---|---|---|---|---|---|
| 0° (Parallel Parking) | 12 feet | 8 feet | 20 feet | 20 feet | 28 feet |
| 30° (Diagonal) | 11 feet | 9 feet | 20 feet | 29 feet | 47 feet |
| 31° to 53° (Diagonal) | 13 feet | 9 feet | 20 feet | 33.5 feet | 54 feet |
| 54° to 74° (Diagonal) | 18 feet | 9 feet | 20 feet | 40 feet | 62 feet |
| 75° to 90° (Diagonal) | 24 feet | 9 feet | 20 feet | 44 feet | 64 feet |

The graphic entitled “Parking Layouts” is included for illustration purposes only and not drawn to scale.

A. Residential Off-Street Parking: Parking in residential zones is only permitted as an accessory use or as a transitional use and in no case is it intended that parking or access drives to parking be permitted as a principal use of any residentially zoned lot.

B. Non-Residential Off-Street Parking: Except in parking exempt areas, provisions shall be made for off-street parking for all nonresidential buildings or additions to such buildings in all districts. The conversion of an existing residence to any other use shall be deemed to be a new use which must meet all provisions of this Ordinance.

C. Mixed Occupancies and Uses Not Specified: In the case of mixed uses, the total requirements for off-street parking areas shall be the sum of the requirements of the various uses computed separately. Parking areas for churches, theaters or other uses in which the primary parking demand occurs out of normal store operation hours may be jointly used where adequate arrangements are made to insure that the space is available for reach function.




PARKING AREA DIMENSIONS
(FOR STANDARD-SIZE VEHICLES)

D. Location of Off-Street Parking Facilities: Off-Street parking facilities shall be located as hereafter specified; where a distance is specified it shall be the distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve, as follows:

1. For all residential buildings and for all non-residence buildings in residential zones, required parking shall be provided on the same plot with the building.

2. For commercial and all nonresidential uses in commercial zones, required parking shall be provided within three hundred (300) feet.

3. For industrial uses, required parking shall be provided within three hundred (300) feet.

E. Parking Areas in Commercial, Office, Public and Non-Public Schools in Residential Districts and Industrial Districts: Every parcel of land hereafter established as a public or private parking area in any commercial, office, or industrial district or hereafter enlarged or altered shall be developed and maintained in accordance with the following requirements:

1. Off-Street parking area shall be effectively screened on any side which adjoins or faces premises situated in any residential zone district or institutional premises, by a screening, fence, wall planting strip, or other material approved by the Planning Commission. The height of the barrier shall be in accordance with the following:

| | District | Height Requirements |
|---|---|---|
| a. | P-1 Vehicular Parking District | 4’ 6” |
| b. | Off-Street Parking Area (Other than P-1 Districts) | 4’ 6” |
| c. | Public and Non-Public School Parking Areas in Residential Districts | 42” |

2. Required barriers shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the barrier or may waive the screening requirement if in specific cases it would not serve the purposes of screening the parking area effectively. Required barriers may, upon

approval of the Board of Appeals, be located on the opposite side of the alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required barrier on a given block will be a major consideration of the Board of Appeals in reviewing such request.

3. Such barriers shall have on openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Chief of Police and the Building Inspector. All barriers herein required shall be constructed of materials approved by the Building Inspector to be durable, weather resistant, rust proof and easily maintained. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaces as to maintain the obscuring character required, and shall not reduce the minimum height requirements. The arrangement of the openings shall be reviewed and approved by the Building Inspector.

4. The requirement for a screening barrier between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.

5. The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served provided that in no instance shall a required barrier be permitted to be less than four feet six inches (4’ 6”) in height. In consideration of request to waive all requirements between nonresidential and residential districts, the Board shall refer the request to the Planning Commission for a determination as to whether or not the residential district is considered to be an area in transition and will become nonresidential in the future. In such cases as the Planning Commission determines the residential district to be a future nonresidential area, the Board may temporarily waive screening requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinafter described, for each subsequent waiver prior to the granting of such waiver by the Board.

6. Every such off-street parking area shall be surfaced in accordance with this ordinance. Any lighting in connection with off-street parking shall be so arranged as to reflect the light away from all adjoining residential building zones and streets.

7. The off-street parking area shall be subject to the approval of the Planning Commission to insure its adequacy in relation to traffic safety, lighting and protection of the adjacent property.

F. 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 a 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 more than one-half (1/2) of the yard required for a residential building, and where the lot or a portion of the lot lies between two (2) privately owned residential properties, the full front yard setback shall be observed. In either case, the front yard area not occupied by the access drive shall be landscaped.

3. All such parking areas shall be at least forty (40) feet in width.

4. Such parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work or sales or service of any kind shall be conducted on such parking lot. No sign, other than entrance, exit, and condition of use signs, shall be maintained, and the aggregate area of all such signs shall not exceed twelve (12) square feet.

5. 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 the approval of the Planning Commission to insure adequate relation to traffic safety, lighting and protection of the adjacent residential area.

6. The Building Inspector shall thereafter issue a permit, which may be revoked at any time that the aforementioned requirements are not complied with. Any person operating the premises to which said permit relates in violation of any of the conditions specified by this Ordinance or fixed to such permit, shall be deemed in violation of this Ordinance and shall be subject to the penalties prescribed in this Ordinance.

G. Parking and Storage of Unlicensed Vehicles: Automotive vehicles of any kind or type without current license plates shall not be stored within the required yard on any residentially zoned property, unless within an enclosed building.

H. Parking Requirements: The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section.

The Planning Commission may reduce the numerical requirements for off-street parking, based on evidence that another standard would be more reasonable, because of the level of current or future employment, expected level of customer traffic or observed parking use rates. For those uses not specifically listed, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type or shall be based on a number supported by authoritative reference works or a parking study conducted by a certified architect, engineer or planner.

The maximum number of parking spaces shall not be more than 20% greater than the requirements of this section, unless an applicant provides sufficient evidence in support of a larger number. Such evidence shall be in the form of authoritative reference works or a parking study conducted by a certified architect, engineer or planner.

Land uses within the B-3 Central Business District Zoning District shall be exempt from the table of Parking Requirements.

| Use | Number of Minimum Parking Spaces per Unit of Measure |
|---|---|
| 1. Residential | |
| a. Residential, One-Family and Two Family | Two (2) for each dwelling unit |
| b. Residential, Multiple-Family | Two (2) for each dwelling unit for developments of 1-24 units. One point seven five (1.75) space for each dwelling unit for development of 24+ units |
| c. Mobile Home Park and Mobile Home Courts | Two (2) for each trailer or mobile home site and one (1) for each employee of the trailer or mobile home court. |
| d. Boarding and Rooming Houses and Bed & Breakfast Facility | One (1) for each sleeping room. |
| e. Senior Citizen Apartments | Three-quarters (3/4) space for each unit when mass transit is provided; one (1) space for each unit when not provided. |

2. <u>Institutional</u>

| | | |
|---|---|---|
| a. | Churches, Temples or Synagogues | One (1) for each three (3) seats, maximum seating capacity in the main unit of worship, provided that the number of spaces thus required shall be reduced to one (1) for every ten (10) seats if the place of worship is located within five-hundred (500) feet of any public parking lot, or commercial lot where sufficient spaces are available by permission of the owner(s). |
| b. | Hospitals | One (1) per six hundred (600) sq. ft. of gross floor area. |
| c. | Sanitariums, Convents, Homes for the Aged, Convalescent Homes, Children's Homes | One (1) per six hundred (600) feet of gross floor area. |
| d. | Adult Foster Care Facilities | One-half (1/2) space per bed plus one (1) space for each employee. |
| e. | Public or Private Elementary and Middle School | One (1) for each classroom plus one space for each five (5) fixed seats of any area used for auditorium purposes or for each thirty-five (35) sq. ft. of seating area where there are no fixed seats. |
| f. | Senior High Schools | One (1) space for each classroom and each other room used by students plus one (1) for each ten (10) full-time students in addition to the requirements for auditorium. (See k) |
| g. | Private Clubs or Lodge Halls | One (1) for each three (3) allowed within the maximum occupancy load as established by local, county, or State fire, building, or health codes. |
| h. | Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Racquetball Clubs | One (1) for each two (2) member families or individuals. |
| i. | Golf Course open to the general public, except miniature or "par 3" courses | Six (6) for each one (1) golf hole and one (1) for each one (1) employee |
| j. | Stadium, Sport Arena, or similar place of outdoor assembly | One (1) for each three (3) seats or ten (10) feet of bench. |

| | | |
|---|---|---|
| k. | Theaters, gymnasiums, Auditoriums (Indoor) | One (1) for each four (4) seats plus one (1) for each two (2) employees |
| l. | Libraries, Museums, and Noncommercial Art Galleries | One (1) for each two hundred and fifty (250) sq. ft. of gross floor area. |
| m. | Day-care, Preschool and Nursery Schools | One (1) space for each staff member plus one (1) space for every five (5) children or one (1) space for every ten (10) children if adequate drop-off facilities are provided. |
| n. | Jails | One (1) space for each staff member plus one (1) space for every five (5) cells, in addition to off street loading spaces for delivery and transport vehicles. |

3. <u>Business and Commercial</u>

| | | |
|---|---|---|
| a. | Automobile Service Stations, Gasoline Stations, Convenience Stores in conjunction with service or gas stations | Two (2) for each lubrication stall, rack, pit or pump, plus one for every two hundred (200) sq. ft. of gross floor area devoted to retail sales; plus one (1) for each employee. |
| b. | Auto Wash, Auto Reconditioning, Auto Cleaning (interior/exterior) | One (1) for each one (1) employee, plus one (1) for each two hundred fifty (250) sq. ft. of gross floor area devoted to reconditioning or cleaning. |
| c. | Beauty Parlor or Barber Shop | Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair. |
| d. | Bowling Alleys | Five (5) for each one (1) bowling lane. |
| e. | Dance Halls, Pool or Billiard Parlors, Roller or Ice Rinks, Exhibition Halls and Assembly Halls without fixed seats | One (1) for each three (3) seats or One (1) for each one hundred (100) sq. ft. of gross floor area. |
| f. | Drive-in Establishments | One (1) for each forty (40) feet of gross floor area, with a minimum of twenty-five (25) parking spaces. |
| g. | Establishments for Sale and Consumption on the Premises of Beverages Food or Refreshments | One (1) for every six (6) seats or eight (80) sq. ft. whichever requires the greater amount of parking. |

| | | |
|---|---|---|
| h. | Furniture and Appliance, Household Equipment, Repair Shop, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses | One (1) for each eight hundred (800) sq. ft. of floor area, occupied in processing or manufacturing. |
| i. | Laundromats and Coin Operated Dry Cleaners | One (1) for each two (2) washing machines. |
| j. | Miniature Golf Courses | Three (3) for each one (1) hole plus one (1) for each one (1) employee |
| k. | Mortuary Establishments | One (1) for each one hundred (100) sq. ft. of gross floor area plus a minimum of 800 lineal feet of aisle space for queueing. |
| l. | Motel, Hotel or Other Commercial Lodging Establishments | One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms based upon one space for every two occupants based on maximum occupancy load. |
| m. | Motor Vehicles Sales and Service Establishments, Trailer Sales and Rental Boat Showrooms | One (1) for each four hundred (400) sq. ft. of gross floor area of sales room. |
| n. | Open Air Business | One (1) for each six hundred (600) sq. ft. of lot area. |
| o. | Restaurant, Carry-Out | One (1) for each one hundred (100) sq. ft. of gross floor area. |
| p. | Retail Stores, Except as Otherwise Specified Herein | One (1) for each three hundred (300) sq. ft. of gross floor area. |
| q. | Shopping Center or Shopping Mall | One (1) for each three hundred (300) sq. ft. of gross floor area. |
| r. | Auto Body Shop | One (1) space for each five hundred (500) sq. ft. of gross floor area plus one (1) space for each employee |
| s. | Auto/Truck Sales | One (1) space for each five hundred (500) sq. ft. of gross floor area for automobile sales |
| t. | Cocktail Lounges and Taverns | One (1) space for each seventy-five (75) feet of gross floor area. |

| | | |
|---|---|---|
| u. | Health Spas, Gymnasiums, and Health Clubs | Ten (10) for each club of Spas plus one (1) space for each two hundred (200) sq. ft. of gross floor area in excess of one thousand (1,000) gross sq. ft. |

4. <u>Offices</u>

| | | |
|---|---|---|
| a. | Banks, Savings and Loan Offices | One (1) for each two hundred (200) sq. ft. of gross floor area. |
| b. | Business Offices or Professional Offices except as indicated in the following Item (c) but including courthouses and governmental offices. | One (1) for each four hundred (400) sq. ft. of gross floor area. |
| c. | Medical or Dental Clinics, Professional Offices of Doctors, Dentist or Similar Professions | One (1) for each one hundred seventy-five (175) sq. ft. of gross floor area. |

5. <u>Industrial</u>

| | | |
|---|---|---|
| a. | General Manufacturing Establishments | One (1) space for every six hundred fifty (650) sq. ft. of gross floor area, plus one (1) space per each three hundred fifty (350) sq. ft. of office space. |
| b. | Light and limited Industrial Manufacturing | One (1) space for every five hundred (500) sq. ft. of gross floor area, plus one (1) space per each three hundred fifty (350) sq. ft. of office, sales or similar space. |
| c. | Research and Development | One (1) space for every three hundred fifty (350) sq. ft. of gross floor area plus one (1) space per each three hundred fifty (350) sq. ft. of office sales or similar space. |
| d. | Warehousing | One (1) space for every two thousand (2,000) sq. ft. of gross floor area. |

I. Required Off-Street Loading Berths:

(1) In all districts, except in certain cases as described in Section 4.37(I) (2), every building, or part thereof, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, group of stores, or other use similarly requiring the receipt of distribution in vehicles of materials or merchandise,

there shall be provided and maintained on the same premises which such buildings, off-street loading spaces in relations to floor area as follows:

5,000 to 20,000 square feet . . . . . .. . . 1 space
20,000 to 50,000 square feet . . . . . 2 spaces
50,000 to 100,000 square feet . . . . . ... . . 3 spaces

One additional space for each additional 100,000 square feet or part thereof; provided that:

1. Each loading space shall be at least twelve (12) feet in width, forty-four (44) feet in length, and have a clearance of fourteen (14) feet above grade.

2. Such space may occupy all or any part of any required yard or court space, except the front yard.

(2) Buildings and structures within the ERO District shall comply with the requirements of Section 4.37 where large volumes of deliveries are anticipated; such as delivery of furniture for buildings utilized as student dorms, delivery of supplies to service the cafeteria, delivery of books to the student book store, or similar uses. Other buildings or structures, such as sport stadiums, are not required to provide a loading berth, when the following requirements are met:

1. A central location is designated as the primary location for receipt of and delivery of large volumes of supplies, materials or merchandise.

2. In accordance with plans approved by the City Engineer, the loading berth(s) at the central location shall be sufficient in size and number to service large volumes of supplies, materials or merchandise.

3. The applicant submits a plan and drawing that describes the distribution system.

J. Increased Parking: When the floor area, dwelling units, or increase in the number of employees, or other unit of measure employed to determine off-street parking requirements shall be increased, it shall be the duty and obligation of the owner and occupant of such residence, business or other use to provide additional off-street parking space of sufficient area. Such parking space may be on the same lot or lots within the main building or within a maximum distance of three-hundred (300) feet from any such lot, whichever may have been originally required under this Ordinance. All such parking spaces herein required shall be surfaced as provided in 4.35 K.

K. Surfacing:

(1) All open parking spaces shall be paved with concrete or bituminous material in accordance with plans approved by the City Engineer, except in certain cases as described in Section 4.37 (K) (2). Such concrete pavement shall be of a minimum thickness of six (6) inches and any bituminous paving shall be of a minimum thickness of two (2) inches, or shall be a triple sealcoat and shall be placed upon a base of limestone or gravel of a minimum thickness of six (6) inches. All parking paving shall be complete within a period of 12 month after site plan approval. Off-street parking for one (1) and two (2) family dwellings need not be surfaced with concrete or bituminous material.

(2) In all districts, the Planning Commission shall have the discretion to determine whether parking lots for non-residential land uses be hard surfaced when the following requirements are met:

1. In accordance with plans approved by the City Engineer, parking lots and access drives utilizing alternative materials, such as natural or permeable materials, are permitted when constructed as an accessory use for recreational activities and when used for parking on an occasional basis.

2. A gravel parking lot must install wheel stops to denote each parking space and to define the parking lot area.

3. A gravel parking lot and access drive must be maintained for dust control.

4. In accordance with plans approved by the City Engineer, grass parking lots and access drives must have a sub-base which supports the weight of vehicles during inclement weather.

5. All other natural and permeable surface materials must be constructed and maintained in accordance with plans approved by the City Engineer.

4.38 <u>Animals, Bees, Livestock & Fowl-Use, Shelter & Storage</u>

No animals, livestock or fowls, or structures for same, other than common household pets shall be permitted as an accessory for use, shelter or storage in the City.

4.39 Dwelling Unit Conversion

The provisions of this Section allows for the possibility of converting a single-family dwelling (within an existing structure) to a two-or three-family dwelling in the R-4 District, provided that the conversion be in conformance with the standards and procedures set forth herein.

4.39.1 Dwelling Unit Conversion Defined

A dwelling unit conversion is defined as the process in which the owner of a single-family dwelling located in the RT district may apply for conversion of said dwelling into a greater number of dwelling units than existed in the dwelling prior to conversion. Consideration of the application shall be in accordance with the procedures and standards set forth herein.

4.39.2 Application, Filing Procedure and Fee

The owners of a single-family dwelling located in the R-4 Zoning Districts who wish to convert their existing single- or two-family dwelling into a additional dwelling unit(s) shall file an application with the City Engineer not less than one week (7 days) before the next regularly scheduled Planning Commission meeting. The application shall include a site plan with front and side elevation in conformance with the requirements of Section 4.6. A separate application shall be required for each structure petitioned for dwelling unit conversion and each application shall be accompanied by a fee set by the City, no part of which shall be refunded.

4.39.3 Application of Review Procedure

Upon receipt of the application and site plan, the City Engineer shall transmit copies of the application and site plan to the Planning Commission, and other individuals and departments as specified in this Section, for comment and recommendation, which comments and recommendations shall be forwarded to the City Engineer within thirty (30) days of receipt of said plans.

Upon receipt of comments and recommendations from the Planning Commission and other contributing departments of individuals, the City Engineer shall schedule a public hearing on said application before the Planning Commission at its next regularly scheduled meeting provided that the notice requirements required herein cannot be complied with, the hearing shall be scheduled no later than the second regularly scheduled meeting thereafter.

4.39.4 Notice Requirement for Public Hearing

One notice that an application for a dwelling unit conversion has been filed shall be published in a newspaper of general

circulation in the City and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to occupants of all single and two-family dwellings within three hundred (300) feet, except that the notice shall be given not less than five (5) and not more than fifteen (15) days before the application will be considered by the Planning Commission. The notice shall:

A. Describe the nature of the dwelling unit conversion request.

B. Indicate the property which is the subject of the dwelling unit conversion request.

C. State when and where the dwelling unit conversion request will be considered.

D. Indicated when and where written comments will be received concerning the request.

4.39.5 Review Power of Planning Commission

The Planning Commission may deny, approve, or approve with conditions, requests for dwelling unit conversion approval. The decision on the dwelling unit conversion shall be incorporated in a statement on conclusions relative to the dwelling unit conversion under consideration. The decision shall specify the basis for the decision and any conditions imposed. Consideration of the application by the Planning Commission shall be based upon conformance with the standards set forth herein. The Planning Commission shall render a decision within thirty (30) days after the public hearing required above.

4.39.6 All applications for dwelling unit conversion as provided herein, shall be reviewed on the basis of whether or not the application and proposed use conform to the following standards:

A. The conversion will not be detrimental to the neighborhood; and

B. The proposed conversion shall add no more than one (1) apartment to the existing dwelling, and the maximum number of bedrooms per additional dwelling unit shall not exceed two (2); and

C. Conversion of any dwelling unit will not result in leaving a dwelling unit whose minimum gross floor area per unit is less than five hundred (500) square feet for an efficiency unit, six hundred (600) square feet for a one bedroom unit, and seven hundred fifty (750) square feet for a two bedroom unit; and

D. The owner agrees that all construction and maintenance of the structure and grounds will be in accordance with and conform to all City construction codes, including but not limited to the Building Code, Electrical Code, Plumbing Code, Mechanical Code, Housing Code; and

E. Each dwelling unit shall be self-contained consisting of complete lavatory and kitchen facilities and a separate living area; and

F. Each dwelling unit shall provide adequate light and ventilation pursuant to the Housing Code; and

G. Stairways leading to the second floor or any higher floor shall be located within the walls of the building wherever practical, and stairways and fire escapes shall otherwise be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street; and

H. One (1) of the units must be owner occupied. The owner shall record a Dwelling Conversion affidavit with the Lenawee County Register of Deeds. Upon the sale of the dwelling the new owner shall comply with owner occupancy requirement for the conditional use as a dwelling conversion or the dwelling shall be returned to appropriate density as determined by the zoning district in which the property is located. A copy of the recorded affidavit shall be provided to the Adrian Assessors office within 45 days of the Planning Commission conditional use approval of the dwelling conversion and/or transfer of ownership of the subject property as defined by MCL 211.27(a) PA 106 of 1893 as amended.

I. Except as may be necessary for purposes of safety in accordance with the preceding paragraph, there shall be no major structural change in the exterior of the building in connection with the conversion, and after conversion the building shall retain substantially the same structural appearance it has before the conversion; and

J. There shall be provided two (2) parking spaces per dwelling unit. The location of the off-street parking in the neighborhood. Where possible, parking should be enclosed or screened from view from any public street. In no case shall an application be approved where parking is intended to be located in the front yard of any dwelling unit for which conversion has been applied for.

4.39.7 <u>Building Permit and Certificate of Occupancy</u>

If the application is approved, the applicant shall obtain a building permit from the City prior to the construction associated with conversion. After all construction or

reconstruction has been completed, the applicant shall obtain a Certificate of Occupancy prior to the rental or use of the additional dwelling units. Failure to comply with the provisions of this Section will constitute a violation of the Zoning Ordinance.

## 4.4 ADDITIONAL GENERAL REGULATIONS

### 4.41 General Lighting, Screening Requirements, and Fences

A. Lighting

All private lights used for the illumination of dwellings or business establishments or for the illumination of business buildings or areas surrounding them, or the illumination or display or merchandise or products of business establishments shall be completely shielded from the view of vehicular traffic using the road or roads abutting such business property. Lighting which is designed to illuminate the premises shall be installed in a manner which will not cast direct illumination on adjacent properties.

B. Non-Residential Uses Abutting Residentially Zoned Lots

Except as otherwise provided in this Zoning Ordinance, all premises used for business, commercial or industrial purposes shall be screened from abutting residential districts. Screening shall be any of the following and shall apply to side yard and rear yards:

1. A natural buffer planted with evergreens or shrubbery which maintains their density and screening effect throughout the calendar year, and maintained in a neat and attractive manner, commensurate with the adjoining residential district.

2. A wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants of adjoining premises, and maintained in a neat and attractive manner, commensurate with the adjoining residential district.

3. An earth berm, planted and maintained in accordance with this ordinance.

4. For side yard screening, no such wall or fence shall impair safe site distances. If requested, such evaluation shall be made by the Chief of Police.

5. Fence height by district abutting residentially zoned areas shall be in accordance with the following schedule and shall be measured from the highest grade level:

| District | | Minimum Height | Maximum Height |
|---|---|---|---|
| A. | B-1, B-2, B-3, B-4 and OS-1 Districts | 4’ 6” | 6’ |
| B. | I-1 and I-2 Districts, open storage areas, loading and unloading areas, service areas. | 6’ | 8’ |
| C. | Vehicle wash establishments and Drive-In Restaurants | 6’ | 6’ |
| D. | Hospital, Ambulance and delivery areas | 6’ | 6’ |
| E. | Utility buildings, stations and substations | 6’ | 6’ |

6. Zoning Board of Appeals discretion in governing screening barriers for nonresidential uses adjacent to residentially zoned areas and residential uses within the same zoning district shall be governed by the character of the area and the anticipated impacts on the adjacent areas.

C. Fences in Residential Areas

Fences are permitted in residentially zoned areas subject to the following conditions:

1. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height measured from the surface of the ground.

2. Recorded parcels having a lot area in excess of two (2) acres and a frontage of at least two hundred (200), and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.

3. Fences shall not contain barbed wire, electric current or charge of electricity.

4. No fence shall be located in the required minimum front yard, or in the front of the lot

beyond the front of the house, or whichever is greater, except those which meet all the following requirements:

a. No such fence shall exceed four feet in height above the grade of the surrounding ground.

b. All such fences shall be:

i. Of wood, metal or masonry construction, the area of which shall be not more than 40% solid, with the open spaced uniformly spread over the entire area of the fence; or,

ii. Of chain link construction.

5. No fence shall be erected without first obtaining a permit from the Building Department.

D. Waste Receptacles (Dumpsters)

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 in Section 4.4 (D) (7). 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 Appeals Board, 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:

    1. 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.

    2. 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 Building Official 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.

    3. 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 enclosing 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:

    1. 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.

    2. 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.

3. A plan shall be submitted describing the distribution system whereby college personnel collects waste material. The plan shall include the collection route, the days of the week and time of day when waste material is collected.

4.42 Corner and Driveway Clearance

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of twenty four (24) inches from established street grades shall be permitted within the triangular area formed:

IV-30

A. At the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection (See Illustration)

B. At the intersection of a driveway and a street where two sides of the triangle defined by measuring twenty-five (25) feet in length along the edge of the driveway and along the curb edge of the roadway line from the point of intersection and the third side is a diagonal connecting the first 2. (See Illustration)

4.5 NON CONFORMITIES

4.51 Nonconforming lots, nonconforming uses of land, nonconforming structures and nonconforming uses of structures and premises

1. Intent: It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their expansion.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, except as provided below, nor shall non-

conformities be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building 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 building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

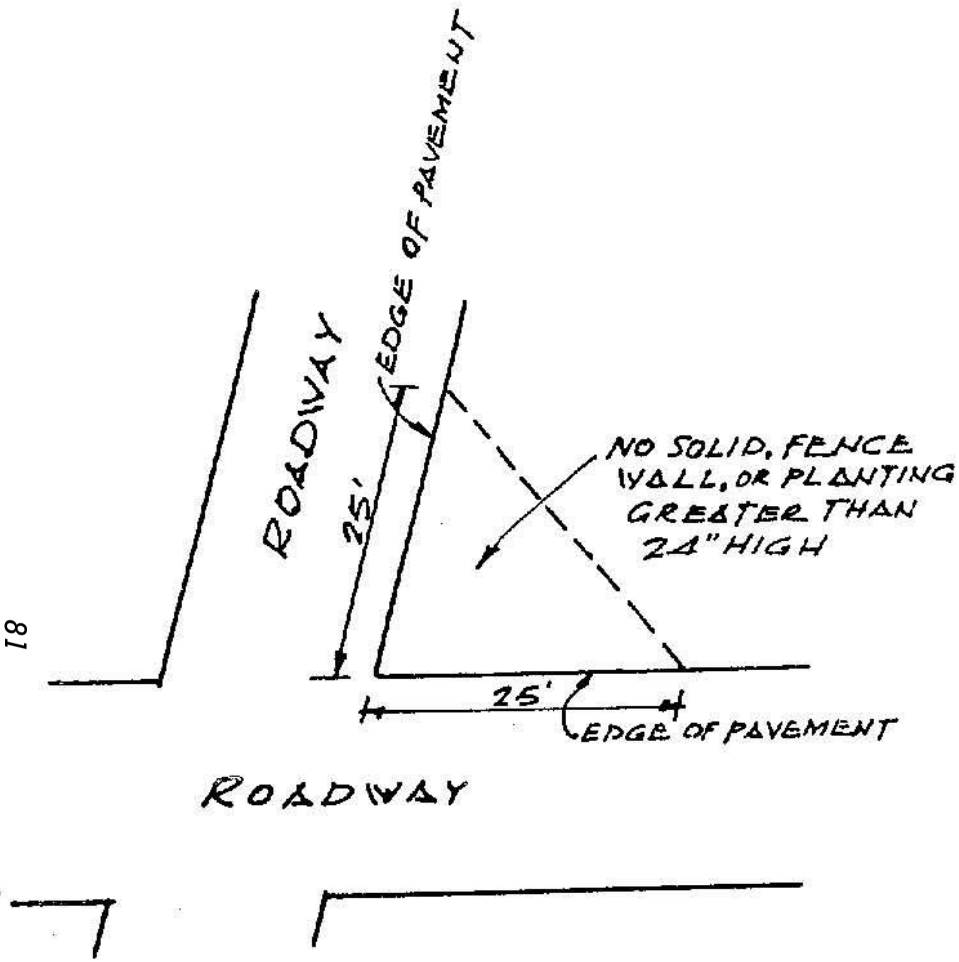



EXHIBIT "A"

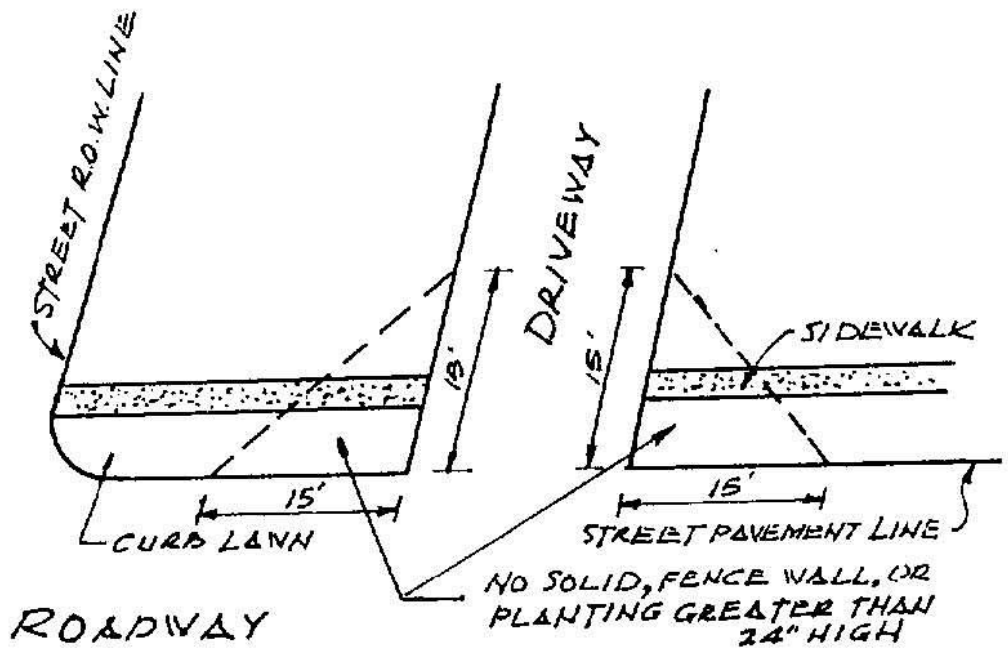



EXHIBIT "B"

# VISIBILITY TRIANGLES

COMPILED BY
WILKINS & WHEATON ENGINEERING Co. Inc.
KALAMAZOO, MICHIGAN.

4.52 Nonconforming Lots

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. The provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.

4.53 Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;

C. If such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

4.54 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged, altered or rebuilt in a way which increases its nonconformity. Such structures may be enlarged, altered or rebuilt in a way which does not increase its nonconformity.

B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

C. In the event any nonconforming building or structure shall be damaged by fire, wind, or an Act of God or the public enemy, the same shall be permitted to be rebuilt provided it does not exceed the size, floor area, height and placement of the original building or structure.

4.55 Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but not such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure, or structure and land combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specified case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

D. Any structure, or structure and land in combination, in or on which a nonconforming is superseded by a permitted use, shall thereafter conform to the regulations for the

district in which such structure is located, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for six (6) consecutive months, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be exempted from this provision.

F. Where nonconforming use status applies to a structure and land combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

4.56 Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming 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 extend not exceeding fifty (50) percent of the assessed value of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Further, nothing in this Ordinance shall be deemed to prevent additions or alterations to existing single-family residences or two-family residences located in other than a One-Family Residential District, a Two-Family Residential District or a RM-1 District, nor shall anything in this Ordinance be deemed to prevent additions or alterations to existing multiple family residences located in other than residential districts, provided that each and everyone of the following conditions are met:

A. That the standards of the Schedule of Regulations applicable to the R-4 One-Family Residential District shall apply as minimum standards for all additions or alterations to single family residences; and

B. That the standards of the Schedule of Regulations applicable to the RT Two-Family Residential District shall apply as minimum standards for all additions or alterations to two-family residences; and

C. That the standards of the Schedule of Regulations applicable to the RM-3 Multiple-Family Residential Districts shall apply as minimum standards for all additions or alterations to multifamily residences; and

D. That no addition or alteration shall result in or cause an increase in the number of dwelling units in any residence over the number of dwelling units existing in the residence on January 2, 1973; and

E. That said additions or alterations shall not increase the floor area of any individual dwelling unit by more than 50% of the floor area existing as of January 2, 1973; and

F. That the addition, replacement or alteration of accessory uses shall be limited to private garages or storage sheds for existing residential structures.

4.57 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. Each room shall be identified for its proposed use.

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, and 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 predominate in the surrounding areas.

C. No other principal building or structure shall be constructed except that an accessory building may be allowed provided that the building is located on the same parcel of land and is not involving the conduct of any business and provided that the development plan is amended by the applicant and approved in writing by the Building Inspector if the accessory building is proposed for construction after the development plan has been approved. The Building Inspector shall forward such changes to the Planning Commission for its recommendation prior to taking final action by the Planning Commission.

D. Structures determined by the Planning Commission to have historic significance due to the unique architecture, age, or culture and are 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 regulations of the district that the proposed use most closely resembles. In the case of mixed uses, parking requirements shall apply for each use separately from the district that each is most closely associated with.

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 be essential public facilities and services, such as: highway, streets, police and fire protection, drainage structures, refuse disposal, or that 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.

## 4.6 SITE PLAN REVIEW AND APPROVAL

A site plan review procedure is hereby established for the City of Adrian. The purpose of a site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the City, the stability of land values and investments in the general welfare, and to help prevent impairment or depreciation of land values and development of the erection of structures or additions or alterations thereto without proper attention to siting and appearance.

The following provisions in this section shall apply to all uses requiring site plan review by this Ordinance, including multiple family developments, site condominium developments, all uses requiring a special approval use permit, and accessory uses to the previously mentioned uses. Approved plans shall regulate the development on the premises, unless modified in the same manner as the plans were originally approved.

Site plan reapplication after one (1) year will be considered as though new and on the merits as submitted. All fees shall apply for reapplication.

Site plan shall be rescinded one (1) year after Planning Commission approval unless project has commenced. Evidence of commencement shall be

approval of a building permit. This does not apply if site plan is submitted as a phased development.

The Planning Commission may consider a projected completion date beyond one (1) year as proposed by applicant at the time of submission. Site plan reapplication after one (1) year will be considered as though new and on the merits as submitted. All fees shall apply for reapplication.

For any proposed site plan review dealing with residential developments, written notice will be delivered by mail, or personally, to all persons to whom any real property within (300) feet of the premises in question is assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet of the premises in question. The notice shall be given at least three (3) days prior to the hearing.

a. Purpose. Site plan review is required for certain residential, commercial and industrial and other non-residential projects due to the impact these projects have upon the City's ability to provide proper infrastructure to support the projects, properly deliver community services and minimize any negative impact upon the health, welfare and safety of persons in the community.

b. Site Plan Review. A property owner or developer shall submit a site plan for review by the Planning Commission prior to the commencement of improvements to property for the following projects:

(1) Any new construction in the RO, OS-1, B-1, B-2, B-3, B-4, ERO, WH, E-I, I-1, I-2 and P-1 zoned districts;

(2) Any additions or expansions of structures in the B-3 zoned district;

(3) Any additions or expansions of structures in the RO, OS-1, ERO, B-1, B-2. B-4, or WH, E-I, I-1 or I-2 zoned districts if the addition or expansion equals forty (40) percent or more of the present building or the addition or expansion equals or exceeds ten thousand (10,000) square feet;

a. any redevelopment/use in the above mentioned districts where the building has been vacant for six (6) or more months.

b. any redevelopment/use in the above mentioned districts that alter the existing flow of traffic or parking pattern.

(4) Any residentially related use permitted in a residential zoned district such as, but not limited to public and private facilities including:

a. multiple family dwelling units, condominiums, mobile home communities, planned unit developments;

b. new schools, churches, hospitals or nursing homes or additions thereto;

c. parks, community centers, libraries, museums, galleries, cultural centers or any governmental, administrative or service uses.

d. special approval use permits and accessory use to the previously mentioned uses.

(5) The Planning Commission may require planted greenbelts, earth and/or landscaped berms, setbacks and/or walls on any site plan in any zoning district to secure the intent of the zoning district requirements and to protect adjacent property owners from unsightly existing exterior land uses, changes in zoning district boundaries or, when in the opinion of the Planning Commission, such plantings or walls will significantly enhance the site in question.

(6) The Planning Commission may require scenic easements, for woodlands or portions of woodlands, rock formations, or any natural feature of land or resource which would perpetuate the natural attractiveness of any site. All such scenic easements shall be maintained as described and approved on the site plan and supporting documents of record.

Review schedule established**.** Site plans submitted for review must be submitted at least 20 working days prior to the regularly scheduled Planning Commission meeting. Incomplete plans will be returned to the applicant to be resubmitted. Other development projects such as, but not limited to, Planned Unit Developments, Cluster Developments and Site Condominiums will have separate submission schedules per individual ordinance requirement. Plans submitted with incomplete information will not be reviewed.

Planning commission options for action*.* The planning commission may approve, approve with modifications, reject, or table any site plan.

4.61 Submission Requirements

All site plans, as required by this Ordinance, shall be submitted to the City in at least fifteen (15) copies. The City Building Inspector shall adhere to the following procedures in the review of the site plan:

A. All site plan reviews shall use the following procedures:

1. Prior to site plan submission, a meeting should be held with the applicant, the City Engineer, Building Inspector, Utilities Engineer, Police Department, Fire Department and City Forester to review the proposal. Items listed herein, as required submission, will be reviewed.

2. The Planning Commission shall approve with specified changes and/or conditions, or disapprove, the applicant's request using the standards described in Section 4.64 of this Ordinance.

3. Conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and made available to the applicant in writing. A revised site plan showing changes and conditions shall be submitted to the Secretary of the Planning Commission before any permits are issued: Four (4) final site plans, including changes and conditions, shall be signed by and distributed to the following parties:

   a. Applicant
   b. Building Inspector
   c. Utilities Department
   d. Planning Commission Chair (to remain on file)

4. Conditions and changes shall reference the standard to be met by item number listed in Section 4.64.

4.62 Deleted per Ordinance 97-8, Eff. 5-6-97
4.63 Deleted per Ordinance 97-8, Eff. 5-6-97

4.64 The following information is required to be included in site plans submitted for review. The referenced standards shall apply to the items as listed below in the Table of Requirements and Standards:

**Table of Requirements and Standards**

| | **REQUIREMENT** | **STANDARD** |
|---|---|---|
| | | |
| 1. | North Arrow | Clear and prominent, pointing to the top or right of the page. |
| 2. | Scale | 1" = 40 feet for lots less than 3 acres<br>1" = 100 feet for lots over 3 acres |
| 3. | Key/Legend | Identifies and defines all symbols and prominent features |

| | | |
|---|---|---|
| 4. | Plan Date | Date of preparation, date of all revisions and nature of revisions |
| 5. | Location Map | Map of City of Adrian, with site identified |
| 6. | Name, Address, Telephone Numbers of Owner, Developer and Design Professional | Telephone numbers (cell and land line)<br>Fax Number<br>Email address |
| 7. | Seal and Signature of professional who prepared plans | Professional Engineer or Architect registered in Michigan<br>Each page to be sealed and signed |
| 8. | Legal Description | Metes and bounds, or lot numbers of all parcels included in the project |
| 9. | Property Dimensions | Adjacent to line being described |
| 10. | Site Area | Total Area<br>Impervious Area: Roof<br>Sidewalk<br>Pavement<br>Detention/Retention<br>Pervious: Grass/Landscape<br>Pervious and Impervious must equal total |
| 11. | Road Right-of-Way – Improvements of Rights-of-Way | Adjacent (show both sides)<br>Internal |
| 12. | Zoning Designation and Land Use – If Non-Conforming | Site (existing and proposed)<br>Adjacent parcels<br>Adjacent to rights-of-way<br>Per official City Zoning Map |
| 13. | Topography and Grades | Existing and proposed<br>Contours of 2-foot intervals |
| 14. | Lot Coverage in Percent | Building footprint(s) – per Article XXIV, Schedule of Regulations |
| 15. | Sidewalks and Bike Paths (Internal and External) | Sidewalk min. 4-ft. width<br>Bike Path min. 8-ft. width<br>Exception: Sidewalk in mobile home park is 3-ft. min. width. Per Chapter 50 of the City Code of Ordinances |
| 16. | Required Building Setback | Front, rear and side. Per Article XXIV, Schedule of Regulations |
| 17. | Building Size(s), Use(s) and Location(s) | Existing, proposed, total. Per Article XXIV, Schedule of Regulations – per allowed uses in appropriate zoning classifications |
| 18. | Distance Between Buildings | At the closest point – per Michigan construction code as currently adopted by the City of Adrian, all applicable sections |
| 19. | Building Height in Feet | Per Section 2.31, Zoning/Development Regulations (graphic description) |
| 20. | Parking Spaces | Number, dimensions, layout for regular and handicap spaces<br>Per Michigan Barrier Free Standards<br>Per Section 4.37, Zoning/Development Regulations<br>Per Section 2.99.09, Zoning/Development Regulations, definition of “parking space” |
| 21. | Barrier Free (HDCP) Accommodations | MDOT Standard Details<br>Michigan Barrier Free Code |
| 22. | Driveway Widths | Turning Template AASHTO Green Book<br>Designate design vehicle |
| 23. | Driveway Construction | Min. 8-inch thick aggregate base<br>Min. 3-inch thick asphalt surface<br>Min. 4-inch thick concrete surface<br>Engineered design alternatives |

| | | |
|---|---|---|
| 24. | Off-Street Loading Zones | Section 4.37, Zoning/Development Regulations |
| 25. | Curb Cut: Drive Location and Design | Chapter 74 – City Code of Ordinances<br>MDOT Curb Cut Standards<br>Turning Template AASHTO Green Book<br>Designate design vehicle |
| 26. | Acceleration, Deceleration, Passing Lanes (where applicable) | MDOT Standard Details<br>AASHTO Green Book |
| 27. | Utility Locations: Existing and Proposed | City Utilities Department may require flow projections and concurrent pressure calculations<br>Water: Size, hydrants, valves, materials, estimates of water usage if industrial<br>Sewers: Size, inverts, rim elevations, grades, inlets, materials, connections, cleanouts, detention/retention |
| 28. | Storm Water Management System | Chapter 74, Article V; "Procedures and Design Criteria for Stormwater Management Systems", developed by Lenawee County Drain Commission |
| 29. | Erosion and sedimentation control practices, wind erosion and dust control | MDEQ Publication of Approved BMP's and according to City Policy |
| 30. | Drainage Control | Inlet management during construction |
| 31. | Tracking Control | Minimize mud tracked into street |
| 32. | Non Storm Water Control | Storage Containment, according to National Fire Prevention Association |
| 33. | Sign (Location, Size, Detail) | Article XXX, Zoning/Development Regulations |
| 34. | Wetland/Floodplain Boundaries | FEMA Maps<br>MIRIS Wetland Maps |
| 35. | Existing and Proposed Easements | Owner and purpose<br>Liber and page of easement |
| 36. | Existing Improvements Within 200 feet of Site | Buildings, driveways, sidewalks, trees, bushes |
| 37. | Landscaping | Per Section 4.9 - Zoning/Development Regulations<br>Location, type, quantity and size |
| 38. | Fences | Section 4.41 (C) - Zoning/Development Regulations<br>Location, height, material, details |
| 39. | Screening | Section 4.41 (B), Zoning/Development Regulations<br>Location, height, material, details |
| 40. | Lighting | Section 4.41 (A) - Zoning/Development Regulations<br>Location, height, shade detail, design type |
| 41. | Dumpster Pad | Section 4.41 (D) – Zoning/Development Regulations<br>Location, design, enclosures, protective device |
| 42. | Berms | Location, size, planting, details |
| 43. | Elevation Plan showing all sides of building | Building height<br>Location of windows, doors, lighting, signage, landscaping<br>Building materials |
| 44. | Number of Proposed Multi-Family Developments, Area of Individual Units | Article XXIV, Schedule of Regulations,<br>Article VIII and Article IX, Zoning/Development Regulations |
| 45. | Proposed Use Group and Construction Type | Michigan Building Code, as currently adopted by the City of Adrian, all applicable sections |
| 46. | Hazardous materials – storage, classifications, amounts, and locations | International Fire Code, as currently adopted by the City of Adrian, all applicable sections. |

| | | |
|---|---|---|
| 47. | Proposed type(s) of fire protections systems | International Fire Code as currently adopted by the City of Adrian, all applicable sections |
| 48. | Walkway leading to a fire apparatus roadway | 4-foot access<br>International Fire Code as currently adopted by the City of Adrian, all applicable sections |
| 49. | Access to roads | Loading (75,000 lbs.)<br>Posted as fire lanes min. width 20' width, vertical clearance 13'6"<br>With hydrants – min. width 26'<br>62,000 sq ft or 100 dwelling units - 2 access roads<br>International Fire as currently adopted by the City of Adrian, all applicable sections |
| 50. | Buildings over 30' in height, no aerial access obstructions | Minimum 3 means of access<br>Width 26'<br>Parallel to building – width 15 – 30'<br>International Fire Code as currently adopted by the City of Adrian, all applicable sections |
| 51. | Dead-end drives longer than 150' | Turnaround per International Fire Code, as currently adopted by the City of Adrian, all applicable sections |
| 52. | Fire flow testing | International Fire Code as currently adopted by the City of Adrian, all applicable sections |
| 53. | Use Group, Occupancy Load, NFPA Construction Type, Building Height | International Fire Code as currently adopted by the City of Adrian, all applicable sections |
| 54. | Sprinkler and standpipe system connection location | International Fire Code as currently adopted by the City of Adrian, all applicable sections |
| 55. | On-site turning radius | International Fire Code as currently adopted by the City of Adrian, all applicable sections |

4.65 The site plan shall be reviewed by the Planning Commission and other appropriate bodies as heretofore designated with a recommendation for its approval or disapproval and any conditions the Planning Commission or other appropriate bodies feel should be imposed.

4.66 The Planning Commission shall have the function and power to approve or disapprove the site plan subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of these regulations and other Ordinances.

4.67 The Planning Commission shall have the function and power to request additional professional review from the City Attorney, Engineering Consultant and/or Planning Consultant, and the permittee shall be responsible for any and all charges incurred therefore.

4.68 The Zoning Permit may be revoked in any case where the conditions of such permit have not been or are not being complied with, in which case the Planning Commission shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Planning Commission. After conclusions of such review, the Planning Commission may revoke such permit if it feels that a violation in fact exists and has not been remedied prior to such hearing.

4.69 <u>Site Change</u>

Any structure, use or field change added subsequent to the initial site plan approval must be approved by the Planning Commission.

Incidental and minor variations of the approved site plan with the written approval of the Building Inspector shall not invalidate prior site plan approval.

4.69.1 Phased Construction

Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the inter-relationship of the proposed project to the future stages, including the following:

A. Relationship and identification of future structures

B. Pedestrian and vehicular circulation

C. Time schedule for completion of the various phases of the proposed construction

D. Temporary facilities or construction of same as required to facilitate the stated development

4.69.2 Administrative Short Form

To facilitate the review of minor redevelopment (less than $25,000 in construction value) or expansion projects, the zoning officer may accept and shall have the power to approve or disapprove a site plan, subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of this chapter and other ordinances, with the following information:

A. A legal description of the property under consideration

B. The land uses of the area surrounding the project

C. Date, north point, and scale

D. The dimensions of all lot and property lines

E. The siting of all structures on the subject property

F. Significant environmental features such as wetlands, shoreline, streams and trees

G. The nature of the proposed project

4.69.3 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 shall not be a replacement of the requirements set forth in Section 4.6 Site Plan Review and Approval within the City of Adrian Zoning Ordinance. Upon state funding approval an applicant shall submit a site plan, and

applicable fees, in full to the Community Development Department. The Planning and Zoning Administrator or City Administrator shall determine if a project may be considered for a Conceptual Site Plan approval.

The conceptual site plan shall consist of all of the following:

A. A legal description of the property under consideration.

B. The land uses of the area surrounding the project.

C. Date, north point, and scale.

D. The dimensions of all lot and property lines.

E. The siting of all structures on the subject property.

F. Significant environment features such as wetlands, shoreline, streams, and trees.

G. The nature of the proposed project.

H. Parking, including spaces.

I. Open space locations.

J. Driveway approaches.

K. Setbacks.

L. Right of way locations.

## 4.71 ZONING EXCEPTION PERMIT

4.71 Zoning exception permits are required for proposed activities which are essentially compatible with other uses, signs, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance.

4.72 <u>Procedures</u>

The following steps shall be taken when considering a proposed special use.

A. A zoning exception permit application shall be filed by the applicant with the City Engineer along with the required site plan, fee, statement with supporting evidence to which the proposed activity meets the criteria and any other pertinent

information upon which the applicant intends to rely for approval.

B. The City Engineer shall review the application for completeness and forward the application, with his/her recommendation, to the Planning Commission for their review and consideration.

C. The Planning Commission shall give public notice in a newspaper of general circulation in the City of official receipt of the special use permit application which:

1. Describe the nature of the special use

2. Indicates the property in question

3. States the time and place where zoning exception permit will be considered, provided notice is not less than five (5) days and not more than fifteen (15) days before application will be considered.

4. Indicates when and where written comments will be received concerning the request, and

5. Indicates that a public hearing of the proposed zoning exception application may be requested by any property owner or occupant located within three-hundred (300) feet of the boundary of the property being considered before a decision is made on the application, if the permit requires a decision by the Planning Commission on discretionary grounds. In such case, notices shall be mailed to all persons owning or occupying real property within three-hundred (300) feet of the boundary of the property in question. An affidavit of such mailing shall be maintained by the City in the zoning exception permit application file.

D. After review of the application and public hearing or written comments, if any, the Planning Commission shall approve, approve with conditions, or deny the permit based upon the standards of the zoning exception as set forth in the appropriate use district. The decision on a zoning exception permit application shall be incorporated in a statement of conclusion relative to the special approval use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

E. The occupancy of land, premises, or building must take place within one (1) year after approval of the zoning exception. If the zoning exception use, as approved, ceases to exist for 6 months, the zoning exception shall be revoked as void and reapplication shall be required.

## 4.8 TEMPORARY USE PERMITS

### 4.81 Purpose and Intent

The City recognizes that certain types of land use, due to the nature of the use, require special individual review. The intent of this section is to accommodate reasonable requests for interim, temporary or seasonal uses within any zoning district, when such activities are desirable for the community in the short term but would have detrimental effects if allowed to continue on a permanent basis. Temporary uses allowed under this section shall be sensitive to the health, safety and general welfare of persons residing and working in the community and shall be conducted so as not to cause any long term detrimental effects on surrounding properties and the community. Applications for Temporary Use Permits shall be considered by the Zoning Board of Appeals. The issuance of a temporary use permit does not confer any land use entitlement or property right to the holder of the permit. This permit is revocable with or without cause upon thirty (30) days written notice to the permit holder, unless violations of public health, safety or welfare are occurring, in which case the permit will be immediately revocable.

### 4.82 Application

Application for temporary use permits shall be filed on forms furnished by the Community Development Department at least thirty (30) days prior to initiation of the use. Applications for temporary uses shall contain the following information:

1. The name and address of the sponsoring business or organization;

2. Description of the nature of the temporary use;

3. Proposed dates and times of operation;
4. The proposed location of the temporary use;

5. The name and address of the party responsible for the temporary use;

6. The number of persons who will be engaged in conducting the temporary use, if applicable;

7. A plot plan showing the entire property in addition to that portion of the property to be used to conduct the temporary use, including an exact description and plot plan describing the total extent of any off-street parking area which would be occupied for the purpose of conducting the temporary use; and

8. Written documentation from the property owner authorizing the temporary use.

### 4.83 Non-Recurring Temporary Use

Non-recurring temporary uses are one-time uses of an extended but none the less limited, specific duration. Non-recurring temporary uses, located within any zoning district in the City shall include:

1. Modular buildings used for classrooms or offices;

2. Outdoor storage;

3. Swap meets;

4. Other temporary uses of a similar nature as determined by the Zoning Board of Appeals.

4.84 Seasonal Temporary Use

Annual, Seasonal, or Recurring Uses are uses of a period of no longer than six months and which may reoccur on a seasonal basis. Annual, seasonal or recurring temporary uses, located within any commercial zoning district in the City shall include:

1. Off-site agricultural sales including, but not limited to, Christmas tree lots, pumpkin patches and fruit and vegetable stands;
2. Temporary holiday storage containers/trailers and outdoor storage containers/trailers ancillary to an existing permitted use; and
3. Food carts, food Trucks and food wagons. County Health Department approval required.
4. Other annual, seasonal or recurring temporary uses of a similar nature as determined by the Zoning Board of Appeals.

4.85 Conditions of Approval

In granting any temporary use permit, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this section. Violation of such conditions and safeguards, when made a part of the terms under which the temporary use permit is granted, shall be deemed a violation of this code and punishable under this code. The reviewing authority may prescribe a time limit within which the action for which the temporary use permit shall be started, completed, or both. Conditions of approval may include, but are not limited, to:

1. Regulations of hours and days;

2. Requirements of bonds or other guarantees for cleanup or removal of structures or equipment;

3. Return of temporary use site to its original state within a specified period of time;

4. Regulation of permit duration;

5. Regulation of signs and advertising;

6. Regulation of lighting;

7. Regulation of public-address or sound system;

8. Regulation of gas, smoke, noise, fumes, vibrations or other nuisances;

9. Regulation of design features including, but not limited to, size, colors, material, architectural details and landscaping; and

10. Such other conditions as are deemed necessary to protect the health, safety and welfare of the community and to assure compliance with the intent and purpose of this section.

4.86 Criteria for Review

The Zoning Board of Appeals shall consider the following criteria in granting a temporary use permit:

1. That the temporary use permit is compatible with the various provisions of this chapter;

2. That the temporary use is a reasonable use of land compatible with the general plan land use designation and zoning classification;

3. That the temporary use will not impede the reasonable use of land, or the orderly development of land in the immediate vicinity;

4. The temporary use shall not adversely affect the adjacent uses, buildings or other structures;

5. That the temporary use will not endanger the public health, safety or general welfare;

6. Provisions for adequate traffic access/circulation, off-street parking and pedestrian safety have been provided and will be maintained during the operation of the use or activity; and

7. That the granting of the temporary use permit is made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.

4.87 Expiration

Permits for non-recurring temporary uses shall not exceed a one year time period. Any non-recurring temporary use exceeding one (1) year must reapply. In no case shall any non-recurring temporary use be allowed for more than two (2) years.

Seasonal, recurring temporary use permits may be granted for a period of up to six (6) months during any one (1) calendar year. When a permit for a seasonal, recurring temporary use has been granted

and the same applicant applies again within a twelve (12) month period, the Zoning board of Appeals may grant the permit, for periods of up to six (6) months, for up to five (5) consecutive years, provided that the conditions of the application have not changed. At the discretion of the Zoning Board of Appeals, subsequent applications, following the granting of a multi-year approval, may also be granted for up to five (5) consecutive years, with no limit on the number of times an applicant may apply for multi-year approvals.

## 4.9 MINIMUM LANDSCAPE AND SCREENING REQUIREMENTS

4.91 For the WH and the RM-1 Districts, 25% of the site shall be in landscaped open space. The open space shall be landscaped with one (1) evergreen tree or shrub for every 1,000 square feet of portion thereof, plus one (1) small or large deciduous tree for every 2,000 square feet or portion thereof. (Plant materials existing on the site prior to development may be included as part of the requirement). Ground cover or lawn is required in all landscaped areas. (See Table for appropriate uses of plant materials).

4.92 For permitted and special approval nonresidential uses in the R-1, R-2, RT, RM-1, and WH Districts, 30% of the site under development shall be in landscaped open space. The open space shall be landscaped with one (1) evergreen tree or shrub for every 1,000 square feet or portion thereof plus one (1) small or large deciduous tree for every 1,500 square feet or portion thereof. (Plant Materials existing on the site prior to development may be included as part of the requirement). Twenty-five (25) percent of the required open space shall be between the roadway and the building. Buildings on corner lots shall have 40% of the required open space between the building and the street. Landscaping of an adjacent right-of-way may be included in the requirement if it is maintained by the adjacent property owner. (See Table for appropriate uses of plant materials.)

4.93 For permitted and special approval uses in the OS-1, B-1, B-2, I-1 and I-2 Districts, 15% of the site shall be in landscaped open space with one (1) evergreen tree or shrub for every 1,000 square feet or portion thereof plus one (1) small or large deciduous tree for every 2,000 square feet or portion thereof. (Plant materials existing on the site prior to development may be included as part of the requirement). Thirty (30) percent of the <u>required</u> open space shall be between the roadway and the building. Buildings on corner lots shall have 60% of the required open space between the building and the roadway. Whenever feasible, a portion of the landscaping shall be places adjacent to the building(s). Landscaping of an adjacent right-of-way may be included in the requirement if it is maintained by the adjacent property owner. (See Table for appropriate uses of plant materials).

4.94 All areas shall be landscaped and shall meet the following standards:

A. No synthetic plant materials such as artificial grass, shrubs, trees, or flowers shall be used to fulfill any landscaping requirements.

B. Berms, whenever utilized shall be designed and landscaped to minimize erosion. Berms adjacent public rights-of-way shall have a slope no greater than 3:1, unless designed as part of a retaining wall.

C. All landscaping materials shall consist of healthy specimens compatible with local climate, soil characteristics, drainage, and water supply. All plant material shall be reasonably resistant to drought and disease. Non-nursery derived stock shall not be used to satisfy these requirements.

D. Grass or other living plants shall be primary ground cover in required landscaped areas. Both sod planting and seeding are acceptable.

E. Ground covers other than grass shall be planted in required areas to provide complete coverage within two (2) growing seasons. Vines shall not be used adjacent to pedestrian areas.

F. Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark and wood chips shall be limited to small areas and shall not exceed 25 percent of the required landscape area. All such ground covers shall be at least six (6) inches deep. Loose gravel less than three (3) inch minimum aggregate size shall not be used in areas abutting public streets or sidewalks.

G. Maintenance shall include all reasonable and regular irrigation, weeding, fertilizing and pruning. Plant materials which show signs of insect pests, diseases and/or damage shall be appropriately treated. Dead plant materials shall be replaced immediately or as soon as practical under the seasonal conditions existing and according to the approved site plan. The developer and subsequent owner(s) shall be responsible for maintaining all on-site landscaping.

H. Plant materials and their minimum size requirements shall be installed in accordance with Plant Material Guidelines.

I. Landscaping plans may be submitted to the Zoning Officer for technical review and to the Planning Commission for approval within ninety (90) days after final approval of the site plan. Plans may be submitted as an amendment to the site plan, thereby not requiring an additional review fee. On projects in excess of two (2) acres, the developer may file a phased plan for completing the landscaping pursuant to these standards.

## ARTICLE V

## R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 5.0 INTENT: The purpose of the R-1 District is to promote and maintain single family detached development, either on unplatted individual lots or in conventional subdivisions. No further subdividing of single family lots below the lot area specified herein shall be deemed desirable or contributory to the existing low density character of this District. The District is also designed to accommodate a series of support uses typically regarded as part of the structure of low density neighborhoods. These support uses contribute to neighborhood amenity by providing cultural, religious or educational services to residents.

SECTION 5.1 PRINCIPAL USES PERMITTED: In an R-1 Single Family District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. One-Family detached dwellings
2. Municipal uses except DPW yards or garages
3. Publicly owned and operated parks, play fields, libraries, museums and other similar recreation facilities.
4. Public, parochial and other private elementary schools offering courses in general education and not operated for profit.
5. Essential services
6. Cemeteries
7. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SECTION 5.2 USES SUBJECT TO ZONING EXCEPTION PERMIT:

1. Churches subject to Section 25.07
2. Golf courses subject to Section 25.08
3. Family day care home and group day care home (not including dormitories) subject to Section 25.02
4. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations subject to Section 13.03.
5. All public and non-public schools (K through 12), subject to Section 25.16.

SECTION 5.3 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: All uses permitted in the R-1 Single Family Residential District shall be in accordance with Article XXIV, Schedule of Regulations.

## ARTICLE VI

## R-2 THROUGH R-4
## SINGLE FAMILY RESIDENTIAL DISTRICTS

SECTION 6.0 INTENT: The purpose of these districts is to provide areas exclusively for single family detached dwellings, but as slightly higher densities and smaller lot sizes than the R-1 District. The combination of principal uses and uses permitted by zoning exception promote the stability of residential neighborhoods by providing a range of non-residential uses which provide amenities to the neighborhood.

SECTION 6.1 PRINCIPAL USES PERMITTED:

1. All uses in the R-1 Single Family Residential District

SECTION 6.2 USES SUBJECT TO ZONING EXCEPTION PERMIT:

1. All uses subject to a zoning exception permit in the R-1 Single Family Residential District

2. Bed and Breakfast facilities within historically designated R-3 Districts subject to Section 25.04

3. Home occupations subject to Section 25.14

4. All public and non-public schools (K through 12) subject to Section 25.16

SECTION 6.3 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: All uses permitted in the R-2 through R-4 Single Family Residential Districts shall be in accordance with Article XXIV, Schedule of Regulations.

## ARTICLE VII

## RT TWO-FAMILY RESIDENTIAL DISTRICT

SECTION 7.0 INTENT: The RT Two-Family Residential District is designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfares or other uses which would affect residential character. This district also recognizes the existence of older residential areas of the City where larger houses have been or can be converted from single-family to two-family or three-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. This district also allows the construction of new two-family residences where slightly greater densities are permitted.

SECTION 7.1 PRINCIPAL USES PERMITTED: In a RT Two-Family Residential District, no building or land shall be used and no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

1. All uses permitted in the R-2, R-3 and R-4 Single-Family Residential Districts.

2. Two-family dwellings, including flats and duplexes.

3. Accessory buildings and uses customarily incidental to any of the above principal uses permitted.

SECTION 7.2 USES SUBJECT TO ZONING EXCEPTION PERMIT:

1. Churches subject to Section 25.07.

2. Nursery schools and day care centers (not including dormitories), subject to Section 25.02.

3. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, subject to Section 13.03.

SECTION 7.3 AREA, HEIGHT, and BULK AND PLACEMENT REQUIREMENTS: All uses permitted in the RT Two-Family Residential District shall be accordance with Article XXIV, Schedule of Regulations.

## ARTICLE VIII

## RM-1 LOW RISE MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECTION 8.0 INTENT: The RM-1 Low Rise Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures and related uses, which will generally serve as zones of transition between the non- residential districts and the lower density Single-Family Districts. The Multiple- Family district is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, single-family community.

SECTION 8.1 P R I N C I P A L USES PERMITTED: In a RM-1 Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this ordinance:

1. All uses permitted in the RT Two-Family Residential District.

2. Garden apartments

3. Townhouses

4. Three and four family dwellings

5. Adult Foster Care Facilities (medium 7-12 residents and large 13-24 residents).

SECTION8.2 USESSUBJECTTOZONINGEXCEPTIONPERMIT:

1. Congregate living facilities, subject to Section 25.13

2. Single-room occupancy facilities, subject to Section 25.12

3. Housing for the elderly, subject to Section 24.02

4. Group family homes, subject to Section 2.52 (C) and Section 25.15

5. Housing Shelters subject to the following conditions:

   (a) 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.

(b) Such facility shall not be located on a parcel which abuts another parcels that is zoned single-family residential (e.g. R-1, R-2, R-3 and R-4).

(c) 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.

(d) Subject to Section 2.52 (C) and Section 25.15.

6. Transitional Housing Facilities subject to the following conditions:

(a) 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.

(b) Such facility shall not be located on a parcel which abuts another parcels that is zoned single-family residential (e.g. R-1, R-2, R-3 and R-4).

(c) 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.

(d) Subject to Section 2.52 (C) and Section 25.15.

7. Temporary Shelters subject to the following conditions:

(a) 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.

(b) Such facility shall not be located on a parcel which abuts another parcels that is zoned single-family residential (e.g. R-1, R-2, R-3 and R-4).

(c) 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.

(d) Subject to Section 2.52 (C) and Section 25.15.

8. Student Group Homes subject to Section 2.41.01 (C) and Section 25.15A

SECTION8.3 SITEPLANAPPROVAL: For all principal uses and uses subject to a zoning exception permit, a site plan shall be submitted in accordance with Section 4.6.

SECTION8.4 AREA,HEIGHT,BULK AND PLACEMENTREQUIREMENTS: All uses permitted in the RM-2 High Rise Multiple-Family Residential Districts shall be in accordance with Article XXIV, Schedule of Regulations.

## ARTICLE IX

## RM-2 HIGH RISE MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECTION 9.0 INTENT: The RM-2 Multiple-Family Residential Districts (High Rise) are designed to provide sites for high density multiple dwelling structures adjacent to high traffic generators commonly found in the proximity of Central Business Districts and areas abutting major thoroughfares. This district is further provided to serve the residential needs of persons desiring the apartment type of accommodation with central services as opposed to the residential patterns found in the Single-Family and RM-1 Multiple-Family Residential Districts. This district is further designed to provide lower coverage which, in turn, will result in more open space.

SECTION 9.1 PRINCIPAL USES PERMITTED: In the RM-2 High Rise Multiple Family District, no building or use shall be erected or used except for one or more of the following specified uses.

1. Multiple family dwellings of any height.

2. Accessory buildings and uses customarily incidental to any of the above permitted uses.

SECTION 9.2 USES SUBJECT TO SPECIAL EXCEPTION PERMIT:

1. Housing for the elderly, subject to Section 24.02.

2. Congregate living facilities, subject to Section 25.13.

3. Convalescent and nursing homes subject to Section 25.09.

4. Private clubs and lodges, subject to Section 25.05.

5. Student Group Homes subject to Section 2.41.01 (C) and Section 25.15A.

SECTION 9.3 SITE PLAN APPROVAL: For all principal uses and uses subject to a zoning exception permit, a site plan shall be submitted in accordance with Section 4.6.

SECTION 9.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: For all uses permitted in the RM-2 High Rise Multiple-Family District shall be in accordance with Article XXIV, Schedule of Regulations.

## ARTICLE X

## RMH RESIDENTIAL MOBILE HOME DISTRICT

SECTION 10.0 STATEMENT OF PURPOSE: The RMH Residential Mobile Home District is designed for those who prefer mobile home living. Although an assembly of single family unit, mobile home developments typically have a higher density impact than conventional single family development. In order to not adversely impact other areas of the City, certain land areas are hereby recognized as appropriate for continued mobile home use provided that proper site design standards and requirements are met.

SECTION 10.1 PRINCIPAL USES PERMITTED: In the RMH District no building or use shall be permitted unless otherwise provided in this ordinance, except for the following:

1. Mobile homes located in a mobile home park.

2. Mobile home parks.

3. Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.

4. Municipal uses except DPW yards, or garages.

5. Home occupations.

6. Public, parochial and other private elementary schools offering courses in general education, and not operated for profit.

7. Essential services.

8. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.

SECTION 10.2 USES SUBJECT TO ZONING EXCEPTION USE PERMIT:

1. Churches, subject to Section 25.07.

2. Nursery schools, day nurseries and child care centers subject to Section 25.02.

SECTION 10.3 STANDARDS AND REQUIREMENTS FOR MOBILE HOME PARKS: Mobile home parks shall conform to the requirements as promulgated by the Michigan Mobile Home Commission Rules as amended.

SECTION 10.4 SITE PLAN APPROVAL: For permitted uses and uses subject to a zoning exception use permit, a site plan shall be submitted in accordance with Section 4.6.

SECTION 10.5 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: For all uses permitted in the RMH District, area, height, bulk and placement requirements shall be in accordance with Article XXIV, “Schedule of Regulations.”

## ARTICLE XI

## PLANNED UNIT DEVELOPMENT

SECTION 11.1 OBJECTIVES FOR PLANNED UNIT DEVELOPMENTS: It shall be the policy of the City of Adrian to promote progressive development of land and construction thereon by encouraging planned unit developments to achieve:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.

2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.

3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.

4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.

5. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the City's Land Use Plan.

The City is also prepared to accept a greater population density in undeveloped areas than that reflected by present zoning provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

SECTION 11.2 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT: Because of the special characteristics of planning unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other articles of this Ordinance, the provisions of this Article shall prevail. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Ordinance.

SECTION 11.3 APPLICATION AND PROCEDURE: Upon approval by the Planning Commission and the City Commission, a planned unit development district may be applied to any existing residential district. Upon approval of a

final development plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, “PUD”. Planned unit development districts shall be approved by the Planning Commission and the City Commission in the manner provided in Sections 11.15 –11.29.

SECTION 11.4 USES PERMITTED: Compatible residential, commercial, and public uses may be combined in PUD districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Building site area and other setback requirements of the residential districts shall apply except as modified in Section 11.10.

The amount of land devoted to commercial use in a residential-commercial development shall be determined by the Planning Commission and approved by the City Commission.

SECTION 11.5 MINIMUM PROJECT AREA: The gross area of a tract of land to be developed in a planned unit development district shall be a minimum of five (5) acres. Smaller parcels may be considered, provided that they meet the requirements of Section 11.1 of this article. Provisions for smaller parcels are also contained in Section 11.31.

When the planned unit development proposes a mixture of residential uses with commercial uses, the Planning Commission may limit the development to not more than eight (8) percent of the tract to commercial uses.

SECTION 11.6 PROJECT OWNERSHIP: The project land may be owners, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by the public or private corporation.

SECTION 11.7 COMMON OPEN SPACE: A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in Section 11.8 of this Ordinance.

SECTION 11.8 DISPOSITION OF OPEN SPACE: The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the City and retained as common open space for parks, recreation, and related uses. All land dedicated to the City must meet the Planning Commission’s requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the City unless such land or

right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission.

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

SECTION 11.9 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.

SECTION 11.10 BUILDING SITE ARE PER SINGLE FAMILY DWELLING:

1. In platted area or site condominium projects, the building site are per dwelling unit may be reduced by not more than forty (40) percent of the minimum building site area required in the Schedule of Regulations.

2. Building site widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

3. Densities may not exceed 150% of that which is permitted in the existing zoning district.

SECTION 11.11 BUILDINGS SITES TO ABUT UPON COMMON OPEN SPACE: Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used, there shall be no more than eight (8) town house units in any contiguous group.

SECTION 11.12 HEIGHT REQUIREMENTS: For each foot of building height over the maximum height regulations, the distance between such buildings and the side and rear property lines of the planned unit development project area shall be increased by a one (1) foot addition to the side and rear yard required in the districts.

SECTION 11.13 PARKING: Off-street parking, loading, and service areas shall be provided in accordance with Section 4.37 of this Ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.

SECTION 11.14 PERIMETER SETBACKS: Notwithstanding the provisions of this Article, every building site abutting the perimeter of the planned unit development district shall maintain all setback requirements for the applicable conventional zoning district.

SECTION 11.15 ARRANGEMENT OF COMMERCIAL USES: When planned unit development districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planning screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall 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 from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by this ordinance.

SECTION 11.16 PROCEDURE FOR APPROVAL OF PUD DISTRICT: Planned unit develop districts shall be approved in accordance with the procedures in Sections 11.17 – 11.22.

SECTION 11.17 PRE-APPLICATION MEETING: The developer shall meet with the City Engineering Department, Building Inspector, and Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the policies contained in the City's Land Use Plan.

SECTION 11.18 CONTENTS OF APPLICATION FOR APPROVAL OF PRELIMINARY DEVELOPMENT PLAN: An application for preliminary planned unit development shall be filed with the City Engineering Department by at least one owner or lessee of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information submitted in with fifteen (15) copies:

1. Name, address, and phone number of applicant.

2. Name, address, and phone number of registered surveyor, registered engineer, and/or site designer assisting in the preparation of the preliminary development plan.

3. Legal description of property.

4. Description of existing use.

5. Zoning district(s).

6. A vicinity map at a scale approved by the Planning Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Planning Commission may require to show the relationship of the planned unit development to the land use and to existing schools and other community facilities and services.

7. A preliminary development plan at a scale approved by the Commission showing topography at two (2) foot intervals; location and type of residential, commercial, and industrial land uses; layout, dimensions, and names of existing and proposed streets, rights-of-way, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Planning Commission deems necessary.

8. Proposed schedule for the development of the site.

9. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years.

The application for preliminary planned unit development shall be accompanied by a written statement by the developer setting forth the reasons why the planned unit development would be in the public interest and would be consistent with the City's statement of objectives for planned unit developments in Section 11.1 of this Ordinance.

SECTION 11.19 PUBLIC HEARING BY PLANNING COMMISSION: Within thirty (30) days after receipt of the preliminary development plan, the Planning Commission shall hold a public hearing.

SECTION 11.20 NOTICE OF PUBLIC HEARING BY PLANNING COMMISSION IN NEWSPAPER: Before holding the public hearing provided in Section 11.19, notice of such hearing shall be given in one (1) or more newspapers of general circulation of the City at least fifteen (15) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and a general description of the planned unit development.

SECTION 11.21 NOTICE TO PROPERTY OWNERS BY PLANNING COMMISSION: Before holding the public hearing required in Section 11.19, written notice of such hearing shall be sent by the Chairman of the Planning Commission by first class mail, at least twenty (20) days before the hearing, to all owners of property contiguous to or directly across the street from the area proposed to be included within the planned unit development district. The failure

to deliver the notice, as provided in this section, shall not invalidate any such approval. The notice shall contain the same information as required of notices published in newspaper as specified in Section 11.20.

SECTION 11.22 APPROVAL IN PRINCIPLE BY PLANNING COMMISSION: Within thirty (30) days after the public hearing required by Section 11.19, the Planning Commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this Ordinance; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility. The Planning Commission may seek assistance in making its recommendation from the Regional Planning Commission or any other appropriate source.

SECTION 11.23 FINAL DEVELOPMENT PLAN: After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Planning Commission. The final development plan shall be in general conformance with the preliminary development plan approved in principle. Five (5) copies of the final development plan shall be submitted and may be endorsed by a qualified professional team which should include an registered land surveyor, registered civil engineer, and registered landscape architect.

SECTION 11.24 CONTENTS OF APPLICATION FOR APPROVAL OF FINAL DEVELOPMENT PLAN: An application for approval of the final development plan shall be filed with the City Clerk by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within three (3) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.

2. All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units,

nonresidential building intensity, and land use considered suitable for adjacent properties.

3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other ordinances governing development.

4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements, and nature and extent of earth work required for site preparation and development.

5. Site plan, showing building(s), various functional use areas, circulation, and their relationship.

6. Preliminary building plans, including floor plans and exterior elevations.

7. Landscaping plans.

8. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.

SECTION 11.25 PUBLIC HEARING BY PLANNING COMMISSION: Within thirty (30) days after submission of the final development plan, the Planning Commission may hold a public hearing. If the second public hearing is held, notice shall be given as specified in Sections 11.20 and 11.21.

SECTION 11.26 RECOMMEDATION BY PLANNING COMMISSION: Within sixty (60) days after receipt of the final development plan, the Planning Commission shall recommend to the City Commission that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The Planning Commission shall then transmit all papers constituting the record and the recommendations to the City Commission.

SECTION 11.27 CRITERIA FOR RECOMMENDATIONS BY PLANNING COMIMSSION: Before making its recommendation as required in Section 11.26, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

1. The proposed development can be initiated within two (2) years of the date of approval.

2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.

3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.

4. Any proposed commercial development can be justified at the locations proposed.

5. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accord with the planned unit development and the adopted policy of the Planning Commission and the City Commission.

6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

7. The planned unit development is in general conformance with the land use land of the City.

8. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

The Planning Commission may seek assistance in making its recommendation from the Regional Planning Commission or any other appropriate source.

SECTION 11.28 ACTION BY CITY COMMISSION: Within sixty (60) days after receipt of the final recommendation of the Planning Commission, the City Commission shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is either approved or approved with conditions, the City Commission shall direct the Building Inspector

to issue building permits only in accordance with the approved final development plan and the supplementary conditions attached thereto.

SECTION 11.29 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS: In approving any planned unit development district, the City Commission may prescribe appropriate conditions and safeguards such as performance bonds or escrow accounts in conformity with this Ordinance. Violations of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this ordinance.

SECTION 11.30 EXPIRATION AND EXTENSION OF APPROVAL PERIOD: The approval of a final development plan for a planned unit development district shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms is under which approval of the planning unit development was granted.

SECTION 11.31 CLUSTER HOUSING PROVISION FOR SMALL PARCELS: On parcels less than five (5) acres, the PUD provision can be utilized. The purpose of this provision is to encourage innovative residential development on small, irregularly shaped parcels that have limited potential for platting. The development shall be limited to single family attached or detached dwellings and the density shall not exceed that which is permitted by the existing zoning district. The parcel under consideration for this Cluster Housing Provision shall have a minimum frontage of 66 feet on a public street.

The developer shall have a pre-application meeting as specified in Section 11.17. The developer shall submit an application the contents of which are specified in Section 11.18. The Planning Commission shall hold one public hearing in accordance with Sections 11.20, 11.21 and recommend to the City Commission, approval, approval with conditions, or denial of the application within 30 days of review. Criteria for the Planning Commission's recommendation shall be:

1. The area surrounding said development can be planned and developed in coordination and substantial compatibility with the proposed development; and

2. The planned development is in general conformance with the land use plan for the City; and

3. The planned development will not generate traffic in such amounts as to have a significant negative impact on adjacent properties.

Within 60 days of receipt of the recommendation of the Planning Commission shall approve, approve with conditions, or deny the application. Supplementary conditions and safeguards as specified in Section 11.29 may also apply.

## ARTICLE XII

## OS-1 OFFICE SERVICE DISTRICT

SECTION 12.01: The OS-1 District is designed to accommodate various types of office uses performing administrative, professional and personal services. These are typically small office buildings which can serve as a transitional use between the more intensive uses of land such as major thoroughfares and/or commercial districts and the less intensive uses of land such as single family residential development. This district is specifically intended to prohibit commercial establishments of a retail nature or other activities which require constant short term parking.

SECTION 12.02 PRINCIPAL USES PERMITTED: In an OS-1 Office Service District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. Executive, administrative and professional offices.

2. Medical offices, including clinics and medical laboratories.

3. Facilities for human care, such as sanitariums, convalescent and nursing homes, but not including hospitals.

4. Banks and similar financial institutions.

5. Libraries and government office buildings and public utility offices, but not including storage yards.

6. Private social and fraternal clubs, not including gun or conservation clubs.

7. Child care centers.

8. Photographic studios and interior decorating studios.

9. Establishments which perform personal services on the premises such as: beauty parlors and barber shops. Uses such as aerobic studios and sun tan salons are prohibited.

10. Veterinary clinics and hospitals provided all activities are conducted within a totally and permanently enclosed building.

11. Restaurants

12. Off-street parking lots.

13. Accessory buildings or uses customarily incidental to any of the above permitted uses.

SECTION 12.03 USES PERMITTED WHICH REQUIRE A ZONING EXCEPTION PERMIT:

1. Pharmacies and prescription centers subject to the following conditions:

    a. The facility must be located in a medical clinic, hospital, convalescent or nursing home.

    b. Off-street parking shall be in accordance with Section 4.37.

2. Hospitals, subject to Section 25.06.

3. Mortuaries and funeral homes subject to Section 14.03 (9).

4. Churches, subject to Section 25.07.

5. One, two and multiple family residential dwelling units on the upper floors of existing office or service establishments provided that:

    a. Dwelling units shall not be located below the second floor.

    b. A minimum floor area of 400 sq. ft. for a one bedroom or efficiency shall be provided. For each additional bedroom, an additional 100 sq. ft. of floor area shall be provided.

6. Bed and breakfast facilities subject to Section 25.04.

7. Group family homes, subject to Section 2.52 (C) and Section 25.15.

8. Single family dwellings, subject to the following conditions:

    a. Building construction shall have been in its original design a single-family dwelling.

    b. New construction shall be designed as a single family dwelling and architectural character shall be compatible with the neighborhood.

    c. The lot upon which the single-family dwelling is proposed shall be of a size that makes impossible, or extremely unlikely, the use of the lot for an office due to limited space for vehicular parking. Newly created lots will be reviewed by the planning commission for neighborhood compatibly for single family dwelling use.

d. Screening requirements for parking in the OS-1 district, as contained in Section 4.37.E, shall not be required for single-family dwellings established or constructed under this subsection.

SECTION 12.04 SITE PLAN REVIEW: For all principal uses and uses subject to a zoning exception permit, a site plan shall be submitted in accordance with Section 4.6.

SECTION 12.05 AREA, HEIGHT, BULK AND PLACEMENTD REQUIREMENTS: Area, height, bulk and placement requirements shall be in accordance with Article XXIV, Schedule of Regulations.

## ARTICLE XIIA

## R-0, RESIDENTIAL OFFICE DISTRICT

SECTION 12A.01: The R-O district is designed to provide viable uses for large old structures near the Central Business District, recognizing that market forces change the demand for such space. The structures are typically old, potentially historic buildings that began as residences. The district provides a transition between the Central Business District and single-family residences. Access is via Major Streets and Thoroughfares. The intent of this district is to provide residential dwellings on the upper floors, and provide an option for first floor use either office space or residential space. The goal of this district is to encourage the maintenance and upkeep of historically significant structures by enhancing their economic viability. The types of office uses allowed are intended to minimize the demand for parking, specifically high volume, and high turnover demand.

SECTION 12A.02 PRINCIPAL USES PERMITTED:

1. One- and two-family residential dwelling units.

2. Executive, administrative and professional offices.

3. Insurance, real estate and similar uses with a low volume of customer contacts.

4. Establishments which perform personal services, such as barber shops, alterations and tattoo parlors. Uses that generate a high parking demand, such as exercise or dance studios, are prohibited.

5. Accessory buildings or uses customarily incidental to any of the above uses.

SECTION 12A.03 USES SUBJECT TO A ZONING EXCEPTION PERMIT:

1. Mortuaries, subject to Section 14.03 (9).

2. Standard restaurants as defined in Section 2.99.15 (D), subject to Section 4.37 (H)(3)(g).

3. Bed and breakfast facilities subject to Section 25.04.

4. Group family homes, subject to Section 2.52 (C) and Section 25.15.

5. Churches, subject to Section 25.07.

6. Medical offices, including clinics and medical laboratories.

7. Child care centers as defined in Section 2.46 (A).

8. Veterinary clinics and veterinary hospitals provided that all activities are conducted within a permanently enclosed building.

9. Three- and four-family dwelling units, provided that:

    1. Two parking spaces are provided for each unit.

    2. Minimum floor area of 400 square feet for a one bedroom, or efficiency shall be provided. For each additional bedroom, an additional 100 square feet shall be provided.

SECTION 12A.04 SITE PLAN REVIEW: For all principal uses and uses subject to a zoning exception permit, a site plan shall be submitted in accordance with Section 4.6. For any change in use for the first floor of a structure, from a residential use to office, or office to residential, a parking plan shall be provided demonstrating conformance to parking requirements for the proposed use.

SECTION 12A.05 REQUIRED CONDITIONS:

1. No front porch may be reduced in size or enclosed.

2. No parking in the front yard will be allowed.

3. When deemed appropriate by the Planning Commission, a fence, wall or landscaped buffer strip may be required between uses in the R-O district and adjacent residential zoning districts or uses.

SECTION 12A.06 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: Area, height, bulk, and placement requirements shall be in accordance with Article XXIV, Schedule of Regulations.

## ARTICLE XIII

## B-1 LOCAL BUSINESS DISTRICT

SECTION 13.1 INTENT: The Local Business District (B-1) is designed to provide for the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. The district will generally be used as a transitional district between more intensive uses of land such as major thoroughfare and other business districts and less intensive uses of land such as office and residential. It will normally be located only on property which fronts on a major or secondary thoroughfare.

SECTION 13.2 PRINCIPAL USES PERMITTED: In the B-1 Local Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses and provided that all business and servicing except for off-street parking or loading, shall be conducted within a completely enclosed building.

1. Medical offices and clinics.

2. Banks and similar financial institutions.

3. Libraries and government office buildings and public utility offices, but not including storage yards.

4. Private clubs or lodges.

5. Photographic studios and interior decorating studios.

6. Veterinary clinics and veterinary hospitals provided all activities are conducted within a permanently enclosed building.

7. Establishments which perform personal services on the premises such as: beauty parlors, barber shops, repair shops (including watches, radio, television, shoe, and etc., but prohibiting major repair shops such as automotive, heavy equipment, large appliances, furniture and etc.), tailor shops, self-service laundries and cleaners, dry cleaning and laundry establishments provided cleaning equipment is used to service only the premises at which it is located.

8. Stores of a generally recognized retail nature which supply commodities on the premises such as, but not limited to: groceries, meats, dairy products, baked goods, or other foods, drugs, dry goods, clothing, notions and hardware.

9. Standard restaurants and taverns, carryout restaurants, excluding drive-in fast food restaurants.

10. Child care centers.

11. Insurance, real estate and similar uses with a low volume of customer contact.

12. Local Shopping Center, operating as an integrated or cluster of principal permitted uses, sharing a parking area, with 20,000 square feet or less of gross floor area. Uses are limited to the permitted uses as listed in Section 13.2 above.

13. Accessory uses customarily incidental to any of the above permitted uses.

SECTION 13.3 MAXIMUM FOOTPRINT: No structure in the B-1 District may exceed a footprint of 20,000 square feet.

SECTION 13.4 PRINCIPAL USES SUBJECT TO A SPECIAL APPROVAL USE:

1. Publicly owned buildings, public utility buildings, water and sewer pumping stations, mobile or temporary utility substations are subject to the following conditions:

    a. Buildings and structures shall be architecturally compatible with adjacent development.

    b. There shall be no permanent or temporary outdoor storage of any equipment or materials.

2. 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.

3. Medical Marihuana Provision Centers as defined in ARTICLE II 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.

    b) The Licensee shall have, or shall have applied for, a Permit as described in Section of 46-505.

    c) No more than ten (10) such Provisioning Centers shall be permitted anywhere within the city (Excluding Marijuana Overlay Districts).

    d) No such facility shall be situated within 1000 feet of any of the following uses:

        i) a school, public or private, including pre-school through college

e) 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 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 330.6230*S*

f) No such facility shall be situated adjacent to or abutting a zoning district or lot zoned for single-family residential use (R-1 through R-4).

g) Those provisions for signs contained in ARTICLE XXX of this ordinance notwithstanding, signage shall be limited to one identification sign, to be affixed flat against the front wall of the facility of size not to exceed eight (8)sq ft.
***Ord. No. 17-035 Section 46.508 (J)***

h) Drive-through, drive-up or curb-side service facilities are prohibited.

I) 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

j) 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. Medical Marihuana Provision Centers as defined in ARTICLE II 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.
   b) The Licensee shall have, or shall have applied for, a Permit as described in Section of 46-505.
   c) No more than five (5) such Provisioning Centers shall be permitted anywhere within the city (Excluding Marijuana Overlay Districts).
   d) No such facility shall be situated within 100 feet of any of the following uses:
      i.) A school, public or private, including pre-school through college.
   e) 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 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 330.6230*S*

f) No such facility shall be situated adjacent to or abutting a zoning district or lot zoned for single-family residential use (R-1 through R-4).

~~g) Those provisions for signs contained in ARTICLE XXX of this ordinance notwithstanding, signage shall be limited to one identification sign, to be affixed flat against the front wall of the facility of size not to exceed eight (8) sq ft. ***Ord. No. 17-035 Section 46.508 (J).***~~

h) Drive-through, drive up or curb-side service facilities are prohibited.

i) 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.

j) 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.

SECTION 13.5 SITE PLAN REVIEW: For all principal uses and uses subject to a special approval use permit, a site plan shall be submitted in accordance with Section 4.6.

SECTION 13.6 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: Area, height, bulk and placement requirements shall be in accordance with Article 24, “Schedule of Regulations.”

## ARTICLE XIV

## B-2 COMMUNITY BUSINESS DISTRICT

SECTION 14.01 INTENT: The Community Business District (B-2) is designed to provide sites for diversified business types and is often located so as to serve passerby traffic. These uses are generally characterized by generating large volumes of vehicular traffic. This district is intended to prohibit establishments which require outdoor storage of goods and materials. The district will generally be used adjacent to high volume major thoroughfares. This district is also intended to provide an appropriate location for work-release facilities which are considered appropriate, subject to certain conditions.

SECTION 14.02 PRINCIPAL USES PERMITTED: In a B-2 Community Business District, no building or land shall be erected except for one or more of the following specified uses:

1. Any principal permitted use in the B-1 Local Business District.

2. Post offices.

3. Photographic reproduction, blueprinting and print shop.

4. Sit down restaurants and taverns.

5. (Reserved for future use)

6. Establishments of electricians, plumbers, heating contractors, bakers, painters, or similar trades in conjunction with a retail sales operation.

7. Theaters, assembly halls, concert halls or similar places of assembly when conducted within enclosed buildings.

8. Open-air retail sales of plant materials and sales of lawn furniture, playground equipment and garden supplies provided that:

    a. The open-air sales area is enclosed with a fence.

    b. That such sales area is in conjunction with indoor sales of the same general type.

    c. That the square footage of the open sales area is no greater than the indoor sales area.

9. Hotels and motels.

10. Business schools and colleges or private schools operated for a profit.

11. Local Shopping Center, operating as an integrated or cluster of principal permitted uses, sharing a parking area, with 80,000 square feet or less of gross floor area. Uses are limited to the permitted uses as listed in Section 14.02 above.

12. Accessory buildings or uses customarily incidental to any of the above permitted uses which are of the character of a personal or administrative service or a retail facility for a product on a "cash and carry" basis.

SECTION 14.03 USES SUBJECT TO A ZONING EXCEPTION PERMIT:

1. Recreation centers, similar to bowling alleys, skating rinks, archery ranges, dance studios, amusement areas, arcades with a minimum of one hundred (100) gross square feet of floor area per machine and if located within a building or structure containing other uses, the amusement arcade shall be separated and segregated from such other uses by the means of approved walls, rails, fences or similar approved means as to specifically delineate the area in which said machines are to be located, the minimum square footage of floor area per machine being measured thereby, and similar forms of commercial recreation or amusement when conducted wholly within a completely enclosed building.

2. 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:

    a. All cleaning operations shall be completely enclosed within a building.

    b. 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.

    c. 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.

    d. Where only a single lane is provided, it shall be used for no other purpose than to provide access to the wash rack. All lanes provided shall be suitably protected from interference by other traffic.

    e. For a nonconveyor 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.

f. The site shall be designed in such a manner that no operations are conducted off the parcel.

g. A building setback of at least sixty (60') feet must be maintained from the proposed or existing street right-of-way, whichever is greater.

h. 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.

i. 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.

j. Gasoline sales shall be permitted on the property provided there is compliance with Section 14.03.3.

3. Gasoline stations and gasoline filling stations in conjunction with convenience stores. Prohibited activities include, but are not limited to, the following: trailer renting and leasing, motor vehicle body repair, undercoating, painting, tire recapping, engine rebuilding, motor vehicle dismantling, upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.

Planning Commission review and approval shall be for the purpose of maintaining the health safety and welfare of the community. The Planning Commission shall approve the use only after finding that the use is so arranged that the gasoline station will not adversely affect the normal development or use of adjacent property and further, that the gasoline station with or without a convenience store will be constructed in accordance with the following development standards.

a. One hundred and twenty (120') feet of street fronting on the lot proposed for the gasoline station shall be provided on the principal street serving the station.

b. The lot shall contain not less than twelve thousand (12,000) square feet in area.

c. All buildings shall be set back not less than forty (40') feet from all existing or proposed street right-of-way lines, whichever is greater. Canopies over pump islands may extend to the property line, provided the canopy is internally drained.

d. Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than ten (10') feet from all street right-of-way lines.

e. Driveway widths entering the gasoline station shall have a maximum width of thirty-five (35') feet.

f. Any driveway approach shall enter the property not less than twenty (20') feet from the intersection formed by the existing or proposed right-of-way lines and not less than fifteen (15') from any adjoining property lines.

g. Curbs in accordance with standard City specifications shall be constructed on all streets adjacent to the gasoline station site.

h. Signs and lighting shall be shielded from residential property.

i. No signs, storage nor display of any kind shall be allowed within the street right-of-way. All signs and display shall be so located as not to obstruct the view of vehicles.

j. There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of a gasoline station for retail sale during the hours of operation of the gasoline station.

k. There shall be no parking of damaged motor vehicles except on a temporary basis for seventy-two (72) hours or less. Junk parts and junk vehicles shall not be kept on the outside of the building.

l. Automobile leasing may be permitted in connection with a gasoline service or gasoline filling station upon the special approval of the Planning Commission and subject to the provisions that the number of automobiles on the site that are available for lease shall not exceed one (1) automobile for each one thousand (1,000) square feet (93 square meters) of lot area and shall not be located in areas that are required for parking, aisle ways, service bays, loading, landscaping or sidewalks.

4. Automobiles repair and service facilities subject to the following provisions:

a. Minor repair and service of automobiles are permitted with prohibited activities including, but not limited to, truck and trailer renting and leasing, motor vehicle body repair, undercoating, painting, tire recapping, engine and transmission rebuilding, motor vehicle dismantling, upholstery work, and other such activities whose adverse external physical effects would extend beyond the property line.

b. All activities shall be conducted in an enclosed building.

c. All buildings shall be set back not less than forty (40') feet from all existing or proposed street right-of-way lines, whichever is greater.

d. No signs, storage nor display of any kind shall be allowed within the street right-of-way. All signs and display shall be so located as not to obstruct view of vehicles.

e. There shall be no outside storage or display of any kind except for the display of new merchandise related to the primary use of the facility and for retail sale during the hours of operation of the facility.

f. There shall be no parking of damaged motor vehicles except on a temporary basis not to exceed seventy-two (72) hours. Junk parts and junk vehicles shall not be kept on the outside of the building.

g. Parking shall be provided on the site at a ratio of one (1) parking space for each three thousand (3,000) square feet of site area.

h. Automobile leasing may be permitted subject to the provisions that the number of automobiles on the site that are available for lease shall not exceed one (1) automobile for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aisle ways, service bays, loading, landscaping or sidewalks.

i. The parking of low trucks shall be permitted only in designated areas and shall not be permitted in the corner clearance areas.

5. Automobile and truck agency sales and showrooms subject to the following provisions:

a. The automobile and truck sales agency must be located on a site having a frontage on a major thoroughfare of not less than one hundred (100') feet. Minimum lot area shall be 10,000 square feet.

b. Ingress and egress to the outdoor sales area shall be at least sixty (60') feet from the intersection formed by the existing or proposed right-of-way lines, whichever is greater.

c. Major repair and major refinishing shops will be permitted as accessory when located not less than two hundred (200') feet from residentially zoned property and conducted entirely within an enclosed building.

d. No outside storage of discarded or salvaged materials, junk vehicles or junk parts shall be permitted on the premises.

e. The outside display of new and used automobiles and trucks shall be permitted but the outside storage of vehicles shall be limited to new vehicles and such storage area shall occupy no more than thirty-five (35%) percent of a lot which is used for new vehicle sales.

f. Vehicles shall not be placed within five (5') feet of the property line.

g. All lighting shall be shielded from adjacent residential districts and the use of open or base bulbs shall be prohibited.

h. No outside loud speaker or outside public address system shall be used.

6. Fast food restaurants with or without drive-thru facilities subject to the following conditions:

a. A setback of at least sixty (60') feet from the right-of-way line of any existing or proposed street must be maintained.

b. Ingress and egress points shall be located at least sixty (60') feet from the intersection of any two (2) streets and shall be directly from a major thoroughfare.

c. There shall be provided screening in accordance with Section 4.41 B.

7. Mini-warehouses

a. Minimum lot width shall be 200'.

b. Minimum front yard setback shall be 50'.

c. The site shall be completely enclosed with a 6’ cyclone security fence.

8. Wholesale establishments

a. The maximum site size shall be two acres.

b. The minimum lot width shall be 200’ on a major thoroughfare.

c. There shall be no storage of semi-tractor trailers onsite except during loading and unloading.

d. The minimum front setback shall be 50’.

e. There shall be no product manufacturing onsite.

f. There shall be a landscaped planting strip having a minimum width of 10’ immediately adjacent to the road right-of-way.

9. Mortuary Establishments subject to the following conditions:

a. The minimum lot size shall be 25,000 sq. ft.

b. Adequate queuing space shall be required which does not use any space of required off-street parking.

10. Publicly owned buildings, public utility buildings, water and sewer pumping stations, mobile or temporary utility substations are subject to the following conditions:

a. Buildings and structures shall be architecturally compatible with adjacent development.

b. There shall be no permanent or temporary outdoor storage of any equipment or materials.

11. 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.

12. 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.

13. Work-release facility (subject to the following conditions):

    a. No work-release facility shall be located within three-hundred (300) feet of any residential district, park or school.

    b. No work-release facility shall be located within 1500 feet of 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.

    d. The facility shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer; or if such facilities and services are not provided, documentation that persons or agencies responsible for the establishment of the work-release facility shall be able to provide adequately any such facilities and services.

    e. The work-release facility shall submit plans which provide a description of programs and procedures which are operational at the facility to assure security and safety for the residents of the facility and the surrounding neighborhood and to assure the success of the program in terms in rehabilitation counseling, training, job placement, and resident access to essential services and facilities, including recreation and transportation. Said plans shall be approved by the planning commission.

    f. 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 final 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.

    g. Every room occupied for sleeping purposes within the structure shall contain a minimum of eighty (80) square feet of habitable room area for one (1) occupant, and when occupied by more than

one (1) person, shall contain at least sixty (60) square feet of habitable room area for each occupant.

h. Indoor and outdoor recreational space shall be provided for the clientele served, based upon standards specified by the licensing authority. If no such standards exist then the following minimum standards shall apply.

1. A common indoor area shall be provided which shall consist of at least twenty-five (25) square feet per individual.

2. A common outdoor area shall be provided which shall consist of at least sixty (60) square feet per individual.

3. Any exterior alteration of the structure shall be compatible with the surrounding area.

4. 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.

5. 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.

i. The facility shall be limited to forty (40) clients.

j. 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.

14. 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.

Pet Care Facilities are subject to the following conditions:

a. Parcel must be one (1) acre minimum in size.

b. Adequate traffic circulation shall be provided on the site to accommodate the frequent pickups and drop-offs of animals for the facility.

c. Drop-off/Pick-up hours will be between 6am-8pm.

d. Maximum of 30 dogs on the premises.

e. Outdoor facilities, with the following Restrictions:

1. Any outdoor facilities shall not be closer than 50 feet from the Parcel line.

2. A six (6) foot tall, solid, obscuring fence or wall shall completely enclose all outdoor facilities.

3. The outdoor facilities shall not encroach into any required building setback.

4. All animal waste shall be removed from the outdoor area daily and disposed of in a sanitary manner.

5. Pets shall not be permitted to remain outdoors overnight.

15. Medical Marihuana Provision Centers as defined in ARTICLE II Subject to the following conditions:

3. a) Medical Marihuana Provision Centers as defined in ARTICLE II 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.
b) The Licensee shall have, or shall have applied for, a Permit as described in Section of 46-505.
c) No more than Ten (10) such Provisioning Centers shall be permitted anywhere within the city (Excluding Marijuana Overlay Districts).
d) No such facility shall be situated within 100 feet of any of the following uses:
    i.) A school, public or private, including pre-school through college.
e) 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 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 330.6230*S*

f) No such facility shall be situated adjacent to or abutting a zoning district or lot zoned for single-family residential use (R-1 through R-4).

~~g) Those provisions for signs contained in ARTICLE XXX of this ordinance notwithstanding, signage shall be limited to one identification sign, to be affixed flat against the front wall of the facility of size not to exceed eight (8) sq ft. ***Ord. No. 17-035 Section 46.508 (J).***~~

h) Drive-through, drive up or curb-side service facilities are prohibited.

i) 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.

j) 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.

SECTION 14.04 SITE PLAN REVIEW: For all principal uses subject to a zoning exception permit shall submit a site plan in accordance with Section 4.6.

SECTION 14.05 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: Area, height, bulk and placement requirements shall be in accordance with Article XXIV, “Schedule of Regulations”.

## ARTICLE XV

## B-3 CENTRAL BUSINESS DISTRICT

SECTION 15.01 INTENT: The B-3 Central Business District is designed to provide for a restricted variety of retail stores and retail activities and for office buildings and service establishments which occupy the prime retail frontage in the CBD and which serve the comparison, convenience and service needs of the region. The District is intended to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive related services and non-retail uses which typically interfere with such continuity. This district is also intended to provide an appropriate location for residential, office, and service uses located primarily above street level retail uses and on the fringes of the retail area.

SECTION 15.02 PRINCIPAL USES PERMITED: In a B-3 Central Business District, no building shall be erected except for one or more of the following specified uses:

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods. Liquor, furniture, clothing, dry goods, notions, drugs, or hardware.

2. Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographer and dry cleaners.

3. Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in or open front store.

4. Offices and office buildings of an executive, administrative or professional nature.

5. Hotels and motels.

6. Post offices and libraries

7. Mixed uses i.e. commercial and residential uses combined in one structure, subject to Section 12.03.5.

8. (Reserved for future use)

9. Housing for the elderly.

10. Brew Pubs, as defined in Section 2.28.01, and provided that:

    a. 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 brew house, boiling, distilling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.

    b. Access and loading bays shall not face toward any street, excluding alleys and parking lots.

    c. 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.

    d. No outdoor storage shall be allowed. This prohibition includes the use of portable storage units, cargo containers and tractor trailers.

11. Other uses which are similar to the above 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.

12. Off-street parking lots, operated as a business.

13. Accessory buildings and uses customarily incidental to the principal uses.

14. Public education facilities subject to the following restrictions:

    a. Not for profit adult education facilities are allowed which excludes Pre-K through 12 of compulsory education.

    b. Facility must demonstrate private free parking for students available for expected demand within 1,200 feet of the facility. Specifically, a minimum of 24 private parking spaces must be provided on the premises, plus additional spaces equal

to 50% of the maximum potential number of enrolled students occupying the building, up to the maximum determined by the Fire Department.

15. Sidewalk Cafés: In the interest of promoting business by increasing activity and improving the general business climate in business districts, the City Administrator may issue revocable permits to businesses who apply for a permit to operate a sidewalk café, as an extension of a compatible existing business, on a portion of a City Sidewalk, alley, or other outside property adjacent to the existing business. The use of the café shall be limited to activities carried on by the existing business.

    a. Sidewalk café occupancy permits shall be issued if the Superintendent of Public Works, the City Engineer and the Chief of Police determines the occupancy will not:

        1. Reduce any sidewalk, alley or passageway width to less than six (6) feet.

        2. Unreasonably interfere with the view of, access to or use of property adjacent to said sidewalk or area;

        3. Cause damage to the sidewalk or alley or to trees, benches, landscaping or other objects lawfully located therein;

        4. Cause violation of any state or local laws;

        5. Be attached to or reduce the effectiveness of or access to any utility pole, sign, other traffic control device or street lighting;

        6. Interfere with street cleaning or snow removal activities.

        7. Be in or adjacent to property zoned exclusively for residential purposes.

        8. Be principally used for off premise advertising.

        9. Cause increased risk of theft or vandalism.

    b. All such operations located within a public right-of-way, shall not commence prior to April 15 of any given year and shall cease by November 15 of that same year. The duration may be modified by the City Administrator, upon special request by an applicant, substantiated with adequate reasons.

    c. No fencing, barricades, chairs, tables, furnishing or other materials in support of a sidewalk café may be placed within the public right-of-way prior to April 15 of

any given year and all such equipment shall be removed from the right-of-way no later than November 15 of any given year.

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 to this ordinance.

e. All businesses selling food or beverages to be consumed in a public sidewalk area adjacent to the business shall enclose the area with a temporary structure approved by the Engineering Department. Prior to approval, written plans shall be submitted to the Engineering Department. All construction shall conform to existing building codes and regulations of the city and shall not be permanent. Such plans shall also include the location of adequate trash receptacles.

f. The fencing shall measure six (6) feet from the back of curb and three and a half (3.5) feet from other obstructions such as but not limited to, tree boxes and light poles.

g. The City Commission may waive the foregoing spacing requirements if it finds the following conditions exist:

    1. The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed;

    2. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other businesses and occupants and a disruption in neighborhood development.

SECTION 15.03 USES SUBJECT TO A ZONING EXCEPTION PERMIT:

1. Group Family Homes, subject to Section 2.52 (C) and Section 25.15.

2. Government and administrative buildings including courthouses, hails, fire stations and city hall, subject to the following standards and conditions:

    a. Off-street parking sufficient to meet the needs of employees and visitors shall be provided in accordance with standards contained in Section 4.37 of this ordinance.

    b. Parking shall be designed and located to encourage use by employees and visitors.

c. A vehicular and pedestrian plan shall be prepared. The plan shall provide safe and adequate internal circulation and access to streets in the downtown area. The plan shall include a component for pedestrian circulation and safety, which affords both internal circulation and access to the downtown area.

d. Buildings shall be designed and located to enhance the aesthetic appeal of the downtown area to include the skyline, view shed to and from the building, building shape and building materials.

e. Jails shall be located and designed to reduce negative impacts on surrounding land uses;

f. Off-street parking sufficient to meet the needs of employees and visitors shall be provided in accordance with standards contained in Section 4.37 of this ordinance.

g. Parking shall be designed and located to encourage use by employees and visitors.

h. A vehicular and pedestrian plan shall be prepared. The plan shall provide safe and adequate internal circulation and access to streets in the downtown area. The plan shall include a component for pedestrian circulation and safety, which affords both internal circulation and access to the downtown area.

i. Buildings shall be designed and located to enhance the aesthetic appeal of the downtown area to include the skyline, view shed to and from the building, building shape and building materials.

j. Jails shall be located and designed to reduce negative impacts on surrounding land uses:

    1. Jail recreation areas shall be screened from the view of adjacent non-governmental properties.
    2. The design shall negate the possibility of communication between inmates and the public by visual, verbal or other means from adjacent properties.

    3. Security lighting shall be designed and installed to avoid glare upon adjoining properties.

    4. Prisoner transport shall be designed so loading and unloading of prisoners' takes place within an enclosed building.

3. Student Group Homes subject to Section 2.41.01 (C) and Section 25.15A.

4. Worship halls, subject to Section 25.07

5. Theater or Concert Halls, subject to Section 25.07

SECTION 15.04 SITE PLAN APPROVAL: For principal permitted uses and uses subject to a zoning exception permit, a site plan shall be submitted in accordance with Section 4.6.

SECTION 15.05 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: Area, height, bulk and placement requirements unless otherwise specified are as provided in Article XXIV, Schedule of Regulations.

## ARTICLE XVI

## B-4 PLANNED SHOPPING CENTER

SECTION 16.01 INTENT: The Planned Shopping Center District (B-4) is designed to service the needs of the convenience or comparison shopper. The district is generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic. For this reason, this district will generally be located on a major thoroughfare.

SECTION 16.02 PRINCIPAL USES PERMITTED: In a B-4 Shopping Center District no building or land shall be used and no building shall be erected for one or more of the following specified uses provided that all business establishments shall be of a retail and/or service nature and that all businesses, service or processing be conducted completely within a permanent and enclosed building, except for off-street parking, loading and specified open air businesses.

1. Any retail business or service establishment permitted in a B-1 District subject to the regulations applicable in the following sections of this ARTICLE.

2. All retail business, service establishments or processing uses as follows:

    a. Any retail business whose principal activity is the sale of merchandise in an enclosed building.

    b. Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.

    c. Private clubs, fraternal organizations and lodge halls.

    d. Restaurants or other places serving food or beverage.

    e. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.

    f. Business schools and colleges or private schools operated for profit.

    g. Other uses similar to the above uses.

h. Accessory structures and uses customarily incident to the above permitted uses.

SECTION 16.03 USES SUBJECT TO A ZONING EXCEPTION PERMIT:

1. Open air business use when developed in planned relationship with B-4 District as follows:

   a. Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies.

   b. Recreational space providing children's amusement park, and other similar recreation when park is of a planned development, provided further that such use not be located at the intersection of two (2) major thoroughfares. Such recreation space shall be fenced on all sides with a four (4) foot chain link type fence.

   c. 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

2. Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink or similar forms of indoor commercial recreation subject to the following conditions:

   a. The principal building shall be located at least one hundred (100) feet from any adjacent residential district.

3. Automobile service centers, including a gasoline service station subject to the following conditions:

   a. The use shall be developed as part of a larger planned shopping center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center, and provided further that a building permit shall not be issued separately for the construction of any automobile service center within the B-4 District.

4. Worship Halls, subject to Section 25.07

5. Assembly Halls, subject to Section 25.07

6. Theater or Concert Halls, Subject to Section 25.07

SECTION 16.04 SITE PLAN REVIEW: For all principal uses permitted and uses subject to a zoning exception permit, a site plan shall be submitted in accordance with Section 4.6.

SECTION 16.05 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS: Area, height, bulk and placement requirements shall be in accordance with Article XXIV, Schedule of Regulations.

## ARTICLE XVII

## WH WAREHOUSE AND WHOLESALE DISTRICT

SECTION 17.0 INTENT: The district is intended to accommodate uses of a wholesale and storage nature which are not employee intensive. As such, they may be suited to land of marginal development quality but which can conveniently be served by vehicular and truck traffic. This district may be used as a transitional district between heavy industry and uses of a lower intensity nature.

SECTION 17.1 PRINCIPAL USES PERMITTED:

1. Wholesale and warehousing. The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment, and supplies; machinery and equipment; tobacco and tobacco products; paper and paper products; furniture and home furnishings and any commodity the manufacture of which is permitted in this district;

2. Truck terminals.

3. Bulk storage of petroleum products, provided that refining or retail sales are not conducted on the premises and location has been approved by the Fire Chief.

4. Public utility uses, electric transformer stations and substations; electric transmission towers, gas regulators, and municipal utility pumping stations.

5. Recreational vehicle storage yards.

6. Construction contractors open storage yards of building materials and equipment.

7. Radio or television broadcasting stations, studios, and offices.

8. Indoor tennis, racquetball, and fitness facilities including food, beverage and retail sales incidental to the primary use.

9. Truck tractor and trailer sales, rental and repair, provided that;

a. The site shall be three acres or more in area and the depth of the site shall be not more than three times the width.

b. No parking or storing of trucks, machinery or other equipment shall be permitted within the required front yard or on a major street within twenty-five feet of the planned major street right-of-way line.

10. Solid waste transfer stations provided that main access to the facility is not through residential areas.

11. Accessory Uses and Buildings customarily incidental to the above principal use permitted.

SECTION 17.2 USES SUBJECT TO A ZONING EXCEPTION PERMIT:

1. Grain elevators for the purpose of buying, selling, storing, cleaning, and/or drying of feed grains together with milling and mixing of feed grains normally associated with grain elevators subject to the following conditions:

   a. The use shall be permitted only when developed and maintained in combination with a related outlet on the same or an adjacent site.

   b. The storage, mixing, milling, cleaning, and drying of all grains shall be conducted within an enclosed building so as to prevent any effect upon adjacent uses.

   c. Access shall be provided so as not to conflict with adjacent business uses or adversely affect traffic flow.

   d. The parking lot area and all walkways shall be paved with portland concrete, bituminous concrete or bituminous aggregate surface and shall be graded and paved in a manner approved by the City Engineer.

2. Concrete Dispenser Structures subject to the following standards:

   a. The use shall be permitted only when maintained in combination with a retail outlet on the same or an adjacent site.

   b. Access shall be provided so as not to conflict with adjacent business uses or adversely affect traffic flow.

   c. The height of the structure shall not exceed thirty (30) feet.

d. The parking lot area, driveways and all walkways shall be paved with Portland Concrete, bituminous concrete or bituminous aggregate surface and shall be graded and paved in a manner approved by the City Engineer.

3. Commercial and service establishments of an “Adult” nature as listed and defined herein and subject to the following conditions:

A. In order to prevent such undesirable concentration of such uses, the following uses and activities shall not be located within one-thousand (1,000) feet of two other such uses nor within three-hundred (300) feet of any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district.

1. Adult book store;

2. Adult motion picture theater;

3. Adult mini motion picture theater;

4. Massage parlor;

5. Pawnshop;

6. Tavern or cabaret providing live or projected entertainment where intoxicating liquors may or may not be sold for consumption on the premises. “Projected entertainment” shall not include standard television reception;

7. Pinball or video game arcade or establishment;

8. Sauna, hot tub or other similar health or body improvement or enjoyment enterprises;

9. Any combination of the foregoing.

B. For the purpose of interpreting the application of the foregoing limitations on certain business locations, the following terms or designations shall have the following meanings:

1. Adult bookstore: An establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or

characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material;

2. Adult Mini Motion Picture Theater: An enclosure with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as hereinafter defined for observation by patrons therein;

3. Adult Motion Picture Theater: An enclosure with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as hereinafter defined for observation by patrons therein;

4. Massage Parlor: An establishment where persons conduct or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient;

5. Pawnshop: An establishment where merchandise is left as security for a loan of money and abandoned if repayment of the loan has not been made within a specified period;

6. Sauna, Hot tub or Other Similar Health or Body Improvement Enterprises: Establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities are available for male and female customers with or without supervision or participation by employees or independent contractors of the business;

C. The Planning Commission may waive the foregoing spacing requirements if it finds the following conditions exist:

1. The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location and

the spirit and intent of the purpose of the spacing regulations will still be observed;

2. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other business and occupants and a disruption in neighborhood development.

SECTION 17.3 SITE PLAN REVIEW: For all principal uses permitted and uses subject to a zoning exception permit, a site plan shall be submitted in accordance with Section 4.6.

SECTION 17.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: Area, height, bulk, and placement requirements shall be in accordance with Article XXIV, Schedule of Regulations.

## ARTICLE XVIII

## ERO EDUCATION-RESEARCH-OFFICE DISTRICT

SECTION 18.0 INTENT: The Education-Research-Office District is designed to accommodate various types of office uses performing administrative, professional and technical services along with college campuses and related facilities. These are typically large buildings which can serve as a transitional use between major thoroughfares, more intensive uses of land and/or commercial districts and less intensive uses of land such as multiple family or single family residential.

These districts are specifically intended to prohibit commercial establishments of a retail nature or other activities which require constant short-term parking and traffic from the general public but are intended to permit those businesses and educational facilities which are required to serve the normal daily needs of the occupants and students.

SECTION 18.1 PRINCIPAL USES PERMITTED: In an ERO Education-Research-Office District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. All uses permitted and uses permitted subject to special approval in O-S District, and meeting the requirements as set forth in said district with the exception of mortuary establishments and veterinary clinics which shall be expressly prohibited from this district.

2. Any uses which are charged with the principal function of education, research, design and technical training and experimental product development when conducted wholly within a completely enclosed building.

3. Facilities for human care such as convalescent and nursing homes.

4. Colleges, universities and trade schools.

5. Dormitories for students enrolled in, and quarters for instructors employed by, educational institutions when incidental to any permitted principal use.

6. Data processing and computer centers, including service and maintenance of electronic data processing equipment.

7. Studios for professional work or teaching of interior decorating, photography, music, drama or dancing.

8. Fraternity and Sorority House.

9. Student Group Homes for ten (10) or fewer occupants, owned and operated by a college or university, and subject to Section 2.41.01 (c) and Section 25.15A.

10. Accessory uses customarily incidental to any of the above permitted uses and located on-campus such as services for employees and other persons normally associated with the permitted uses such as: coffee shop, pharmacy, barber shop, tobacco shop, post office and parking structures.

SECTION 18.2 REQUIRED CONDITIONS:

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 be 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.

SECTION 18.3 USES SUBJECT TO ZONING EXCEPTION PERMIT:

1. Student group homes for eleven (11) or more occupants, owned and operated by a college or university, and subject to Section 2.41.01 (c) and Section 25.15A.

SECTION 18.4 SITE PLAN REVIEW: For all principal uses permitted in the ERO Education-Research-Office District, a site plan shall be submitted in accordance with Section 4.6.

SECTION 18.5 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: Area, height, bulk and placement requirements shall be in accordance with Article XXIV, Schedule of Regulations.

## ARTICLE XIX

## E-1 EXCLUSIVE INDUSTRIAL DISTRICT

SECTION 19.01 INTENT: The E1 Exclusive Industrial District is designed to accommodate manufacturing operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts.

The general goals of this use district include the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for manufacturing uses.

2. To protect abutting residential districts by separating them from manufacturing activities.

3. To promote manufacturing development which is as free as technically possible from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.

4. To promote the most desirable use of land in accordance with a well considered plan.

5. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the City's tax revenue.

6. To provide an appropriate location for the residence, rehabilitation, and training of persons participating in authorized court-ordered criminal rehabilitation programs.

SECTION 19.02 PRINCIPAL USES PERMITTED: In an Exclusive Industrial District, no building or land shall be used, no building shall be used and no building shall be erected except for one or more of the following uses unless otherwise provided in this Ordinance.

1. Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured on those lot lines abutting R-1 through R-4, RT, RM, OS-1, B-1 and B-3 districts, and on any front yards abutting a public thoroughfare except as otherwise provided in this ordinance. The screening shall be in accordance with the minimum landscape standards of this ordinance and shall be evaluated for adequacy by the Planning Commission.

a. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machines shops.

b. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.

c. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

d. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products.

e. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

f. Manufacturing of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

g. Research, experimental, testing and film processing laboratories.

h. Industrial warehousing subject to the following conditions:

1. The combined area of all lots devoted to independent warehousing in a specific parcel or group of contiguous parcels of land zoned E-1 (Exclusive 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 ware housing 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.

5. Business Office buildings accessory to any of the above permitted uses, 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.

2. Other uses of a similar character to the above uses.

3. Accessory buildings and uses customarily incident to any of the above permitted uses.

4. Research or corporate office buildings meeting the following conditions at all times;

a. All buildings shall be no less than 15,000 square feet.

b. All buildings shall be located directly adjacent to US-223 or Michigan Highway M-34.

c. All building construction shall exclude metal exteriors and shall require exteriors of brick, decorative block and/or glass.

d. Any on-site sales or services provided shall be incidental to the primary use of the building for research or corporate office activities.

SECTION 19.03 CONDITIONS: Retail and warehousing as principal uses are not permitted.

SECTION 19.04 SITE PLAN REVIEW: For all principal uses permitted, a site plan shall be submitted in accordance with Section 4.6.

SECTION 19.05 USES SUBJECT TO A ZONING EXCECPTION PERMIT:

1. Work-release facility (subject to the following conditions):

   a. No work-release facility shall be located within three-hundred (300) feet of any residential district, park or school.

   b. No work-release facility shall be located within 1500 feet of 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.

   d. The facility shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer; or if such facilities and services are not provided, documentation that persons or agencies responsible for the establishment of the work-release facility shall be able to provide adequately any such facilities and services.

   e. The work-release facility shall submit plans which provide a description of programs and procedures which are operational at the facility to assure security and safety for the residents of the facility and the surrounding neighborhood and to assure the success of the program in terms in rehabilitation counseling, training, job placement, and resident access to essential services and facilities, including recreation and transportation. Said plans shall be approved by the planning commission.

   f. 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 final 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.

   g. Every room occupied for sleeping purposes within the structure shall contain a minimum of eighty (80) square feet of habitable room area for one (1) occupant, and when occupied by more than one (1) person, shall contain at least sixty (60) square feet of habitable room area for each occupant.

   h. Indoor and outdoor recreational space shall be provided for the clientele served, based upon standards specified by the licensing authority. If no such standards exist then the following minimum standards shall apply.

1. A common indoor area shall be provided which shall consist of at least twenty-five (25) square feet per individual.

2. A common outdoor area shall be provided which shall consist of at least sixty (60) square feet per individual.

3. Any exterior alteration of the structure shall be compatible with the surrounding area.

4. 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.

5. 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.

i. The facility shall be limited to forty (40) clients.

j. 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 19.06 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: Area, height, bulk and placement requirements shall be in accordance with Article XXIV, Schedule of Regulations.

## ARTICLE XX

## I-1 LIGHT INDUSTRIAL DISTRICT

SECTION 20.01 INTENT: The I-1 Light Industrial District is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

The general goals of this use district include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of manufacturing and related uses.

2. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.

3. To promote manufacturing development which is as free as is technically possible from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offense noise, vibrations, smoke, odor, and other objectionable influences.

4. To promote the most desirable use of land in accordance with a well considered plan. To protect the character and establish patter of adjacent development, and in each area to conserve the value of land and buildings and other structures.

5. To provide an appropriate location for the residence, rehabilitation, and training of persons participating in authorized court-ordered criminal rehabilitation programs.

SECTION 20.02 PRINCIPAL USES PERMITTED: In a I-1 Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building.

2. Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured on those sides abutting R-1 through R-4, RT, RM, OS-1, B-1, B-2 and B-3 Districts, and on any front yard abutting a public thoroughfare except as provided in this ordinance. The screening shall be in accordance with the minimum landscape standards of this ordinance and shall be evaluated for adequacy by the Planning Commission.

   a. Warehousing and wholesale establishments, and trucking facilities.

   b. The manufacture, compounding, processing, packaging, or treatment including such products, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.

   c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials; bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.

   d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

   e. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.

   f. Manufacture or assembly of electrical appliances, electronic instruments or devices, radios and phonographs.

   g. Laboratories – Experimental, film or testing.

   h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

   i. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail.

   j. All public utilities, including buildings, necessary structures, storage yards and other related uses.

3. Warehouse, storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and gas tank holders. Railroad transfer and storage tracks. Railroad rights-of-ways. Freight terminals.

4. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all Residential or Business Districts, and on any yard abutting a public thoroughfare. In an I-1 District, the extent of such fence or wall may be determined by the Planning Commission on the basis of usage and in accordance with the landscape standards of this ordinance.

5. Municipal uses such as water treatments plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.

6. Commercial kennels.

7. Greenhouses.

8. Trade or industrial schools.

9. Retail uses of an industrial character, such as lumber yards, farm implement sales.

10. Eating and drinking establishments.

11. Banks and financial institutions.

12. Industrial clinics.

13. Indoor tennis court, racquetball courts, and health clubs.

14. Motels.

15. Other uses similar in character to the above.

16. Accessory buildings and uses customarily incidental to any of the above permitted uses.

17. 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.

Pet Care Facilities are subject to the following conditions:

a. Parcel must be one (1) acre minimum in size.

b. Adequate traffic circulation shall be provided on the site to accommodate the frequent pickups and drop-offs of animals for the facility.

c. Drop-off/Pick-up hours will be between 6am-8pm.

d. Maximum of 30 dogs on the premises.

e. Outdoor facilities, with the following Restrictions:

1. Any outdoor facilities shall not be closer than 50 feet from the Parcel line.

2. A six (6) foot tall, solid, obscuring fence or wall shall completely enclose all outdoor facilities.

3. The outdoor facilities shall not encroach into any required building setback.

4. All animal waste shall be removed from the outdoor area daily and disposed of in a sanitary manner.

5. Pets shall not be permitted to remain outdoors overnight.

Sec 20.02 (14) added per Ord 17-018, eff 9/5/17

SECTION 20.03 USES SUBJECT TO A ZONING EXCEPTION PERMIT:

1. Living quarters for a watchman or caretaker including his or her family accessory to the industrial use of the property subject to the following conditions:

a. The living quarters shall be a detached structure not exceeding 900 square feet in floor area.

b. The watchman or caretaker shall be a full-time employee of the industrial facility on whose property the residence is located.

c. The City Commission may impose setback requirements so as to assure the public health, safety and general welfare. In determining setback requirements, the City Commission shall consider the use of adjacent properties, the use of existing and proposed buildings and structures on the site, access drives to the site, and traffic patterns within the site.

d. A separate building permit shall be required to construct a watchman or caretaker residence. The permit shall state that the residence is accessory to the industrial use of the property and cannot be sold separate from the industrial use. The applicant shall record the permit in its entirety with the office of the Lenawee County Register of Deeds in such a manner that the permit is reflected on the chain of title of all parcels of property involved with the industrial facility. Proof of this recording shall be submitted to the City Building Department within ten (10) days after the issuance of the building permit. No demolition, construction, or remodeling may be commenced pursuant to the permit until proof of recording has been filed with the City Building Department.

2. Work-release facility (subject to the following conditions):

a. No work-release facility shall be located within three-hundred (300) feet of any residential district, park or school.

b. No work-release facility shall be located within 1500 feet of 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.

d. The facility shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer; or if such facilities and services are not provided, documentation that persons or agencies responsible for the establishment of the work-release facility shall be able to provide adequately any such facilities and services.

e. The work-release facility shall submit plans which provide a description of programs and procedures which are operational at the facility to assure security and safety for the residents of

the facility and the surrounding neighborhood and to assure the success of the program in terms in rehabilitation counseling, training, job placement, and resident access to essential services and facilities, including recreation and transportation. Said plans shall be approved by the planning commission.

f. 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 final 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.

g. Every room occupied for sleeping purposes within the structure shall contain a minimum of eighty (80) square feet of habitable room area for one (1) occupant, and when occupied by more than one (1) person, shall contain at least sixty (60) square feet of habitable room area for each occupant.

h. Indoor and outdoor recreational space shall be provided for the clientele served, based upon standards specified by the licensing authority. If no such standards exist then the following minimum standards shall apply.

1. A common indoor area shall be provided which shall consist of at least twenty-five (25) square feet per individual.

2. A common outdoor area shall be provided which shall consist of at least sixty (60) square feet per individual.

3. Any exterior alteration of the structure shall be compatible with the surrounding area.

4. 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.

5. 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.

i. The facility shall be limited to forty (40) clients.

j. 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.

3. Indoor Firing Range, subject to the following:

a. The indoor firing range shall not be located within; (measured property line to property line)

I. 150 feet from residential property (R-1, R-2, R-3, R-4, RM-1, RM-2, RMH)
II. 150 feet from a park, playground or church.
III. 1000 feet from a school, public or private, including pre-school through college.

b. The use, occupancy, and construction of the building shall conform to the International Building Code.

c. The building and method of operation shall comply with all applicable state and federal regulations.

d. The building and method of operation shall conform to the applicable 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.

e. 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.

f. No ammunition shall be used in the range that exceeds the certified design and construction specifications of the firing range.

g. 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.

h. On-site supervision is required at all times by 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.

I. One range officer per 10 lanes required at all times.

i. 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.

j. Minors shall not be allowed in the range unless accompanied by an adult at all times. This provision shall not be interpreted to prohibit minors from participating in a firearm safety class which is supervised by an adult instructor.

k. In multi-tenant buildings, the firing range shall be soundproofed to prevent the sound from being heard by persons in adjoining units.

l. No alcohol allowed on premises.

m. Hours of operation from 8am to 9pm.

SECTION 20.04 SITE PLAN REVIEW: For all principal uses permitted and uses subject to a zoning exception permit, a site plan shall be submitted in accordance with Section 4.6.

SECTION 20.05 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: Area, height, bulk and placement requirements shall be in accordance with Article XXIV, Schedule of Regulations.

## ARTICLE XXI

## I-2 GENERAL INDUSTRIAL DISTRICT

SECTION 21.01 INTENT: I-2 General Industrial District is designed primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw materials as well as from previously prepared material. This district is also intended to provide an appropriate location for work-release facilities which are considered appropriate, subject to certain conditions.

SECTION 21.02 PRINCIPAL USES PERMITTED: In a I-2 General Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Any principal use permitted in the I-1 District.

2. Heating and electric power generating plants, and necessary uses.

3. Auto engine, body repair and undercoating shops.

4. Metal plating, buffing and polishing.

5. Any of the following uses provided that they are located not less than eight hundred (800) feet distant from any Residential District and not less than three hundred (300) feet distant from any other district:

    a. Junk yards, provided such are entirely enclosed within a building or within an eight (8) foot obscuring wall and provided further that one property line abuts a railroad right-of-way.

    b. Blast furnace, steel furnace, blooming or rolling mill.

    c. Manufacture or corrosive acid or alkali, cement, lime, gypsum or plaster of Paris.

    d. Petroleum or other inflammable liquids, production, refining or storage.

    e. Smelting of copper, iron or zinc ore.

6. Accessory buildings and uses customarily incident to any of the above permitted uses.

7. 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.

Pet Care Facilities are subject to the following conditions:

a. Parcel must be one (1) acre minimum in size.

b. Adequate traffic circulation shall be provided on the site to accommodate the frequent pickups and drop-offs of animals for the facility.

c. Drop-off/Pick-up hours will be between 6am-8pm.

d. Maximum of 30 dogs on the premises.

e. Outdoor facilities, with the following Restrictions:

1. Any outdoor facilities shall not be closer than 50 feet from the Parcel line.

2. A six (6) foot tall, solid, obscuring fence or wall shall completely enclose all outdoor facilities.

3. The outdoor facilities shall not encroach into any required building setback.

4. All animal waste shall be removed from the outdoor area daily and disposed of in a sanitary manner.

5. Pets shall not be permitted to remain outdoors overnight.

SECTION 21.03 USES SUBJECT TO A ZONING EXCEPTION PERMIT:

1. Uses determined by the City Commission to be of similar nature to the above subject to the following conditions:

a. A recommendation shall be provided by the Planning Commission.

b. Earth berms, setbacks, or performance standards may be required to address any anticipated negative impacts.

2. Work-release facility (subject to the following conditions):

a. No work-release facility shall be located within three-hundred (300) feet of any residential district, park or school.

b. No work-release facility shall be located within 1500 feet of 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.

d. The facility shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer; or if such facilities and services are not provided, documentation that persons or agencies responsible for the establishment of the work-release facility shall be able to provide adequately any such facilities and services.

f. The work-release facility shall submit plans which provide a description of programs and procedures which are operational at the facility to assure security and safety for the residents of the facility and the surrounding neighborhood and to assure the success of the program in terms in rehabilitation counseling, training, job placement, and resident access to essential services and facilities, including recreation and transportation. Said plans shall be approved by the planning commission.

g. 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 final 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.

g. Every room occupied for sleeping purposes within the structure shall contain a minimum of eighty (80) square feet of habitable room area for one (1) occupant, and when occupied by more than one (1) person, shall contain at least sixty (60) square feet of habitable room area for each occupant.

h. Indoor and outdoor recreational space shall be provided for the clientele served, based upon standards specified by the licensing authority. If no such standards exist then the following minimum standards shall apply.

1. A common indoor area shall be provided which shall consist of at least twenty-five (25) square feet per individual.

2. A common outdoor area shall be provided which shall consist of at least sixty (60) square feet per individual.

3. Any exterior alteration of the structure shall be compatible with the surrounding area.

4. 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.

5. 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.

i. The facility shall be limited to forty (40) clients.

j. 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.

3. Retail sale of biodiesel fuel subject to the following conditions:

a. Permitted only for biodiesel fuel produced on site as a permitted use Under section 21.02(5) (d)

b. Fueling operations restricted to daylight hours only.

c. Storage tanks must be double walled for containment purposes.

d. Storage tank must be surrounded by a security fence.

e. Adequate lighting must be provided.

f. Signage limited to displaying biodiesel pricing as required by state and federal price publication requirements

4. Indoor Firing Range, subject to the following:

a. The indoor firing range shall not be located within; (measured property line to property line)

I. 150 feet from residential property (R-1, R-2, R-3, R-4, RM-1, RM-2, RMH)

II. 150 feet from a park, playground or church.

III. 1000 feet from a school, public or private, including pre-school through college.

b. The use, occupancy, and construction of the building shall conform to the International Building Code.

c. The building and method of operation shall comply with all applicable state and federal regulations.

d. The building and method of operation shall conform to the applicable 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.

e. 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.

f. No ammunition shall be used in the range that exceeds the certified design and construction specifications of the firing range.

g. 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.

h. On-site supervision is required at all times by 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.

I. One range officer per 10 lanes required at all times.

i. 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.

j) Minors shall not be allowed in the range unless accompanied by an adult at all times. This provision shall not be interpreted to prohibit minors from participating in a firearm safety class which is supervised by an adult instructor.

k. In multi-tenant buildings, the firing range shall be soundproofed to prevent the sound from being heard by persons in adjoining units.

l. No alcohol allowed on premises.

m. Hours of operation from 8am to 9pm.

SECTION 21.04 SITE PLAN REVIEW: For all principal uses and uses subject to a zoning exception permit, a site plan shall be submitted in accordance with Section 4.6.

SECITON 21.05 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS: Area, height, bulk, and placement requirements shall be in accordance with Article XXIV, Schedule of Regulations.

## ARTICLE XXII

## P-1 VEHICULAR PARKING DISTRICT

SECTION 22.01 INTENT: The P-1 Vehicular Parking District is intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. This district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities.

SECTION 22.02 PRINCIPAL USES PERMITTED: Premises in such districts shall be used only for an off-street vehicular parking area and shall be developed and maintained subject to such regulations as are hereinafter provided.

1. Off-street parking lots

2. Parking structures provided they do not exceed twenty-five (25) feet in height.

SECTION 22.03 REQUIRED CONDITIONS:

1. The parking area shall be accessory to, and for use in connection with one or more businesses, or industrial establishments, located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.

2. Parking area shall be used solely for parking of private passenger vehicles, for periods of less than 24 hours and shall not be used as an off-street loading area.

3. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.

4. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.

5. No building other than those for shelter or attendants shall be erected upon off-street parking lots and they shall not exceed fifteen (15) feet in height and fifty (50) sq. ft. in area.

SECTION 22.04 MINIMUM DISTANCES AND SETBACKS:

1. Side and Rear Yards: Where the P-1 District is contiguous to the side and/or rear lot lines of premises within a residentially zoned district, screening shall be provided in accordance with this ordinance.

2. Front Yards: Where the P-1 District is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of twenty-five (25) feet or whichever is the greater. Screening shall be provided in accordance with this Ordinance.

SECTION 22.05 SITE PLAN REVIEW: For all proposed parking lots permitted in this District a dimensional layout shall be submitted in accordance with Section 4.6.

## ARTICLE XXIII

## FLOOD HAZARD AREA ZONE

SECTION 23.01 INTENT:

1. It is the purpose of this Article to significantly reduce hazards to persons and damage to property as a result of flood conditions in the City of Adrian, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments and rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976, and redesignated at 44 FR 31177, May 31, 1979.

2. Further, the objectives of this Article include:

    a. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;

    b. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;

    c. The prevention of private and public economic loss and social disruption as a result of flood conditions;

    d. The maintenance of stable development patterns not subject to the blighting influence of flood damage;

    e. To insure that the public has access to information indicating the location of land areas subject to periodic flooding; and

    f. To preserve the ability of floodplains to carry and discharge a base flood.

SECTION 23.02 DELINEATION OF THE FLOOD HAZARD OVERLAY ZONE:

1. The flood hazard area zone shall overlay existing zoning districts delineated on the official City of Adrian Zoning Map. The boundaries of the flood hazard area zone shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood in the report entitled "The Flood Insurance Study, City of Adrian, Michigan, Lenawee County, dated January 19, 1982" with accompanying Flood Insurance Rate maps and Flood Boundary and Floodway Maps. Within the flood hazard area zone a regulatory floodway shall be designated. The boundaries of the regulatory floodway shall coincide with the floodway boundaries indicated on the Flood Boundary and Floodway Map. The Study and accompanying maps are adopted by reference, appended, and declared to be a part of this ordinance. The term flood hazard area as used in this ordinance shall mean the flood hazard area zone and the term floodway shall meet the designated regulatory floodway.

2. Where there are disputes as to the location of a flood hazard area zone boundary, the Zoning Board of Appeals shall resolve the dispute.

3. In addition to other requirements of this ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Article shall be necessary for all development occurring within the flood hazard area zone.

   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 requirements is more stringent and would further the objectives of this Article. In such cases the more stringent requirement shall be applied.

SECTION 23.03 DEVELOPMENT PERMIT:

1. Development, including the erection of structures and placement of mobile homes, within a flood hazard area shall not occur except upon issuance of a zoning compliance permit in accord with the requirements the Article entitled, Administration and Enforcement, and the following standards;

   a. the requirements of this Article shall be met;

   b. the requirements of the underlying zoning districts and applicable general provisions of this ordinance shall be met;

   c. all necessary development permits shall have been issued by appropriate local, state and federal authorities, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

SECTION 23.04 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION:

1. All new construction and substantial improvements within a flood hazard area, including the placement of prefabricated buildings and mobile homes, shall:

    a. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;

    b. Be constructed with materials and utility equipment resistant to flood damage; and

    c. Be constructed by methods and practices that minimize flood damage.

2. All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into systems.

3. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.

4. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.

5. Adequate drainage shall be provided to reduce exposure to flood hazard.

6. The City Engineer or his representative shall review development proposals to determine compliance with the standards in this section, and shall transmit his determination to the zoning administrator.

7. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.

8. The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.

9. Available flood hazard data from federal, state of other sources shall be reasonable utilized in meeting the standards of this section. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.

SECTION 23.05 SPECIFIC BASE FLOOD ELEVATION STANDARDS:

1. On the basis of the most recent available base flood elevation data the following standards shall apply in the flood hazard area zone:

    a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level.

b. All new construction and substantial improvements of nonresidential structures shall have either:

1. The lowest floor, including basement, elevated to or above the base flood level; or

2. 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.

SECTION 23.06 MOBILE HOME STANDARDS:

1. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frames ties in accord with the following specifications:

a. Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at the intermediate locations, except that on mobile homes less than 50 feet in length one tie per side shall be required.

b. Frames ties shall be provided at each corner of the home with five additional ties per side at intermediate points, except that on mobile homes less than 50 feet in length four ties per side be required.

c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

d. All additions to a mobile home shall be similarly anchored.

2. Mobile homes within zones A1-30 on the Flood Insurance Rate Map shall be located in accord with the following standards:

a. All mobile homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.

b. Adequate surface drainage away from all structures and access for a mobile home hauler shall be provided.

c. In the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than 10 feet apart; and reinforcement shall be provided for piers more than six feet above ground level.

d. In mobile home parks and mobile home subdivisions which exist at the time this subsection is adopted, where repair, reconstruction or improvement or streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, the standards in subparagraph a, b, and c of this subsection shall be complied with.

SECTION 23.07 FLOODWAY PROTECTION STANDARDS:

1. New construction, substantial improvements and all other development, including fill, shall be prohibited within zones number A1-30 on the FIRM, except where it is demonstrated to the City Engineer that the cumulative effect on the proposed development when combined with all other existing and anticipated development will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with Public Act 245 of 1929, as amended by Public Act 167 of 1968, shall be required, provided that the allowable increase shall not exceed one foot. The provisions of this section shall not apply within the regulatory floodway. The provisions of subsection (2) shall be applied to land situated within the regulatory floodway.

2. All development occurring within the regulatory floodway shall comply with the following standards:

   a. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited. Exception to this prohibition shall only be made upon certification by a registered professional engineer or the Department of Natural Resources that the development proposed will not result in any increases in flood levels during a base flood discharge, and compliance with Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968.

   b. The placement of mobile homes shall be prohibited except in mobile home parks and subdivisions which exist at the time this Article is adopted.

   c. Development which is permitted in the regulatory floodway shall meet the requirements of Section 23.03 of 23.06.

3. The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions on this section.

SECTION 23.08 DISCLAIMER OF LIABILITY:

1. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and

scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade 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. This Ordinance does not imply that areas outside the flood hazard area will be free from flood damage.

This ordinance does not create liability on the part of the City of Adrian or any officer or employees thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawful made thereunder.

## ARTICLE XXIIIA

## OZD OVERLAY ZONING DISTRICTS

SECTION 23A.01 OVERLAY ZONES: 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 Article XXVIII, Amendments, Section 28.04 Procedures, 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.

SECTION 23A.02 OVERLAY ZONE-PARKING (OZP): The parking overlay zone (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 within these commercial areas are small and parking cannot feasibly be provided without negatively impacting on the character of the commercial area or negatively impacting on 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 the development and use of vacant commercial structures.

6. Walkability can be achieved.

SECTION 23A.03 DISTRICTS ESTABLISHED:

1. That South Center Street from East Church Street south to Michigan Street, excluding property owned by St. John's Lutheran Church at the southeast corner of East Church Street and South Center Street, be established as an area for overlay zoning per Article XXXII – Overlay Zoning 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 per Article XXXII – Overlay Zoning 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

SECTION 23A.04 OVERLAY ZONE RESIDENTIAL (OZR): The Overlay Zone Residential (OZR) shall authorize the use of ground floor residential use in the B-3 zoned commercial Business District. The application of the Overlay Zone Residential (OZR) is intended to apply for properties located entirely within the Overlay Zone Residential district. (Property list & Map below)

All new construction within the OZR must adhere to Area, height, bulk and placement requirements unless otherwise specified are as provided in Article XXIV, Schedule of Regulations, B-3 Central Business District.

SECTION 23A.05 OVERLAY ZONE RESIDENTIAL (OZR):

1. That West Church Street from College Avenue to South Winter Street and Pearl Street from College Avenue to South Winter Street, be established as an area for overlay zoning per Article XXXII – Overlay Zoning Districts. These properties are as follows:

   *212 W. Church St. - Parcel No. XAO-385-0010-00*
   *218 W. Church St. - Parcel No. XAO-385-0012-00*
   *220 W. Church St. - Parcel No. XAO-385-0013-00*
   *224 W. Church St. - Parcel No. XAO-385-0015-00*
   *228 W. Church St. - Parcel No. XAO-385-0016-00*
   *234 W. Church St. - Parcel No. XAO-385-0018-00*
   *236 W. Church St. - Parcel No. XAO-385-0019-00*
   *238 W. Church St. - Parcel No. XAO-385-0020-01*
   *211 Pearl St. - Parcel No. XAO-385-0039-01*
   *235 Pearl St. - Parcel No. XAO-385-0034-00*
   *239 Pearl St. - Parcel No. XAO-385-0032-00*
   *247 Pearl St. - Parcel No. XAO-385-0029-00*

SECTION 23A.06 FORM-BASED OVERLAY DISTRICT (FBOD):

The Form-Based Overlay District (FBOD): shall authorize the use of Form Based Codes as a means of protecting and preserving the historic nature of the downtown urban core of Adrian, MI. The application of the Form-Based Overlay District (FBOD): is intended to apply for properties located entirely within the Overlay District. (Property list & Map below)
All new construction within the Form-Based Overlay District (FBOD): must adhere to Area, height, bulk and placement requirements contained in in this section, unless otherwise specified as provided in Article XXIV, Schedule of Regulations, B-3 Central Business District.

SECTION 23A.07 FORM-BASED OVERLAY DISTRICT (FBOD):

The 100 block of West Maumee Street. The 100 block of East Maumee Street. The 100 Block of South Main Street. The 100 & 200 block of North Main Street. The 100 & 200 block of North Winter Street. The 100 block of South Winter Street. This area, along with several other individual parcels, forms the heart of

historic downtown Adrian be established as an area for overlay zoning per Article XXXII – Overlay Zoning Districts. The properties are as follows:

**Property List:**

| Parcel Number | Address | Direction | Street | Zoning |
|---|---|---|---|---|
| XA0-100-0246-00 | 143 | S | WINTER ST | B-3 |
| XA0-385-0002-01 | 136 | S | WINTER ST | B-3 |
| XA0-100-0248-00 | 127 | S | WINTER ST | B-3 |
| XA0-100-0245-00 | 118 | W | CHURCH ST | B-3 |
| XA0-385-0002-02 | 138 | S | WINTER ST | B-3 |
| XA0-100-0247-00 | 131 | S | WINTER ST | B-3 |
| XA0-385-0001-00 | 132 | S | WINTER ST | B-3 |
| XA0-850-0228-00 | City Owned | | | |
| XA0-100-0224-01 | 120 | S | WINTER ST | B-3 |
| XA0-000-0092-00 | 144 | N | WINTER ST | B-3 |
| XA0-385-0004-00 | 148 | S | WINTER ST | B-3 |
| XA0-100-0223-01 | 116 | S | WINTER ST | B-3 |
| XA0-100-0222-01 | 112 | S | WINTER ST | B-3 |
| XA0-000-0006-00 | 201 | W | MAUMEE ST | B-3 |
| XA0-850-0228-00 | City Owned | | | |
| XA0-100-0219-01 | 202 | W | MAUMEE ST | B-3 |
| XA0-000-0088-00 | 215 | N | MAIN ST | B-3 |
| XA0-000-0073-01 | 211 | N | WINTER ST | B-3 |
| XA0-000-0067-00 | 117 | N | WINTER ST | B-3 |
| XA0-000-0093-00 | 142 | N | WINTER ST | B-3 |
| XA0-000-0068-00 | 133 | N | WINTER ST | B-3 |
| XA0-000-0080-02 | 113 | W | FRONT ST | B-3 |
| XA0-000-0023-00 | 202 | N | MAIN ST | B-3 |
| XA0-000-0091-01 | 160 | N | WINTER ST | B-3 |
| XA0-000-0097-00 | 216 | N | MAIN ST | B-3 |
| XA0-000-0100-00 | 220 | N | MAIN ST | B-3 |
| XA0-000-0090-00 | 204 | N | WINTER ST | B-3 |
| XA0-000-0071-00 | 155 | N | WINTER ST | B-3 |
| XA0-000-0101-00 | 228 | N | MAIN ST | B-3 |
| XA0-000-0021-00 | 209 | N | MAIN ST | B-3 |
| XA0-255-2008-00 | 117 | N | WINTER ST | B-3 |
| XA0-000-0102-00 | 230 | N | MAIN ST | B-3 |
| XA0-000-0080-02 | 113 | W | FRONT ST | B-3 |
| XA0-000-0086-05 | 225 | N | MAIN ST | B-3 |
| XA0-000-0074-00 | 213 | N | WINTER ST | B-3 |
| XA0-000-0103-01 | 240 | N | MAIN ST | B-3 |
| XA0-000-0086-00 | 231 | N | MAIN ST | B-3 |
| XA0-000-0081-03 | 235 | N | MAIN ST | B-3 |
| XA0-000-0079-00 | County Bldg. | W | FRONT ST | B-3 |
| XA0-000-0072-00 | 205 | N | WINTER ST | B-3 |
| XA0-000-0076-01 | 227 | N | WINTER ST | B-3 |
| XA0-255-3002-00 | 245 | N | WINTER ST | B-3 |
| XA0-255-3001-00 | 301 | N | WINTER ST | B-3 |
| XA0-255-3004-00 | 311 | N | WINTER ST | B-3 |
| XA0-255-3003-00 | 305 | N | WINTER ST | B-3 |
| XA0-100-0272-00 | 105 | E | CHURCH ST | B-3 |
| XA0-100-0271-00 | 149 | S | MAIN ST | B-3 |
| XA0-100-0268-00 | 141 | S | MAIN ST | B-3 |

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|---|---|---|---|---|
| XA0-000-0046-00 | 142 | S | MAIN ST | B-3 |
| XA0-100-0270-00 | 145 | S | MAIN ST | B-3 |
| XA0-100-0269-00 | 143 | S | MAIN ST | B-3 |
| XA0-100-0279-00 | 144 | S | MAIN ST | B-3 |
| XA0-100-0261-01 | 113 | S | MAIN ST | B-3 |
| XA0-100-0254-00 | 128 | E | MAUMEE ST | B-3 |
| XA0-100-0253-01 | 124 | E | MAUMEE ST | B-3 |
| XA0-100-0212-00 | 118 | W | MAUMEE ST | B-3 |
| XA0-850-0165-00 | 156 | E | MAUMEE ST | R-O |
| XA0-100-0267-00 | 137 | S | MAIN ST | B-3 |
| XA0-850-0167-00 | 147 | S | MAIN ST | B-3 |
| XA0-100-0237-00 | 122 | S | MAIN ST | B-3 |
| XA0-100-0236-00 | 120 | S | MAIN ST | B-3 |
| XA0-100-0235-00 | 118 | S | MAIN ST | B-3 |
| XA0-100-0233-01 | 108 | S | MAIN ST | B-3 |
| XA0-000-0014-00 | 101 | W | MAUMEE ST | B-3 |
| XA0-100-0233-00 | 105 | W | MAUMEE ST | B-3 |
| XA0-100-0232-00 | 109 | W | MAUMEE ST | B-3 |
| XA0-100-0231-00 | 113 | W | MAUMEE ST | B-3 |
| XA0-100-0229-00 | 117 | W | MAUMEE ST | B-3 |
| XA0-100-0226-00 | 125 | W | MAUMEE ST | B-3 |
| XA0-100-0230-00 | 115 | W | MAUMEE ST | B-3 |
| XA0-100-0256-00 | 160 | E | MAUMEE ST | B-3 |
| XA0-100-0259-00 | 111 | S | MAIN ST | B-3 |
| XA0-100-0257-00 | 107 | S | MAIN ST | B-3 |
| XA0-100-0258-00 | 109 | S | MAIN ST | B-3 |
| XA0-000-0035-01 | 142 | E | MAUMEE ST | B-3 |
| XA0-000-0030-01 | 135 | E | MAUMEE ST | B-3 |
| XA0-100-0208-00 | 102 | W | MAUMEE ST | B-3 |
| XA0-100-0162-00 | 129 | E | MAUMEE ST | B-3 |
| XA0-100-0234-00 | 116 | S | MAIN ST | B-3 |
| XA0-100-0164-00 | 125 | E | MAUMEE ST | B-3 |
| XA0-100-0239-00 | 126 | S | MAIN ST | B-3 |
| XA0-100-0243-01 | 136 | S | MAIN ST | B-3 |
| XA0-100-0171-00 | 112 | N | MAIN ST | B-3 |
| XA0-100-0211-00 | 110 | W | MAUMEE ST | B-3 |
| XA0-100-0172-00 | 114 | N | MAIN ST | B-3 |
| XA0-100-0205-00 | 111 | N | MAIN ST | B-3 |
| XA0-100-0251-00 | 114 | E | MAUMEE ST | B-3 |
| XA0-100-0170-00 | 110 | N | MAIN ST | B-3 |
| XA0-100-0240-00 | 130 | S | MAIN ST | B-3 |
| XA0-100-0203-00 | 117 | N | MAIN ST | B-3 |
| XA0-100-0174-00 | 120 | N | MAIN ST | B-3 |
| XA0-100-0209-00 | 104 | W | MAUMEE ST | B-3 |
| XA0-100-0207-00 | 107 | N | MAIN ST | B-3 |
| XA0-100-0252-00 | 120 | E | MAUMEE ST | B-3 |
| XA0-100-0250-00 | 110 | E | MAUMEE ST | B-3 |
| XA0-100-0210-00 | 108 | W | MAUMEE ST | B-3 |
| XA0-100-0238-00 | 124 | S | MAIN ST | B-3 |
| XA0-100-0206-00 | 109 | N | MAIN ST | B-3 |
| XA0-100-0175-00 | 122 | N | MAIN ST | B-3 |
| XA0-100-0228-00 | 121 | W | MAUMEE ST | B-3 |
| XA0-100-0227-00 | 123 | W | MAUMEE ST | B-3 |
| XA0-000-0040-00 | 102 | E | MAUMEE ST | B-3 |

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| XA0-000-0118-00 | 114 | W | MAUMEE ST | B-3 |
| XA0-100-0167-00 | 113 | E | MAUMEE ST | B-3 |
| XA0-100-0173-00 | 116 | N | MAIN ST | B-3 |
| XA0-100-0166-00 | 121 | E | MAUMEE ST | B-3 |
| XA0-100-0165-00 | 123 | E | MAUMEE ST | B-3 |
| XA0-100-0168-00 | 109 | E | MAUMEE ST | B-3 |
| XA0-100-0255-00 | 130 | E | MAUMEE ST | B-3 |
| XA0-000-0034-01 | 122 | E | MAUMEE ST | B-3 |
| XA0-100-0211-01 | 112 | W | MAUMEE ST | B-3 |
| XA0-000-0032-00 | 153 | E | MAUMEE ST | B-3 |
| XA0-100-0169-00 | 101 | E | MAUMEE ST | B-3 |
| XA0-100-0225-00 | 127 | W | MAUMEE ST | B-3 |
| XA0-000-0033-00 | 155 | E | MAUMEE ST | B-3 |
| XA0-000-0037-00 | 136 | E | MAUMEE ST | B-3 |
| XA0-000-0029-00 | 117 | E | MAUMEE ST | B-3 |
| XA0-100-0249-00 | 108 | E | MAUMEE ST | B-3 |
| XA0-100-0204-00 | 115 | N | MAIN ST | B-3 |
| XA0-000-0126-00 | 159 | E | MAUMEE ST | B-3 |
| XA0-100-0264-01 | 129 | S | MAIN ST | B-3 |
| XA0-100-0263-01 | 115 | S | MAIN ST | B-3 |
| XA0-100-0181-01 | 136 | N | MAIN ST | B-3 |
| XA0-850-0226-00 | City Owned | | | OS-1 |
| XA0-100-0201-00 | 121 | N | MAIN ST | B-3 |
| XA0-100-0177-00 | 126 | N | MAIN ST | B-3 |
| XA0-100-0176-00 | 124 | N | MAIN ST | B-3 |
| XA0-100-0180-00 | 134 | N | MAIN ST | B-3 |
| XA0-100-0179-01 | 130 | N | MAIN ST | B-3 |
| XA0-100-0202-00 | 119 | N | MAIN ST | B-3 |
| XA0-100-0188-00 | 155 | N | MAIN ST | B-3 |
| XA0-100-0189-00 | 153 | N | MAIN ST | B-3 |
| XA0-100-0191-00 | 149 | N | MAIN ST | B-3 |
| XA0-100-0187-01 | 142 | N | MAIN ST | B-3 |
| XA0-100-0190-00 | 151 | N | MAIN ST | B-3 |
| XA0-000-0024-01 | 150 | N | MAIN ST | B-3 |
| XA0-000-0095-00 | 141 | N | MAIN ST | B-3 |
| XA0-000-0094-00 | 139 | N | MAIN ST | B-3 |
| XA0-100-0194-00 | 143 | N | MAIN ST | B-3 |
| XA0-100-0193-00 | 145 | N | MAIN ST | B-3 |
| XA0-000-0025-00 | 146 | N | MAIN ST | B-3 |
| XA0-850-0226-00 | City Owned | | | OS-1 |
| XA0-100-0200-01 | 123 | N | MAIN ST | B-3 |
| XA0-100-0198-02 | 127 | N | MAIN ST | B-3 |
| XA0-100-0215-01 | 120 | W | MAUMEE ST | B-3 |
| XAO-255-2005-00 | 246 | W | MAUMEE ST | B-3 |
| XAO-255-2003-00 | 242 | W | MAUMEE ST | B-3 |
| XAO-255-2007-00 | 256 | W | MAUMEE ST | B-3 |
| XAO-850-0159-00 | 230 | W | MAUMEE ST | B-3 |
| XA0-100-0195-00 | 137 | N | MAIN ST | B-3 |
| XA0-100-0192-00 | 147 | N | MAIN ST | B-3 |
| XA0-000-0122-00 | 128 | | TOLEDO ST | B-3 |
| XAO-000-0124-00 | 119 | N | BROAD ST | B-3 |

# Uses Permitted

Use designations:

- PU - Principal Uses
- SU - Special Uses (Zoning Exception Permit)
- CU - Conditional Use
- NPU – Not Permitted Use

| Use | B-3 (Current) | B-3 Overlay: Ground Floor | B-3 Overlay: 2nd – 4th Floor |
|---|---|---|---|
| Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods, liquor, furniture, clothing, dry goods, notions, drugs, or hardware. | PU | PU | PU |
| Repair shops (watches, radio, television, shoe, etc.) | PU | PU | PU |
| Tailor shops | PU | PU | PU |
| Beauty parlors | PU | PU | PU |
| Barber shops | PU | PU | PU |
| Interior decorators | PU | PU | PU |
| Restaurants and taverns | PU | PU | PU |
| Offices and office buildings of an executive, administrative or professional nature. | PU | PU | PU |
| Hotels and motels | PU | PU | PU |
| Post offices | PU | PU | PU |
| Libraries | PU | PU | PU |
| Mixed uses i.e. Commercial and residential uses combined in one structure, subject to Section 12.03.5. | PU | PU | PU |
| Housing for the elderly. | PU | NPU | PU |
| Brew Pubs as defined in Section 2.28.01 | PU | PU | NPU |
| Off-street parking lots, operated as a business | PU | NPU | NPU |
| Accessory buildings and uses customarily incidental to the principal uses | PU | NPU | N/A |
| Public education facilities subject to restrictions (15.02, 14 a, b.) | PU | PU | PU |
| Sidewalk café (15.03, 1 a,b,c) | SU | SU | N/A |
| Group family homes, subject to 2.52 (C) and Section 25.15 | SU | NPU | NPU |

| | | | |
|---|---|---|---|
| Government and administrative buildings including courthouses, jails, fire stations and city hall, subject to the following standards and conditions: | SU | SU | SU |
| Student Group Homes subject to Section 2.41.01 (C) and Section 25.15A. | SU | NPU | NPU |
| Worship Halls, subject to Section 25.07 | SU | NPU | SU |
| Assembly Halls, subject to Section 25.07 | SU | SU | SU |
| Theater or Concert Halls, subject to Section 25.07 | SU | SU | SU |
| Yoga studios | PU | PU | PU |
| Dance studios | NPU | PU | PU |
| Gyms | NPU | PU | N/A |
| Parks | NPU | PU | N/A |

# Design Standards

A. **Building Design and Materials:**

1. Overall Design: It is the intent of this Article to improve the appearance of and add visual interest to the FBOD. Emphasis shall be placed upon methods that focus attention on attractive buildings that front on the adjacent right-of-way.

2. Transparency: (Windows & Doors) Minimum of thirty percent (30%) of walls visible from public streets (street address frontage) should be dedicated to transparency (windows and doors). Minimum of thirty percent (30%) of upper floors dedicated to transparency.

3. Materials: Durable building materials, simple configurations, and solid craftsmanship are required. Walls visible from public streets, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only) split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S) and vinyl or aluminum siding should only be used for accents.

**Tips:**

- Historic storefront elements will be identified, preserved, and repaired.
- Storefronts will be kept in good repair. If repair or replacement of storefront elements is needed, high-quality materials that are compatible with the existing building will be used.
- The original size, shape and proportion of display windows and entrances will be maintained. Storefront windows will not be enclosed or reduced in size.
- Unpainted masonry will not be painted, and brick and masonry will not be sandblasted or cleaned with harsh chemicals.

# Form-Based Regulations

**Form-Based Overlay District:** Downtown core buildings and sites will be developed in a manner which contributes to the character of the area by maximizing the value of the property and continues to the traditional "street wall" of adjacent historic buildings. FBOD sites must comply with the following regulations:

**Form-Based Regulations Table:**

| | |
|---|---|
| Minimum | 2 story/25 feet |
| Maximum | 4 story/60 feet |
| Ground Floor Maximum | 12 feet |

| | | |
|---|---|---|
| Front | Required Building Line | All building façade must meet required building lot line. Zero lot line buildings. |
| Side | Minimum Setback | N/A |
| Rear | Minimum Setback | N/A |

| | |
|---|---|
| Maximum Coverage of Building Site | N/A |
| Minimum Floor Area Per Unit | N/A |
| | |
| | |

SECTION 23A.08 OVERLAY ZONE MARIHUANA 1 (EAST) (OZM): The Overlay Zone shall authorize the use of Marihuana Processors, Compliance Facilities, Secure Transporters, Growers, Retailers, and Provisioning Centers subject to a Zoning Exception Permit. The Overlay Zone Marihuana (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. The Overlay Zone Marihuana 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 TH SLY 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.

All new construction within the OZM must adhere to Area, height, bulk and placement requirements unless otherwise specified are as provided in Article XXIV Schedule of Regulations, Zoning District.

1. Marihuana Processors 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 46-505.
    c. 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.
    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 are being met.
2. Marihuana Compliance Facilities 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.
    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.

3. Marihuana 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
    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 are being met.
4. Marihuana 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.
    c. All operations shall occur within an enclosed building. The outdoor growth, cultivation or processing of marihuana 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 are being met.
5. Marihuana Provisioning Centers as defined in PA 281 of 2016, as amended, and Marihuana Retailers, as defined in Initiated Law 1 of 2018, as amended, subject to the following conditions:
    a. All Marihuana Provisioning Centers and Marihuana Retailers must be owned and operated by the licensed grower and be located on the same parcel as the licensed grow facility.
    b. All such facilities shall hold a valid License for the appropriate operation as issued by the State of Michigan, before the use is commenced.
    c. The licensee shall have, or shall have applied for, a permit as described in Chapter 46 of the Adrian City Code.
    d. There is no limit to the number of Marihuana Provisioning Centers or Marihuana Retailers within the Marihuana Overlay District(s). A site may function as both a Provisioning Center and a Retailer.

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-family residential use (R-1 through R-4).
h. Drive-through, drive-up or curb-side service facilities are prohibited.
i. 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.
j. 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 23A.09 OVERLAY ZONE MARIHUANA 2 (WEST) (OZM): The Overlay Zone shall authorize the use of Marihuana Processors, Compliance Facilities, Secure Transporters, Growers, Retailers, and Provisioning Centers subject to a Zoning Exception Permit. The Overlay Zone Marihuana (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. The Overlay Zone Marihuana 1 (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.

All new construction within the OZM must adhere to Area, height, bulk and placement requirements unless otherwise specified are as provided in Article XXIV Schedule of Regulations, Zoning District.

1. Marihuana Processors 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 46-505.
    c. 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.
    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 are being met.
2. Marihuana Compliance Facilities 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.
    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.
3. Marihuana 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
    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 are being met.
4. Marihuana 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.
    c. All operations shall occur within an enclosed building. The outdoor growth, cultivation or processing of marihuana 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 are being met.

5. Marihuana Provisioning Centers as defined in PA 281 of 2016, as amended, and Marihuana Retailers, as defined in Initiated Law 1 of 2018, as amended, subject to the following conditions:
    a. All Marihuana Provisioning Centers and Marihuana Retailers must be owned and operated by the licensed grower and be located on the same parcel as the licensed grow facility.
    b. All such facilities shall hold a valid License for the appropriate operation as issued by the State of Michigan, before the use is commenced.
    c. The licensee shall have, or shall have applied for, a permit as described in Chapter 46 of the Adrian City Code.
    d. There is no limit to the number of Marihuana Provisioning Centers or Marihuana Retailers within the Marihuana Overlay District(s). A site may function as both a Provisioning Center and a Retailer.
    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-family residential use (R-1 through R-4).
    h. Drive-through, drive-up or curb-side service facilities are prohibited.
    i. 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.
    j. 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.

## ARTICLE XXIIIB

## AHD ADRIAN HISTORIC DISTRICT

SECTION 23B.1 SHORT TITLE: This article shall be known and may be cited as the Adrian Historic District Ordinance.

SECTION 23B.2 HISTORIC PRESERVATION AS A PUBLIC PURPOSE: Historic preservation is declared to be a public purpose and the City Commission may, by ordinance, regulate the construction, addition, alteration, repair, moving, excavation, and demolition of structures in historic districts within the City limits. The purpose of this Ordinance shall be the following:

1. Safeguard the heritage of the City by preserving historic districts as well as the individual buildings, structures, sites and objects within the districts in the City, which reflect elements of the City's history, culture, archaeology, engineering, or architecture;

2. Stabilize and improve property values in the districts and the surrounding neighborhoods by protecting the value and preserving historic resources;

3. Foster civic beauty;

4. Strengthen the local economy;

5. Promote the use of historic districts for the education, pleasure and welfare of the citizens of the City and of the state;

6. Allow use of state and federal tax credits and other grant programs, which encourage historic preservation, available to owners of historic properties;

7. Assist property owners in recognizing and protecting their historic resources.

SECTION 23B.3 DEFINITIONS:

Alteration: Any act or process that changes one (1) or more of the exterior architectural features of a structure.

Certificate of Appropriateness: A written approval issued by the Commission for appropriate work.

Certificate of Economic Hardship: A certificate issued by the Commission authorizing an alteration, construction, removal, or demolition, even though a Certificate of Appropriateness has previously been denied.

City Commission: The Adrian City Commission.

Commission: The *Adrian Historic Commission* (a.k.a. the State and Dennis Streets Historic District Commission.)

Committee: The Historic District Study Committee appointed by the City Commission.

Contributing Historic Structure: A resource that contributes to the character of the Historic District including its sense of time, place and historical development by its location, design, setting, materials, workmanship, association and retention of basic integrity of architectural design. These resources may include those associated with important persons, events or types of service or embody the distinguishing characteristics of an architectural specimen inherently valuable as a representation of a period, style or method of construction.

Denial: The written rejection or a permit application for work that is inappropriate and that adversely affects a resource.

Demolition by Neglect: The neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.

Design Guideline: A standard of appropriate activity that will preserve the historic and architectural character of a property, structure or area.

Exterior Architectural Feature: The architectural character and general composition of the exterior of a structure including, but not limited to, the kind and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

Historic District: An area or group of areas that contain one or more resources that share a common historic element, such as geography, period, style or theme and which have been designated as a “historic district” by ordinance of the City Commission pursuant to MCL 399.201 et seq. All portions of such districts need not be contiguous.

Historic Preservation: The identification, evaluation, establishment and protection of resources significant in history, architecture, archaeology, engineering or culture.

Individual Historic Property: An individual building, structure, site or object which has historical significance and which has been designated as part of a historic district by ordinance of the City Commission pursuant to MCL 399.201 et seq.

Non-Contributing Resource: Non-contributing structure because it does not add to the Historic District’s sense of time, place and historical development or where the location, design, setting, materials, workmanship, feeling and association have been so altered or have so deteriorated that the overall integrity of the structure has been irretrievably lost. Ordinarily, resources that have been built within the past fifty (50) years shall not be considered to contribute to the significance of the historic district unless a strong justification concerning their historical or architectural merit is given or the historical attributes of the Historic District are considered to be less than fifty years old.

Notice to Proceed: The written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under Section 5.305-3.

Ordinary Maintenance: The act of keeping a structure unimpaired and in good condition through ongoing, minor intervention, undertaken, from time to time, on its exterior condition. It does not change the external appearance of the structure, except through the elimination of the usual and expected effects of weathering.
Owner of Record: The person, corporation, or other legal entity listed as owner on the records of the City Assessor.

Removal: Any relocation of a structure on its site or to another site.

Resource: One (1) or more publicly or privately owned historic buildings, structures, sites, objects, features, or open spaces located within a historic district.

Work: Construction, addition, alteration, repair, moving, excavation, or demolition of a resource.

SECTION 23B.4 ADRIAN REGISTER OF HISTORIC PLACES: The historic resources designated pursuant to this Ordinance and standards of preservation for historic districts shall be described in the Adrian Register of Historic Places hereinafter called the "Historic Register," which shall be maintained by the City Clerk. All of the procedures and penalties set forth within this Ordinance are applicable to the properties set forth in the Historic Register.

SECTION 23B.5 ADRIAN HISTORIC COMMISSION (A.K.A. STATE AND DENNIS STREETS HISTORIC DISTRICT COMMISSION):

1. Creation of the Commission. In order to execute the purpose of this Ordinance, there is, hereby, created a Commission to be called the *"Adrian Historic Commission"* (a.k.a. "State Street and Dennis Street Historic District Commission").

2. Membership of the Commission. The Commission shall consist of seven (7) members whose residence is located in the City of Adrian. They shall be appointed by the Mayor for terms of office of three (3) years, provided that two (2) of the initial members shall be appointed for one (1) year, two (2) for two years, and three (3) for three (3) years as terms expire. Members of the Commission may be reappointed after their terms expire. The terms of office of the members shall begin as of the date of the passage of this Ordinance. A person appointed by the Mayor for the unexpired term shall fill a vacancy occurring in the membership of the Commission for any cause. The City Commission shall fill any vacancy on the Commission within sixty (60) calendar days. Members of this Commission shall serve without compensation.

3. The Duties and Powers of the Commission. It shall be the duty of the Commission to review all plans for work on resources in a historic district, and no permit shall be granted until the Commission has acted thereon as hereinafter provided.

The Commission shall pass only on exterior features of a resource and shall not consider interior arrangements, unless they affect the exterior; nor shall it deny applications except in regard to the considerations as set forth in this Ordinance. An application for repair or alteration affecting exterior appearance of a resource, or for the work involved on a resource which the Commission deems so valuable to the City of Adrian, the State of Michigan or the nation that the loss thereof will adversely affect the public purpose of the City of Adrian, the State of Michigan or the nation, the Commission shall endeavor to work out with the owner an economically feasible plan for preservation of the resource.

In reviewing plans, the Commission shall follow the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as set forth in 36 C.F.R. Part 67. The Commission shall also consider all of the following:

a. The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area

b. The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area. The general compatibility of the design, arrangement, texture, and materials proposed to be used.

c. Other factors, such as aesthetic values, that the Commission finds relevant.

The Commission shall permit work within a historic district through the issuance of a Notice to Proceed if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

a. The resource constitutes a hazard to the safety of the public or to the structure's occupants.

b. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.

c. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include

offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.

d. Retaining the resource is not in the interest of the majority of the community.

The Commission shall have the power to issue a Certificate of Appropriateness if it approves of the plan submitted to it for review.

4. Rules of the Commission. The Commission shall elect from its membership a chairman and vice-chairman whose terms of office shall be fixed by the Commission. The Chairman shall preside over the Commission and shall have the right to vote. The vice-chairman shall, in case of absence or disability of the chairman, perform the duties of the chairman. The Commission shall also select or elect a secretary who need not be a member of the Commission.

At least four (4) members of the Commission shall constitute a quorum for the transaction of its business, which shall provide for the time and place of holding regular meetings. It shall provide for the calling of special meetings by the chairman or by at least two (2) members of the Commission. All meetings of the Commission shall be open to the public and any person or a duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its decision. Three consecutive unexcused absences shall be grounds to remove a member.

The Commission shall keep a record, which shall be open to public view, of its resolutions, proceedings and actions, in accordance with Public Act 442. The passage of any resolution, proceeding or action by the Commission shall be by a majority vote of the members present at the meeting.

5. As other historic districts are created, the City Commission may create a separate commission for each district. The rules for the creation, duties and powers of the commission and other general rules shall be the same as for the State and Dennis Streets Historic District Commission. Members of the State Street and Dennis Street Historic District Commission may sit on other historic district commissions.

SECTION 23B.6 ESTABLISHMENT, MODIFICATION OR ELIMINATION OF HISTORIC DISTRICTS: The City may, at any time, by ordinance, establish, amend or eliminate a historic district. Before doing so, the City Commission must receive a report from the Historic District Study Committee. The Committee shall include at least two (2) members of the Historic District Commission, at least one (1) member residing or working in the affected area, and such additional members appointed by the City Commission. A majority of the Committee members must show a demonstrated interest in or knowledge of historic preservation and one (1) member shall be a representative of any existing historical preservation society, recognized neighborhood association and merchants' group in the affected area. The term of office for Committee members

considering historic districts shall end when the City Commission takes final action on the Committee's recommendations or at such earlier date as the City Commission, by resolution, directs. Each Committee shall review and research properties within the proposed district and shall make a preliminary report on the historical significance of areas under study. The report shall contain recommendations concerning the area to be included in the proposed historic district. When modifying or eliminating an existing district the City Commission may retain the initial committee or establish a new committee.

A. To establish a new historic district or modify an existing historic district:

1. The Committee, or consultants employed by the Committee, shall do all of the following:

a. Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the Bureau of History.

b. Conduct basic research of each proposed historic district and the historic resources located within that district.

c. Determine the total number of historic (contributing) and non-historic (non-contributing) resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Committee shall consider the following:

(1) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state, or country;

(2) Its location as a site of significant local, county, state, or national event;

(3) Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country;

(4) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;

(5) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or country;

(6) Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;

(7) Its embodiment of design elements that make it structurally or architecturally innovative;

(8) Its unique location or singular physical characteristics that make it an established or familiar, visual features;

(9) Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;

d. Prepare a preliminary Committee report that addresses, at a minimum, all of the following:

(1) The charge of the Committee;

(2) The composition of the Committee membership;

(3) The historic district or districts studied;

(4) The boundaries for each proposed historic district in writing and on maps;

(5) The history of each proposed historic district;

(6) The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

e. Transmit copies of the preliminary report for review and recommendations to the Adrian Planning Commission, the Bureau of History, the Michigan Historical Commission, and to the Michigan State Historic Review Board. Copies shall be made available to the public according to the Freedom of Information Act.

2. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Committee shall hold a public hearing in compliance with Act No. 267 of the Public Acts of 1976, as amended. Public notice of the time, date, and place of the hearing shall be given. Written notice shall be mailed by first-class mail not less than fourteen (14) calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the Adrian tax rolls.

3. After the date of the public hearing, the Committee and the City Commission shall have not more than one (1) year, unless otherwise authorized by the City Commission, to take the following actions:

a. The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the Adrian Planning Commission to the City Commission. If the recommendation is to establish a historic district or districts, the final report shall include a draft of a proposed ordinance.

b. After receiving a final report that recommends the establishment of a historic district or districts, the City Commission, at its discretion, may introduce and pass or reject an ordinance. If the City Commission passes an ordinance establishing one or more historic districts, the City Commission shall file a copy of that

ordinance, including a legal description of the property or properties located within the historic district or districts, with the Register of Deeds. The City Commission shall not pass an ordinance establishing a contiguous historic district less than sixty (60) days after a majority of the property owners within the proposed historic district, as listed on the Adrian tax rolls, have approved the establishment of the historic district pursuant to a written petition.

4. All writings prepared, owned, used, in possession of, or retained by the Committee in the performance of any official function, shall be made available to the public.

B. Eliminating an historic district:

If considering elimination of a historic district, the Committee shall follow the procedures set forth above for issuing a preliminary report, holding a public hearing and issuing a final report, but with the intent of showing one (1) or more of the following:

1. The historic district has lost those physical characteristics that enabled establishment of the district.

2. The historic district was not significant in the way previously defined.

3. The historic district was established pursuant to defective procedures.

C. Proposed Districts. Upon receipt of substantial evidence showing the presence of historic, architectural, archeological, engineering or cultural significance of a proposed historic district, the City Commission may adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Commission as prescribed in 5.305-3 of this Ordinance. The Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district for not more than one (1) year, or until such time as the City Commission approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

SECTION 23B.7 ALTERATION OF PROPERTY IN THE REGISTER:

1. Except as permitted by the Historic Register or by Section 5.310, no person shall alter, move or demolish any resource listed in the Register in a manner that affects its exterior appearance without first obtaining permission from the Commission and the Building Department, and complies with the requirements set forth herein.

2. No person shall alter, move or demolish a resource contrary to its preservation standards without first obtaining a Notice to Proceed from the Commission, which is binding on the Building Inspector.

3. To obtain permission to work on any resource in a historic district, an application for a building permit must be filed with the Building Inspector. The Building Inspector shall review the application for compliance with the requirements for all other Ordinances of the City Code and shall immediately forward a complete application to the Commission, together with the accompanying plans and other information, for a review and determination regarding compliance with this Ordinance. Application for permission from the Commission may be made prior to filing a final application with the Building Inspector. In such cases, the Commission shall review the final plans submitted to the Building Inspector for compliance with the Commission's determination. All applications for such permits shall be accompanied by drawings or diagrams in legible form, which need not be certified, and by suitable photographs of all areas of the exterior of the structure to be affected if such permit were granted. The applicant shall pay such fees as are required.

4. In reviewing an application for a permit, the Commission shall follow:

   a. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;

   b. The Adrian Historic District Guidelines for Rehabilitation of Historic Structures, adopted herein by reference;

   c. And any other factor, including aesthetics, which the Commission considers pertinent. However, the demolition or moving of resources of historical or architectural worth shall be discouraged.

   The Commission shall also consider the following:

   d. The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area;

   e. The general compatibility of the design, arrangement, texture, and materials proposed to be used;

   f. Other factors, such as aesthetic value, that the Commission finds relevant.

5. The Commission shall deny applications only on the basis of considerations specified in Subsection (4). Denial shall be in writing and state the reasons and all appeal procedures.

6. If the proposed work on the resource endangers the historic preservation purposes of the City, the Commission shall attempt to establish with the owner an economically feasible plan for preservation of the resource.

7. If all efforts by the Commission to preserve a historic resource fail, or if it is determined that public ownership is most suitable, the City Commission, if deemed to be in the public interest, may acquire such historic property using public funds, gifts for historical purposes, grants from the state or federal governments for acquisitions of historic properties, or proceeds from revenue bonds issued for historic preservation purposes. Such acquisitions shall be based on the recommendation of the Commission. The City Commission has responsibility for the maintenance of publicly owned historic resources using its own funds, if not specifically earmarked for other purposes, or other public funds committed for that purpose.

8. Upon recommendation of the Commission, the City Commission may sell historic resources required under this Ordinance with protective easements included in the property transfer documents.

9. The Commission shall issue a Notice to Proceed for the work on a resource in a Historic District if any of the following conditions exist and if, in the findings of the Commission, the proposed changes will materially improve or correct these conditions:

    a. The resource constitutes a hazard to the safety of the public or to the occupant of the structure;

    b. The resource is a deterrent to a major improvement program, which will be of substantial benefit to the community;

    c. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by owner;

    d. Retaining the resource is not in the best interest of the majority of the community.

10. The Commission shall approve or deny plans and, if approved, shall issue a Certificate of Appropriateness, which is to be signed by the Chairman, attached to the application for building permits and immediately transmitted to the Building Inspector. The Chairman shall stamp all prints submitted to the Commission signifying its approval. All permits issued shall be only according to that decision. If the Commission denies such plans, it shall state its denial, reasons for doing so, and the appeal process and shall transmit a record of such action in writing to the Building Inspector and to the applicant. The

Commission may advise what it thinks is proper if it denied the plan submitted. The applicant, if it is so desired, may make modifications to the plans and shall have the right to resubmit the application at any time after making the correct modifications. A Commission denial shall be binding on the City Building Inspector.

11. The Commission shall meet within thirty (30) calendar days after notification of the Building Inspector of the permit filing, unless otherwise mutually agreed upon by the applicant and the Commission, and shall review the plans according to the duties and powers specified herein. In reviewing the plans, the Commission may confer with the applicant for the permit. Failure of the Commission to approve or deny such plans within sixty (60) calendar days from the date of application for a permit, unless otherwise mutually agreed upon by the applicant and the Commission, shall be deemed approval of the application, and the Building Inspector shall proceed to process the application without regard to its Certificate of Appropriateness.

12. After the Certificate of Appropriateness has been issued and the building permit granted to the applicant, the Building Inspector shall, from time to time, inspect the construction, alteration or repair approved by said Certificate, and shall take such action as is necessary to force compliance with the approved plans.

13. Due to peculiar conditions of design and construction in historic districts, where structures were often built closest to the lot lines, it is in the public interest to retain the district's historic appearance by granting variances to normal yard setback requirements. Where the Commission deems that such variances will not adversely affect neighboring properties, the Commission may recommend to the Adrian Planning Commission that such variances in standard yard setback requirements be made.

SECTION 23B.8 MAINTENANCE AND REPAIR:

Nothing in this Ordinance shall be construed to prevent ordinary maintenance or repair of any resource within an historic district.

SECTION 23B.9 DETERIORATION:

No owner of property listed in the Historic Register shall permit it to deteriorate to an extent listed below. Vacant property shall be secured at all times from intrusion by animals or unauthorized persons. (Please refer to the International Property Maintenance Code, which is enforced by the City Inspection Department.) Prohibited deterioration includes, but is not limited to, the following:

1. Parts of property which are so attached that they may fall and injure members of the public or property;

2. Deteriorated or inadequate foundation;

3. Defective or deteriorated flooring or floor supports or flooring or floor supports of insufficient size to carry imposed loads with safety;

4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;

5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;

6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;

7. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;

8. Fireplaces or chimneys, which list, bulge or settle due to defective material or deterioration;

9. Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety;

10. Deteriorated, crumbling or loose plaster;

11. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;

12. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering;

13. Any fault or defect in the building which renders the same structurally unsafe or not properly watertight;

14. The deterioration of any significant architectural feature of the property.

SECTION 23B.10 BUILDING IMPROVEMENTS: If, in the opinion of the Building Inspector, a proposed improvement is safe and will not endanger the health, safety and welfare of the public, and a Certificate of Appropriateness has been issued by the Commission, repairs or improvements that maintain or restore the historical significance of the property may be made to properties in the Historic Register without strict compliance with the requirements of City Code.

SECTION 23B.11 EMERGENCY MORATORIUM: If the City Commission receives a recommendation from a Historic District Study Committee pursuant to Section 5.306, and if it determines there is a substantial danger of irreparable harm to buildings recommended for historic designation, it may declare an emergency moratorium on demolition or other action which will irreparably harm buildings proposed for historic designation. The moratorium may be declared by a resolution of the City Commission and may not be for a period exceeding one (1) year. The moratorium shall end when the City Commission has taken final action on an

ordinance considered pursuant to the recommendation. During the period of the moratorium, no permit shall be issued in violation of the moratorium. The City Commission may authorize the City Attorney to institute court proceedings to prevent damage to buildings within the designated moratorium area.

SECTION 23B.12 VIOLATIONS:

1. No person shall perform any work on any resource regulated by this Ordinance, except pursuant to the standards and procedures of this Ordinance.

2. No owner of any property listed in the Historic Register established pursuant to this Ordinance shall maintain any resource regulated by this Ordinance in a condition which violates the provisions of this Ordinance.

3. Anyone deemed to have violated the provisions of this Ordinance is responsible for civil violation and may be fined not more than five thousand ($5,000) dollars for each violation. Violators may be ordered by a court of competent jurisdiction to pay the costs to restore or replicate the historic structure unlawfully constructed, added to, altered, moved, repaired, excavated or demolished.

4. The City Attorney is authorized to seek an order from a court of competent jurisdiction to prevent any violation of this Ordinance or to require that property, which has been altered in violation of this Ordinance, be restored.

SECTION 23B.13 GRANTS, GIFTS AND PROGRAMS: The City Commission may accept state or federal grants for historic preservation purposes. It may participate in state and federal programs that benefit historic preservation. It may accept public or private gifts for historic preservation purposes. The commission for the district is hereby appointed the agent to accept and administer historic preservation grants, gifts, and program responsibilities. The Commission may appoint an agent on its behalf to administer the grant or program responsibilities.

SECTION 23B.14 SURVEYS AND RESEARCH: The City of Adrian may undertake an ongoing survey and research effort in the City to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the commission for the district may review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs.

SECTION 23B.15 APPEALS:

Any applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal of the decision to the State Historic Preservation review Board within sixty (60) days after the decision is furnished to the applicant as provided in Public Act 169 of 1970, as amended.

SECTION 23B.16 ECONOMIC HARDSHIP:

1. Application for a Certificate of Economic Hardship shall be made on a form prepared by the Commission and submitted in conjunction with an application for work as set forth in Section 30.47.

2. The Commission may, at its sole discretion, solicit expert testimony, schedule a public hearing and/or require that the applicant for a Certificate of Economic Hardship make submissions concerning any or all of the information set forth below before it makes a determination on the application.

    a. An estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a Determination of Appropriateness;

    b. A report from a licensed engineer or licensed residential builder for an estimate of the cost of the proposed construction, alteration, demolition, or removal, or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;

    c. Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

    d. In the case of a proposed demolition, an estimate from an architect, licensed residential builder, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

    e. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;

    f. If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

    g. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;

h. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;

i. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;

j. Assessed value of the property according to the two most recent assessments;

k. Real estate taxes for the previous two (2) years;

l. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other; and

m. Any other information the owner chooses to provide.

3. In the event that any of the information is not reasonably available to the owner, cannot be obtained by the owner, and/or may not be disclosed without a substantial adverse impact upon the owner, the owner may file with the Commission a description of the information which cannot be obtained and describe the reasons why such information cannot be obtained and/or provided.

4. The Commission shall review all the evidence and information required of an applicant for a Certificate of Economic Hardship and make a determination whether the denial of a Determination of Appropriateness has deprived, or will deprive, the owner of the property reasonable use of, or economic return on, the property. Failure of the Commission to act within sixty (60) calendar days after the date a complete application is received, unless the applicant and the Commission agree upon an extension in writing, shall be considered to constitute approval of the Determination of Appropriateness.

5. Upon a finding by the Commission that without approval of the proposed work all reasonable use of, or return from, a landmark or property within a Historic District will be denied a property owner, the Commission shall investigate plans and make recommendations to the City Commission to allow for a reasonable use of, or return from, the property or to otherwise preserve the subject property. Such plans and recommendations may include, but are not limited to, authorization for alterations, construction or reconstruction not in strict conformance with applicable preservation standards but consistent with the effectuation of the purposes of this ordinance; presentations to the property owner of available tax incentives and development and preservation options; to the extent possible under then-existing law, a reduction in real property taxes, financial assistance, building code modifications, and/or changes in zoning regulations.

6. If the Commission has found that without approval of the proposed work, the property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return therefrom, then the Commission shall issue a Certificate of Economic Hardship approving the proposed work and provide a copy of same to the Building Inspector. If the Commission finds otherwise, it shall deny the applications for work and for a Certificate of Economic Hardship and shall notify the applicant in writing of the reasons for the denial and the Applicant's right to appeal to the State Historic Preservation Review Board and to the Circuit Court and provide a copy of same to the Building Inspector.

SECTION 23B.17 SEVERABILITY: This Ordinance shall be construed as supplemental to and in conjunction with the laws of the State of Michigan and of the United States and not in derogation of them. Should any portion of this Ordinance be held invalid for any reason, such holding shall not be construed to affect the validity of any of the remaining portions of this Ordinance, but shall be confined in its operation to the clause, sentence, paragraphs or part thereof directly involved in the controversy in which said holding shall have been rendered.

SECTION 23B.18 APPEAL: All Ordinances or parts of Ordinances in conflict herewith are repealed only to the extent to give this Ordinance full force and effect.

SECTION 23B.19 DISTRICTS ESTABLISHED: Through the process provided for in Section 5.306, the City Commission may establish, modify, or eliminate historic districts. It is the purpose of this section to maintain a record of the status of specific historic districts.

**District 1. "State Street and Dennis Street District"**. The following described parcels within the City of Adrian, Lenawee County, Michigan are located within District 1.

1. **Tax Identification Number XA0-400-5031-00**
   **304 State Street,** more particularly described as the East 113.25 feet of Lot 22, Block 5 of Berry's Southern Addition
2. **Tax Identification Number XA0-400-5030-00**
   **312 State Street,** more particularly described as Lot 21, Block 5 of Berry's Southern Addition
3. **Tax Identification Number XA0-400-6001-00**
   **319 State Street,** more particularly described as Lot 1 and the North 16.5 feet of Lot 2, Block 6 of Berry's Southern Addition
4. **Tax Identification Number XA0-400-5029-00**
   **322 State Street,** more particularly described as Lot 20, Block 5 of Berry's Southern Addition
5. **Tax Identification Number XA0-400-5028-00**
   **408 State Street,** more particularly described as the North 16.5 feet of Lot 18 and all of Lot 19, Block 5 of Berry's Southern Addition
6. **Tax Identification Number XA0-400-6002-01**
   **409 State Street**, more particularly described as the South 82.5 feet of Lot 2, except the South 4 feet of the West 115 feet, Block 6 of Berry's Southern Addition.
7. **Tax Identification Number XA0-400-5027-00**
   **416 State Street,** more particularly described as the South 49.5 feet of Lot 18, Block 5 of Berry's Southern Addition.
8. **Tax Identification Number XA0-400-6003-01**
   **417 State Street,** more particularly described as Lot 3 and the South 4 feet of the West 114 feet of Lot 2, Block 6 of Berry's Southern Addition.
9. **Tax Identification Number XA0-400-5026-00**
   **422 State Street,** more particularly described as the North half of Lot 17 and the South 12.5 feet of Lot 18, Block 5 of Berry's Southern Addition.
10. **Tax Identification Number XA0-400-6004-00**
    **425 State Street,** more particularly described as Lot 4, Block 6 of Berry's Southern Addition.
11. **Tax Identification Number XA0-400-5025-00**
    **426 State Street,** more particularly described as the South half of Lot 17, Block 5 of Berry's Southern Addition.
12. **Tax Identification Number XA0-400-5024-00**
    **428 State Street,** more particularly described as the North half of Lot 16, Block 5 of Berry's Southern Addition.

13. **Tax Identification Number XA0-400-5028-00**
**432 State Street,** more particularly described as the North 12 feet of Lot 15 and the South half of Lot 16, Block 5 of Berry's Southern Addition.
14. **Tax Identification Number XA0-400-6005-00**
**433 State Street,** more particularly described as Lot 5, Block 6 of Berry's Southern Addition.
15. **Tax Identification Number XA0-400-5022-00**
**440 State Street,** more particularly described as the South 70.5 feet of Lot 15, Block 5 of Berry's Southern Addition.
16. **Tax Identification Number XA0-400-6006-00**
**443 State Street,** more particularly described as the North 74.5 feet of Lot 6, Block 6 of Berry's Southern Addition.
17. **Tax Identification Number XA0-400-5021-00**
**448 State Street,** more particularly described as the North 16.5 feet of Lot 13 and all of Lot 14, Block 5 of Berry's Southern Addition.
18. **Tax Identification Number XA0-400-6007-00**
**449 State Street,** more particularly described as the South 8 feet of Lot 6 and all of Lot 7, Block 6 of Berry's Southern Addition.
19. **Tax Identification Number XA0-400-5020-01**
**456 State Street,** more particularly described as the North 16.5 feet of Lot 12 and the South 66 feet of Lot 13, except a 0.5' x 25' portion of Lot 12, Block 5 of Berry's Southern Addition.
20. **Tax Identification Number XA0-400-6008-00**
**457 State Street,** more particularly described as Lot 8, Block 6 of Berry's Southern Addition.
21. **Tax Identification Number XA0-400-5019-01**
**462 State Street,** more particularly described as the East 105 feet of the South 66 feet of Lot 12, plus a 0.5' x 25' portion of Lot 12, Block 5 of Berry's Southern Addition.
22. **Tax Identification Number XA0-400-6009-00**
**463 State Street,** more particularly described as the West 123 feet of Lot 9, Block 6 of Berry's Southern Addition.
23. **Tax Identification Number XA0-400-8022-00**
**504 State Street,** more particularly described as the East 80 feet of the North 66 feet of Lot 9, Block 8 of Berry's Southern Addition.
24. **Tax Identification Number XA0-400-8021-00**
**510 State Street,** more particularly described as the North 99 feet of the South 132 feet of Lot 9 and the North 99 feet of the South 132 feet of the East 73.7 feet of Lot 10, Block 8 of Berry's Southern Addition.
25. **Tax Identification Number XA0-400-7003-01**
**511 State Street,** more particularly described as Beginning at the northwest corner of Lot 1, Block 7 of Berry's Southern Addition; thence East 76 feet; thence South 59 feet; thence South $48^0$ 52', East 10.61 feet; thence East 40 feet; thence South 66 feet; thence West 124 feet; thence North 132 feet to the point of beginning.

26. **Tax Identification Number XA0-400-7004-00**
**517 State Street,** more particularly described as the North 66 feet of the South 132 feet of Lot 1, Block 7 of Berry's Southern Addition.

27. **Tax Identification Number XA0-400-8020-00**
**518 State Street,** more particularly described as the South half of the South third of Lot 9 and the South half of the South third of the East half of Lot 10 and the North 21 feet of Lot 8, Block 8 of Berry's Southern Addition.

28. **Tax Identification Number XA0-400-7005-00**
**523 State Street,** more particularly described as the South 66 feet of Lot 1, Block 7 of Berry's Southern Addition.

29. **Tax Identification Number XA0-400-8018-00**
**530 State Street,** more particularly described as the South half of Lot 8, Block 8 of Berry's Southern Addition.

30. **Tax Identification Number XA0-400-7006-00**
**531 State Street,** more particularly described as the North 66 feet of Lot 2, Block 7 of Berry's Southern Addition.

31. **Tax Identification Number XA0-400-7007-00**
**537 State Street,** more particularly described as the South 132 feet of Lot 2, Block 7 of Berry's Southern Addition.

32. **Tax Identification Number XA0-400-8017-00**
**538 State Street,** more particularly described as the North half of Lot 7, Block 8 of Berry's Southern Addition.

33. **Tax Identification Number XA0-400-7008-00**
**543 State Street,** more particularly described as the South 48 feet of the North 180 feet of Lot 2, Block 7 of Berry's Southern Addition

34. **Tax Identification Number XA0-400-8016-00**
**544 State Street,** more particularly described as the North 49.5 feet of the South 66 feet of Lot 7, Block 8 of Berry's Southern Addition.

35. **Tax Identification Number XA0-400-7009-00**
**547 State Street,** more particularly described as the South 76 feet of Lot 2, Block 7 of Berry's Southern Addition.

36. **Tax Identification Number XA0-400-8015-00**
**548 State Street,** more particularly described as the North 16.5 feet of Lot 6 and the South 16.5 feet of Lot 7, Block 8 of Berry's Southern Addition.

37. **Tax Identification Number XA0-400-8014-00**
**550 State Street,** more particularly described as the South 25 feet of the North 41.4 feet of Lot 6, Block 8 of Berry's Southern Addition.

38. **Tax Identification Number XA0-400-8013-00**
**554 State Street,** more particularly described as the South 31 feet of the North 72.5 feet of Lot 6, Block 8 of Berry's Southern Addition.

39. **Tax Identification Number XA0-400-1003-00**
**204 East Church Street,** more particularly described as a parcel of land beginning 115.5 feet East of the Southwest corner of Block 1 of Berry's Southern Addition; thence East 131.5 feet; thence North 308.61 feet; thence North $72^0$ 08' West, 66.46 feet; thence South $40^0$ 09' West, 105.86 feet; thence South 246.9 feet to the point of beginning.

40. **Tax Identification Number XA0-850-0211-00**
**229 Dennis Street,** more particularly described as Lot, Block of Berry's Southern Addition.
41. **Tax Identification Number XA0-400-3016-00**
**232 Dennis Street,** more particularly described as Lot 12 and the East 95 feet of the North 1 foot of Lot 11, Block 3 of Berry's Southern Addition.
42. **Tax Identification Number XA0-400-3015-00**
**236 Dennis Street,** more particularly described as Lot 11, except the East 95 feet of the North 1 foot, Block 3 of Berry's Southern Addition.
43. **Tax Identification Number XA0-400-3014-00**
**304 Dennis Street,** more particularly described as Lot 10, Block 3 of Berry's Southern Addition.
44. **Tax Identification Number XA0-400-5001-00**
**305 Dennis Street,** more particularly described as Lot 1, Block 5 of Berry's Southern Addition
45. **Tax Identification Number XA0-400-5002-00**
**311 Dennis Street,** more particularly described as Lot 2, Block 5 of Berry's Southern Addition.
46. **Tax Identification Number XA0-400-3013-00**
**312 Dennis Street,** more particularly described as Lot 9, Block 3 of Berry's Southern Addition.
47. **Tax Identification Number XA0-400-5003-00**
**319 Dennis Street,** more particularly described as the North 57.75 feet of Lot 3, Block 5 of Berry's Southern Addition.
48. **Tax Identification Number XA0-400-3011-00**
**320 Dennis Street,** more particularly described as the West 53 feet of Lot 8, Block 3 of Berry's Southern Addition.
49. **Tax Identification Number XA0-400-5004-00**
**327 Dennis Street,** more particularly described as the South 24.66 feet of Lot 3 and the North half of Lot 4, Block 5 of Berry's Southern Addition.
50. **Tax Identification Number XA0-400-5005-00**
**333 Dennis Street,** more particularly described as the South half of Lot 4 and the North 24.75 feet of Lot 5, Block 5 of Berry's Southern Addition.
51. **Tax Identification Number XA0-400-5006-00**
**403 Dennis Street,** more particularly described as the South 57.75 feet of Lot 5, Block 5 of Berry's Southern Addition.
52. **Tax Identification Number XA0-400-4021-00**
**404 Dennis Street,** more particularly described as the North 44 feet of the East 100 feet of Lot 15, Block 4 of Berry's Southern Addition.
53. **Tax Identification Number XA0-400-4020-00**
**406 Dennis Street,** more particularly described as the South 38.5 feet of the East 100 feet of Lot 15, Block 4 of Berry's Southern Addition.
54. **Tax Identification Number XA0-400-5007-00**
**409 Dennis Street,** more particularly described as Lot 6, Block 5 of Berry's Southern Addition.

55. **Tax Identification Number XA0-400-4019-00**
**414 Dennis Street,** more particularly described as Lot 14, Block 4 of Berry's Southern Addition.

56. **Tax Identification Number XA0-400-5008-00**
**415 Dennis Street,** more particularly described as the North 70 feet of Lot 7, Block 5 of Berry's Southern Addition

57. **Tax Identification Number XA0-400-4018-00**
**422 Dennis Street,** more particularly described as the North 66 feet of Lot 13, Block 4 of Berry's Southern Addition.

58. **Tax Identification Number XA0-400-5009-00**
**423 Dennis Street,** more particularly described as the South 12.5 feet of Lot 7 and the North 35 feet of Lot 8, Block 5 of Berry's Southern Addition.

59. **Tax Identification Number XA0-400-5010-00**
**427 Dennis Street,** more particularly described as the South 47.5 feet of Lot 8 and the North 2 feet of Lot 9, Block 5 of Berry's Southern Addition.

60. **Tax Identification Number XA0-400-4017-00**
**430 Dennis Street,** more particularly described as Lot 12 and the South 16.5 feet of Lot 13, Block 4 of Berry's Southern Addition.

61. **Tax Identification Number XA0-400-5011-00**
**435 Dennis Street,** more particularly described as the South 64 feet of Lot 7, Block 5 of Berry's Southern Addition.

62. **Tax Identification Number XA0-400-4016-00**
**438 Dennis Street,** more particularly described as Lot 11, Block 4 of Berry's Southern Addition.

63. **Tax Identification Number XA0-400-5012-00**
**439 Dennis Street,** more particularly described as the North 37 feet of Lot 10, Block 5 of Berry's Southern Addition.

64. **Tax Identification Number XA0-400-5013-00**
**441 Dennis Street,** more particularly described as the South 37 feet of the North 74 feet of Lot 10, Block 5 of Berry's Southern Addition.

65. **Tax Identification Number XA0-400-4015-00**
**444 Dennis Street,** more particularly described as Lot 10, Block 4 of Berry's Southern Addition.

66. **Tax Identification Number XA0-400-5014-00**
**447 Dennis Street,** more particularly described as the South 8.5 feet of Lot 10 and the North 42 feet of the West 143 feet and the North 15 feet of the East 38 feet of Lot 11, Block 5 of Berry's Southern Addition.

67. **Tax Identification Number XA0-400-4014-00**
**450 Dennis Street,** more particularly described as Lot 9, Block 4 of Berry's Southern Addition.

68. **Tax Identification Number XA0-400-5015-00**
**451 Dennis Street,** more particularly described as the West 100 feet of the South 40.5 feet of Lot 11, Block 5 of Berry's Southern Addition.

69. **Tax Identification Number XA0-400-9024-00**
**502 Dennis Street,** more particularly described as the East 79 feet of the North 66 feet of Lot 17, Block 9 of Berry's Southern Addition.

70. **Tax Identification Number XA0-400-8001-00**
**503 Dennis Street,** more particularly described as the West 103 feet of the North 50 feet of Lot 1, Block 8 of Berry's Southern Addition.

71. **Tax Identification Number XA0-400-8003-00**
**507 Dennis Street,** more particularly described as the South half of the North half of Lot 1 and the South half of the Northwest quarter of Lot 10, Block 8 of Berry's Southern Addition.

72. **Tax Identification Number XA0-400-9023-00**
**512 Dennis Street,** more particularly described as the North 66 feet of the South 132 feet of Lot 17, Block 9 of Berry's Southern Addition.

73. **Tax Identification Number XA0-400-8004-00**
**513 Dennis Street,** more particularly described as the North half of the South half of Lot 1 and North half of the Southwest quarter of Lot 10, Block 8 of Berry's Southern Addition.

74. **Tax Identification Number XA0-400-8005-00**
**517 Dennis Street,** more particularly described as the South quarter of Lot 1 and the South quarter of the West half of Lot 10, Block 8 of Berry's Southern Addition.

75. **Tax Identification Number XA0-400-9022-00**
**518 Dennis Street,** more particularly described as the South 66 feet of Lot 17, Block 9 of Berry's Southern Addition.

76. **Tax Identification Number XA0-400-8006-00**
**523 Dennis Street,** more particularly described as the North half of Lot 2, Block 8 of Berry's Southern Addition.

77. **Tax Identification Number XA0-400-9021-00**
**524 Dennis Street,** more particularly described as the North half of Lot 16, Block 9 of Berry's Southern Addition.

78. **Tax Identification Number XA0-400-8007-00**
**529 Dennis Street,** more particularly described as the South half of Lot 2, Block 8 of Berry's Southern Addition.

79. **Tax Identification Number XA0-400-9020-00**
**530-32 Dennis Street,** more particularly described as the South half of Lot 16, Block 9 of Berry's Southern Addition.

80. **Tax Identification Number XA0-400-9019-00**
**536 Dennis Street,** more particularly described as the North half of Lot 15, Block 9 of Berry's Southern Addition.

81. **Tax Identification Number XA0-400-8008-00**
**537 Dennis Street,** more particularly described as the North half of Lot 3, Block 8 of Berry's Southern Addition.

82. **Tax Identification Number XA0-400-9018-00**
**542 Dennis Street,** more particularly described as the North 42.5 feet of the South half of Lot 15, Block 9 of Berry's Southern Addition.

83. **Tax Identification Number XA0-400-8009-00**
**543 Dennis Street,** more particularly described as the South 66 feet of Lot 3, Block 8 of Berry's Southern Addition.

84. **Tax Identification Number XA0-400-8010-00**
**549 Dennis Street,** more particularly described as the North half of Lot 4, Block 8 of Berry's Southern Addition.

85. **Tax Identification Number XA0-400-9017-00**
**550 Dennis Street,** more particularly described as the North half of Lot 14 and the South 23.5 feet of Lot 15, Block 9 of Berry's Southern Addition.

86. **Tax Identification Number XA0-400-8011-00**
**555 Dennis Street,** more particularly described as the North 50 feet of the South half of Lot 4, Block 8 of Berry's Southern Addition.

87. **Tax Identification Number XA0-400-9016-00**
**558 Dennis Street,** more particularly described as the South half of Lot 14, Block 9 of Berry's Southern Addition.

88. **Tax Identification Number XA0-400-8012-00**
**561 Dennis Street,** more particularly described as the South 16 feet of Lot 4 and all of Lot 5, Block 8 of Berry's Southern Addition.

89. **Tax Identification Number XA0-400-9015-00**
**564 Dennis Street,** more particularly described as Lot 13, Block 9 of Berry's Southern Addition.

**Section 2. Severability.** This Ordinance shall be construed as supplemental to and in conjunction with the laws of the State of Michigan and of the United States and not in derogation of them; should any portion of this Ordinance be held invalid for any reason, such holding shall not be construed to affect the validity of any of the remaining portions of this Ordinance, but shall be confined in its operation to the clause, sentence, paragraphs or part thereof directly involved in the controversy in which said holding shall have been rendered.

**Section 3. Repeal.** All Ordinances or parts of Ordinances in conflict herewith are repealed only to the extent to give this Ordinance full force and effect.

SECTION 24.02 – FOOTNOTES TO SCHEDULE OF REGULATIONS

A. In all residential districts, the required front yard shall not be used for off-street parking, loading or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for the following:

1. Landscaping and plant materials

2. Vehicle access drives

3. Porches, patios and decks shall be permitted to extend nearer than the required front yard setback in the R-3, R-4 and RT zoning districts. Such additions shall not be higher than the first story of the principal structure, or 12', whichever is less, and may not extend nearer to the front lot line than 15'. The porch, patio or deck shall not extend farther toward the front property line than 12' from the principal structure to which it is attached. Further, the following conditions shall be met:

   a. Opening Railing – 50% open between rails complying with Michigan Residential Building Code (M.R.B.C.)

   b. Deck to ground to be enclosed by appropriate skirting

   c. No screening or enclosing of structure by an material

B. Where lots are on a river, the property shall be treated as a through lot and have required front yards on both frontages.

C. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds, or utility rooms.

D. Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures.

In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply.

E. Site Requirements: Single Family Detached and two family dwellings permitted in the RM-1 and RM-2 Districts shall observe the same area, height, bulk, and placement requirements of the R-2 District.

| | **Garden Apartments** | **Townhouses** | **Housing For The Elderly** | **High Rise Apartments** |
|---|---|---|---|---|
| | | | | |
| Gross Site Area | 1 Acre (Min.) .3 x Developable Area | 2 Acres (Min.) .25 x Developable Area | 2 Acres (Min.) .4 x Developable Area | 1 Acre (Min.) .3 x Developable Area |
| | | | | |
| Max. Lot Coverage | 30% | 30% | 30% | 30% |
| | | | | |
| Max. Height (b) | 2-1/2 Stories or 35 Feet | 2-1/2 Stories or 35 Feet | 6 Stories or 80 Feet | No Limit |
| | | | | |
| Min. Parking | 2 Spaces Per Unit of 1-24 Units. 1.75 Spaces per Unit of 24+ Units | 2 Spaces per Unit | .75 Spaces per Unit | 1.5 Spaces per Unit |
| | | | | |
| Min. Landscaped Area | .2 x Gross Site Area | .25 x Gross Site Area | .3 x Gross Site Area | .2 x Gross Site Area |
| | | | | |
| Max. Density | 14 Units Per Acre | 8 Units Per Acre | 25 Units per Acre | 22 Units per Acre |
| | | | | |
| Min. Front Yard (a) | 25 Feet | 25 Feet | 25 Feet | 25 Feet |
| | | | | |
| Min. Side Yard | 20 ft, 40 ft (total two) | 20 ft, 40 ft (total two) | 25 ft, 50 ft (total two) | 25 ft, 50 ft (total two) |
| | | | | |
| Min. Rear Yard (b) | 30 Feet | 30 Feet | 40 Feet | 40 Feet |
| | | | | |
| Min. Floor Area Per Unit | | | | |
| | | | | |
| Efficiency<br>1 Occupant<br>2 or 3 Occupants | <br>220 sq. ft.<br>320 sq. ft. | <br>600 sq. ft.<br>600 sq. ft. | <br>220 sq. ft.<br>320 sq. ft. | <br>220 sq. ft.<br>320 sq. ft. |

F. For every lot on which a multiple row, or terrace dwelling is erected, there shall be provided a side setback on each side of the lot, as indicated in the Schedule. Each side setback shall be increased beyond the yard spaces indicated by one (1) foot for each ten (10) feet or part thereof by which the length of the multiple row, or terrace dwelling exceeds forty (40) feet in overall dimension along the adjoining lot line.

G. Where two (2) or more multiple row or terrace dwellings are erected upon the same lot, a minimum setback space of twenty (20) feet in width shall be provided between structures. This setback width shall be increased by two (2) feet for each

ten (10) feet or part thereof, by which each multiple row or terrace dwelling, having common areas exceeds forty (40) feet in length on that side of the dwelling facing the common yard.

H. Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the Major Thoroughfare Plan.

I. No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

When the lot has a common lot line with a residential district a setback of 20 feet is required of which 10 feet shall be landscaped.

If the said lot is a corner lot, the side line that abuts a street shall have a setback of 20 feet, 10 feet of which shall be landscaped.

J. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building, and shall be computed separately from the off-street parking. Except in the R-O District, loading space shall be provided in the ratio of five (5) square feet per front foot of building, except when such R-O District has common lot line with a residential district, the setback shall be twenty (20) feet, of which at least ten (10) feet shall be landscaped. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.

K. No building shall be closer than seventy-five (75) feet to any adjacent residential district or to any major thoroughfare.

L. An off-street parking lot for visitors, over and above the number of spaces required may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line.

M. No building shall be located closer than fifty (50) feet or the height of the building, whichever is the greater to the outer perimeter (property line) of such district when said property line abuts any residential district.

N. All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.

O. The height of structures may exceed the maximum required herein 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 herein permitted.

P. When a two-family residential structure is designed or so arranged such that the occupancy of one of the dwelling units is limited to the second floor of a two story structure, the minimum zoning lot area shall be 7,500 square feet and the minimum zoning lot width shall be 60 feet.

Q. When a B-2 Community Business District abuts a residential district without an alley intervening a setback of 20 feet shall be required. When an alley intervenes, one-half the width of the alley may be considered in computing the rear yard setback.

R. When a B-3 Central Business District abuts a residential district without an intervening alley a setback of 10 feet shall be required. When an alley intervenes, one-half the width of the alley may be considered in computing the rear yard setback.

S. Canopies over gasoline dispensing pumps island may extend to the property line, provided the canopy is internally drained.

T. Building setbacks shall be increased one (1) foot for each additional foot of building height over the maximum height allowed up to a maximum height of fifty (50) feet.

U. Ten (10) feet of the required twenty (20) foot setback may be occupied by a non-enclosed single story porch.

## ARTICLE XXIV
## SCHEDULE OF REGULATIONS

SECTION 24.01 TABLE OF REQUIREMENTS

| Zoning District | Minimum Building Site Size per Unit | | Maximum Building Height of Structures | | Minimum Setback per Building Site | | | Max. Coverage Of Building Site | Minimum Floor Area Per Unit |
|---|---|---|---|---|---|---|---|---|---|
| | Area Sq. Ft. | Width Lineal Ft. | Stories | Feet | Front | Each side | Rear Yard | (In percent) | In Sq. Ft. |
| R-1 Single Family Residential | 12,000 | 100 | 2 | 25 | 35 a,b,d | 12 d | 25 d | 30 | 1,500 |
| R-2 Single Family Residential | 9,000 | 75 | 2 | 25 | 25 a,b,d | 10 d | 25 d | 30 | 1,000 |
| R-3 Single Family Residential | 7,500 | 60 | 2 | 25 | 25 a,b,d | 8 d | 25 d | 30 | 900 |
| R-4 Single Family Residential | 6,000 | 50 | 2 | 25 | 25 a,b,d | 8 d | 25 d | 30 | 600 |
| RT Two Family Residential | 5,000 p | 40 p | 2 | 25 | 25 a | 10 d | 25 d | 30 | 600 |
| RM-1 Multiple Family Res. | e | e | e | e | e,a,b | e,f,g | e,f,g | e | e |
| RM-2 High Rise Multiple Res. | e | e | -- | -- | e,a,b | e,f,g | e,f,g | e | e |
| RMH Residential Mobile Home | -- | -- | -- | -- | -- | -- | -- | -- | 720 |
| OS-1 Office Service | -- | -- | 2 | 25 | 20 h | 5 | 20 j | -- | -- |
| R-O Residential – Office | -- | -- | 2 | 25 | 20 u | 5 | 20 j | -- | -- |
| B-1 Local Business | -- | -- | 2 | 25 | 20 h | 5 | 20 j | -- | -- |
| B-2 Community Business | -- | -- | 2 t | 25 t | 25 h, s | 5 | j, q | -- | -- |
| B-3 Central Business | -- | -- | -- | -- | -- | i | j | -- | -- |
| B-4 Shopping Center District | -- | -- | 3 t | 30 o,t | 75 h,k | 5 k | j,k,r | -- | -- |
| WH Warehouse & Wholesale | -- | -- | 2 | 25 o | 40 l | 5 | j,m,n | -- | -- |
| ERO EducationResearchOffice | -- | -- | -- | o | 50 | 5 | j | -- | -- |
| E-1 Exclusive Industrial | 20,000 | 100 | 2 | 40 o | 40 l | 20 | 40 m,n | 50 | -- |
| I-l Light Industrial | 20,000 | 100 | 4 | 50 o | 40 l | 20 | 40 m,n | 50 | -- |
| I-2 General Industrial | 20,000 | 100 | 4 | 50 o | 50 l | 40 | 50 m,n | 50 | -- |
| P Off Street Parking | -- | -- | 15 | l | -- | -- | -- | -- | -- |
| PUD | SEE | ARTICLE | XI | | | | | | |

B-3 “maximum height” deleted per Ordinance 98-4, effective 4/14/98.
B-2 & B-4 “maximum height” amended per Ordinance 98-4, effective 4/14/98.
Subsection J amended per Ordinance 00-15, effective 10/31/00
Subsection U added per Ordinance 00-15, effective 10/31/00
Footnote (a) added to Min. Setback for RT District per Ordinance 01-09, effective 10/16/01
Min. side yard setback in OS-1, R-1, B-1, B-2, B-4, WH & ERO amended Per Ord. 03-11, effective 5/6/03
I-1 & I-2 “maximum height” changed per Ord. 17-022, eff 9/5/17.

## ARTICLE XXV

## CONDITIONS FOR SPECIFIED USES SUBJECT TO A ZONING EXCEPTION PERMIT

SECTION25.00 INTENT: A zoning exception permit allows development or use as listed in the Zoning Ordinance which has been designated as "Special Exceptions." These are uses which, although generally considered compatible with other uses within a particular district, require special review to ensure that they meet the specified requirements and that they are appropriate for the specific property for which they are proposed

The applicant should be able to demonstrate, by a site plan and documentary evidence, that the proposed development or use will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be detrimental or injurious to the neighborhood or to the public welfare.

SECTION25.01GENERALREQUIREMENTS: The requirements set forth in this section apply to all uses specified as being subject to a zoning exception permit. The Planning Commission shall consider these requirements when reviewing any application for a zoning exception permit.

1. The proposed use meets all of the specific requirements set forth for each use specified as being subject to a zoning exception permit.

2. Granting the permit will not adversely affect environmental conditions or the value of surrounding properties.

3. The proposed use is compatible with the adjacent and surrounding properties.

4. The proposed use is consistent with the City's future land use plan.

5. Proposed expansions of existing uses, where such a use in the district would require a Zoning Exception Permit, are subject to the same application and review process as if the expansion were a new use.

6. Enumerated below are the site facility and design standards for the uses subject to a zoning exception permit. Except where discretion is left to the Planning Commission in their consideration of a zoning exception permit, any deviation of requirements shall require that a variance be granted by the Zoning Board of Appeals.

SECTION 25.02 DAY CARE FACILITIES, FAMILY DAY CARE HOME AND GROUPDAYCAREHOME:

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.

SECTION25.03 AUTOMOBILEDISPOSALANDJUNKYARDS: 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. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.

5. 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.

6. 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.

SECTION25.04 BEDANDBREAKFASTFACILITIES:

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. Parking shall be adequately screened from adjacent residentially developed or zoned property.

8. Bathrooms must be furnished for guestrooms at a ratio of not less than one bathroom per two rental rooms.

9. The premises (including corner lots) may be permitted one advertising sign not exceeding six (6) sq. ft. in area.

10. Approval by the Building Inspector is required prior to occupancy of the facility. Thereafter, the Building Inspector shall conduct an annual compliance inspection.

11. Approval of the Lenawee County Health Department is required if other than a continental breakfast is served.

12. The maximum stay at a bed and breakfast facility shall be thirty (30) continuous days.

13. A site plan shall be submitted in accordance with Section 4.60.

14. The use of the facility shall not, in the judgement of the City Planning Commission and the City Commission, be detrimental to adjacent land uses and the immediate neighborhood.

SECTION25.05 PRIVATECLUBSANDLODGES:

1. The lot shall be located so as to abut a collector street or major thoroughfare with at least one (1) property line.

2. Retail sales of food and beverages may be permitted to members and guests only and there shall be no externally visible sign of commercial activity.

SECTION25.06 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.

SECTION25.07 ASSEMBLYHALLS,THEATERS,CONCERTHALLSAND WORSHIPHALLS

1. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress to the lot shall be directly onto said thoroughfare.

2. Off-street parking shall be prohibited within the required front yard setback area.

3. At the discretion of the Planning Commission, Worship Halls in residential districts may be permitted to exceed the maximum height limitation for the district, provided that for every foot of height by which the building (exclusive of any spire) exceeds the maximum height limitation, an additional foot of front, side and rear yard setback shall be provided.

4. Minimum lot width shall be one hundred and fifty (150) feet.

5. In the residential districts where Worship Halls are permitted and in the B-4 Planned Shopping Center district, minimum lot area shall be two (2) acres.

6. In the B-3 Central Business district, minimum lot area shall be one (1) acre.

SECTION25.08 GOLFCOURSESANDCOUNTRYCLUBS:

1. Minimum lot size shall be forty (40) acres.

2. A shelter building with toilet facilities shall be provided which meets all requirements of the Lenawee County Health Department.

3. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

SECTION25.09 CONVALESCENTANDNURSINGHOMES:

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.

SECTION25.10 DWELLINGUNITS(LOFTS,APARTMENTS,ETC.)WITHIN AN EXISTINGOFFICEBUILDING:

1. Dwelling units shall not be located below the second floor.

2. A minimum floor area of four hundred (400) sq. ft. for a one bedroom and efficiency apartment shall be provided. For each additional bedroom, an additional one hundred (100) sq. ft. of floor area shall be provided.

SECTION 25.11 RETAIL AND SERVICE BUSINESSES WHEN PART OF A HIGH RISEMULTIPLEFAMILYSITE:

1. All businesses shall be located on the first floor or grade level only.

2. Retail and service floor area may not occupy more than 25% of the building's total floor area.

3. No identifying sign for any such business and/or service shall be visible from any exterior view.

SECTION25.12 SINGLEROOMOCCUPANCY(SRO)FACILITIES:

1. All dwellings, with the exception of the manager, shall contain at least two hundred and fifty (250) square feet.

2. Total site coverage of all buildings shall not exceed seventy five (75) percent exclusive of any dedicated right-of-way.

SECTION25.13 CONGREGATELIVINGFACILITIES:

1. Minimum lot size shall be two (2) acres.

2. Lot frontage shall be on a major thoroughfare with all ingress and egress off of said thoroughfare.

3. The principal structure(s) and all accessory buildings shall have a minimum setback of seventy-five (75) feet from all property lines.

SECTION25.14HOMEOCCUPATIONS:

1. Intent. A home occupation is an incidental and secondary use of a dwelling unit for business purposes. The intent of this section is to ensure compatibility of home occupations with other permitted uses of residential districts and with the residential character of the neighborhoods involved. It is further the intent of this provision to ensure that home occupations are clearly secondary and incidental uses of residential buildings.

2. Conditions. Home occupations are permitted in all residential districts provided all of the following conditions are observed.

   a. A home occupation must be conducted in its entirety within a single-family structure of a permitted accessory structure that is the bona fide residence of the practitioner of the occupation.

   b. Home occupations shall be conducted solely by persons residing at the residence.

   c. All business activity and storage must take place within the interior of the dwelling. No exterior view of the product of the home occupation is allowable.

   d. No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permissible.

e. The home occupation shall not generate a volume or character of pedestrian or vehicular traffic beyond that normally generated by homes in the residential neighborhood.

f. Only off-street parking facilities which are normal for residential use and are located on the premises may be used.

g. No vehicles exceeding 5 tons GVW used in the conduct of the occupation may be parked or otherwise kept at the premises, other than as are normal for use for domestic or household purposes, unless housed in a fully enclosed structure.

h. One (1) non-illuminated nameplate no larger than two (2) square feet is permitted to identify the home occupation. The nameplate shall be attached to the building. No other identification is permitted.

i. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.

j. No highly explosive or combustible material shall be used or stored on the premises. No activity shall be allowed that interferes with radio or television transmission. Nor shall there be any offensive noise, vibration, smoke, dust, odor, heat or glare noticeable at or beyond the property line.

k. Not more than twenty-five (25) percent of the gross floor area, (or three hundred (300) square feet), whichever is greater, can be used for a home occupation.

l. The conduct of the home occupation shall not violate any of the City's ordinances concerning nuisance, fire or health, or any other city, county, state or other applicable laws or regulations.

3. Examples of Home Occupations. This list is not intended to limit the kinds of home occupations that can comply with the conditions of this section.

a. Dressmaking

b. Handicrafts

c. Typing, secretarial services

d. Tutoring, limited to six (6) students

e. Office facility of a sales representative provided that no transactions are made in person on the premises

f. Technical service and/or consulting

g. Upholstering and refinishing services subject to Section 25.14 (2,j) above

h. Home office

i. Beauty Shops and Barber Shops, limited to one (1) chair, subject to all precedent conditions in this section with no other signage or logo permitted, such as barber poles.

SECTION 25.15 GROUP FAMILY HOMES / HOUSING SHELTERS / TRANSITIONALHOUSINGFACILITIES/TEMPORARYSHELTERS:

1. Adequately surfaced off-street parking shall be provided.

2. Parking areas shall not be located within any required front yard.

3. 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 are as follows:

   a. The maximum number of residents at the facility to be set.

   b. The need for a fence or screen around a portion of the premises to be determined.

   c. The manner of the storage of refuse and fencing or screening of such storage to be determined.

   d. The hours that visitors might visit the residents at the facility to be determined.

   e. Parking spaces and surfacing requirements to be determined.

SECTION25.15A STUDENTGROUPHOMES:

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. On-site 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.

SECTION25.16ALLPUBLICANDNON-PUBLICSCHOOLS(KTHROUGH12):

1. All new buildings, newly created schools and parking areas must be at least fifty (50) feet from any residential lot line.

2. All zoning district setback lines shall be met.

3. Should the building exceed the zoning district height limitations, all setbacks shall be increased one (1) foot for each foot of building height that exceeds the maximum height standard.

4. All schools shall have frontage on a major street as defined by Act 51, excepting existing elementary schools.

SECTION25.17 GENERALWIRELESSCOMMUNICATIONSFACILITY STANDARDS:

a. To assist the City in accommodating wireless communications facilities, each petitioner shall provide an inventory of its existing and planned wireless communications facilities that are within the City and within 1 mile of the City boundary, including location, height and design. The City, by sharing such information with a third party, does not in any way represent or warrant that such sites are available or suitable.

b. Wireless communications facilities shall comply with applicable federal standards for non-ionizing electromagnetic radiation, as they may from time to time be amended.

c. Each petitioner shall exercise due diligence to determine the availability of a location for its antenna on all existing towers, approved towers, and other suitable structures within a half-mile radius of the proposed site. Due diligence shall consist of documented evidence that owners of all existing or approved towers or other suitable structures were contacted by certified mail or overnight courier, and that these sites cannot accommodate the requested antennas for reasons other than economic reasons. Petitions shall provide detailed radio frequency (RF) coverage and capacity maps for all proposed wireless service providers for the proposed site, showing coverage and capacity of the carriers' surrounding network with both existing and planned sites.

d. Unless otherwise specifically approved by the Planning Commission, all wireless communications towers shall be monopoles designed for co-location, which is the provision of more than one antenna array, usually belonging to more than one licensed carrier, on a single monopole. Towers shall be constructed for co-location at 15-foot intervals from the top downward.

e. Sites proposed for towers shall not have a separate access curb cut proposed for the towers unless no reasonable alternative exists. Such on-site driveways need not be paved, but must have a stable, improved surface adequate to support occasional maintenance vehicles.

f. Reserved for future use.

g. Vinyl-coated six-foot tall security fencing and adequate landscaping around the base of the tower and any equipment buildings or cabinets is required unless a six-foot opaque decorative security wall is provided. Barbed wire or razor wired is not permitted.

h. Signs, except for emergency notification, are not permitted on towers.

i. Artificial illumination of towers is not permitted unless required by federal or state regulations or to protect public safety, as determined by the Planning Commission. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding views.

j. Towers shall be painted a non-contrasting blue or gray to be as unobtrusive as possible, unless another color or design is deemed by the Planning Commission to be less obtrusive.

k. No natural feature may be removed or disturbed to accommodate the placement of a tower.

l. All transmission lines related to and serving any antenna or tower shall be placed underground.

m. Towers shall meet the City building code and other applicable structural standards. Prior to construction, a licensed professional engineer's certificate certifying that the tower meets all applicable building code and other structural standards shall be provided to the Building Official.

n. Abandoned towers must be removed within four months. Accordingly, any wireless communication antenna that is not operated for a continuous period of 180 days shall be deemed abandoned. Determination of the date of abandonment shall be made by the Building Official, who shall have the right to request documentation or affidavits from the antenna or tower owner or operator regarding tower usage and other pertinent information. Failure or refusal for any reason by the owner or operator to respond within 30 days to such a request shall constitute prima facie evidence that the antenna or tower has been abandoned. Upon determination of abandonment and notice thereof to the owner or operator, the owner or operator shall be 120 days within which to either reactivate the use of the tower or antenna, or dismantle and remove the tower and footings to 5 feet below grade.

A cash bond or certified check in an amount established by resolution of City Council upon recommendation of the City Administrator shall be posted at the time of building permit application to cover the cost of removal.

o. Wireless communications facilities may be placed on sites with nonconforming structures or uses without being considered to be expansions of such nonconformities.

p. No tower shall be located in an established front setback or an required front open space, provided, however, that a tower may be located along a freeway, as long as the tower is set back from the edge of the right-of-way a minimum of half the height of the wireless communications facility.

q. Certification from the City Airport Manager that the height of a proposed tower will not be such that it would interfere with airport operations is required from petitioner at the time of site plan submission.

SECTION 25.18 STANDARDS FOR WIRELESS COMMUNICATION FACILITIES IN NON-RESIDENTIAL DISTRICTS NOT ADJACENT TO RESIDENTIALDISTRICTS

In addition to the general standards set forth in this section, wireless communications facilities shall meet the following standards:

a. Height and placement.

(1) The standards shown in the table below shall apply. Setbacks shall be measured form the property line to the base of the tower.

| **Required Minimum Number of Users** | **TotalHeight inFeet (Towerand Antenna)** | **MinimumRequired Setback in Feet** | **+ 'X' Feet** | **ForEach'Y'Feet ofHeightGreater thanMinimum Required Setback** |
|---|---|---|---|---|
| 2 | less than or equal to 125 | SIDE—as specified in Schedule of Area, Height & Placement Regulations | .5 | 2.0 |
| | | REAR—as specified in Schedule of Area, Height & Placement Regulations | .5 | 2.5 |
| 3 | more than 125, less than or equal to 155 | SIDE—as specified in Schedule of Area, Height & Placement Regulations | .5 | 2.5 |
| | | REAR—as specified in Schedule of Area, Height & Placement Regulations | .5 | 3.0 |

(2) Any tower and antenna higher than that shown in the table, or the same or higher but with fewer than the specified number of users, shall be permitted, but shall require a minimum setback from a side or rear property line equal of the tower height.

(3) Accessory structures and equipment, if any, shall meet setbacks for accessory structures in the district; if the district has no accessory structure setback, then accessory structures must be at least 5 feet from the property line.

SECTION 25.18.1 STANDARDS FOR WIRELESS COMMUNICATION FACILITIES IN NON-RESIDENITAL DISTRICTS ADJACENT TO RESIDENTIALDISTRICTS

In addition to the general standards set forth in this section, wireless communications facilities shall meet the following standards:

(a) Height and placement.

(1) The standards shown in the table below shall apply. Setbacks shall be measured from the property line to the base of the tower.

| Required Minimum Number of Users | Total Height in Feet (Tower and Antenna) | Minimum Required Setback in Feet | + 'X' Feet | For Each 'Y' Feet of Height Greater than Minimum Required Setback |
|---|---|---|---|---|
| 2 | less than or equal to 125 | SIDE—as specified in Schedule of Area, Height & Placement Regulations | .5 | 1.0 |
| | | REAR—as specified in Schedule of Area, Height & Placement Regulations | .5 | 1.5 |
| 3 | more than 125, less than or equal to 155 | SIDE—as specified in Schedule of Area, Height & Placement Regulations | .5 | 1.5 |
| | | REAR—as specified in Schedule of Area, Height & Placement Regulations | .5 | 2.0 |

(2) Any tower and antenna higher than that shown in the table, or the same or higher but with fewer than the specified number of users, shall be permitted, but shall require a minimum setback from a side or rear property line equal to the tower height.

(b) Accessory structures and equipment, if any, shall meet setbacks for accessory structures in the district; if the district has no accessory structure setback, then accessory structures shall be at least five feet from the property line and at least ten feet if adjacent to a residential district line.

## ARTICLE XXVI

# ADMINISTRATION AND ENFORCEMENT

SECTION 26.01 ENFORCEMENT: The provisions of this Ordinance shall be administered and enforced by the Building Inspector or by such deputies of his department as the Building Inspector may delegate to enforce the provisions of this Ordinance.

SECTION 26.02 DUTIES OF BUILDING INSPECTOR: The Building Inspector shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this Ordinance.

The Building Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Section 26.03.

Under no circumstances is the Building Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.

The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

SECTION 26.03 PLOT PLAN: The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan (a plot plan shall not be required where existing setbacks are not altered or the work is of an internal nature) in duplicate, drawn to scale, showing the following:

1. The actual shape, location and dimensions of the lot.

2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.

3. The existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.

4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

SECTION 26.04 PERMITS: The following shall apply in the issuance of any permit:

1. Permits not to be issued: No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.

2. Permits for New Use of Land: No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

3. Permits for New Use of Buildings: No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

4. Permits Required: No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall included any change in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, to other changes effecting or regulated by the City of Adrian, Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

SECTION 26.05 CERTIFICATES: No land, building or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

1. Certificates not to be issued: No Certificates of Occupancy shall be issued for any building structure or part thereof, or from the use of any land which is not in accordance with all the provisions of this ordinance.

2. Certificates Required: No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.

3. Certificates Including Zoning: Certificates of Occupancy as required by the City Building Code for new buildings or structures, or parts thereof, or for alternations to or changes of use of existing

buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.

4. Record of Certificates: A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

5. Certificates for Dwelling Accessory Buildings: Buildings or structures accessory to dwellings shall not require separate certificates of occupancy, but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

6. Application for Certificates: Application for certificates of occupancy shall be made in writing to the Building Inspector on forms furnished by that department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

SECTION 26.06 FINAL INSPECTION: The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure or part thereof, shall notify the building Inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

SECTION 26.07 FLOODPLAIN MANAGEMENT ADMINISTRATIVE DUTIES:

1. With regard to the National Flood Insurance Program, and the regulation of development within the floor hazard area zone as prescribed in Article XVIIIA, the duties of the Zoning Administrator shall include, but are not limited to:

   a. Notification to adjacent communities and the Department of Natural Resources of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration;

   b. Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood proofed

structures, the elevation to which the structure was floodproofed.

c. Recording of all certificates of flood proofing, and written notification to all applicant to whom variances are granted in a flood hazard area zone indicating the terms of the variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk, and may reach amounts in excess of $25.00 for $100.00 of insurance coverage per year. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.

2. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.

3. It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering this Ordinance in the absence of data from the Flood Insurance Administration.

SECTION 26.08 FLOOD HAZARD AREA APPLICATION INFORMATION:

1. In addition to the information required with an application for a certificate of occupancy, special use permit or any other type of development permission required under this Ordinance, the following information shall be submitted as a part of an application for permission to commence any type of development within a flood hazard area zone.

a. The elevation in relation to mean sea level of the floor, including basement, of all structures;

b. Where flood proofing will be employed, the elevation in relation to mean sea level to which a structure will be floodproofed;

c. Where flood proofing will be employed, a certificate from a registered professional engineer or architect that the flood proofing criteria of this Ordinance will be met;

d. Where it can be determined that development is proposed within zones A1-30 on the FIRM or the regulatory floodway, a certification is required by this ordinance.

e. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

f. Proof of development permission from appropriate local, state and federal agencies as required by Section 5.18.12 (1)(c), including a floodplain permit approval, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 245, Public Acts of 1921, as amended by Act 167, Public Acts of 1968;

g. Base flood elevation data where the proposed development is subject to Public Act 288 of 1967 or greater than five acres in size; and,

h. Additional information which may be reasonably necessary to determine compliance with the provisions of this Ordinance.

SECTION 26.09 FEES: The City Commission may from time to time establish, by resolution, fees that shall cover the cost of review, recommendation, inspection and supervision resulting form the enforcement of this Ordinance. Such fee shall be collected for the following:

1. Rezoning requests

2. Site plan review requests

3. Planned residential developments

4. Board of Appeals

5. Issuance of building permits and certificates of occupancy

## ARTICLE XXVII

# BOARD OF ZONING APPEALS

SECTION 27.01 INTENT AND PURPOSE: The purpose of this Article is to insure 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 27.02 CREATION AND MEMBERSHIP: A Board of Zoning 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 Chairman 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 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 chairperson of the Board of Zoning Appeals. An employee of the City may not serve as a member of 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 27.03 ORGANIZATION:

1. Rules of Procedure: The Board of Zoning Appeals may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Board shall annually elect a chairperson, a vice-chairman, and a secretary.

2. Meetings and Quorum: Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson 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 chairperson 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 Board of Zoning Appeals shall file its minutes in the office of the City Clerk.

SECTION 27.04 JURISDICTION: The Board of Zoning 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 Board of Zoning 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, variance, or temporary use permit. Within this capacity the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Building Inspector, Planning Commission or any official administering or enforcing the provisions of this Ordinance as set forth in Section 27.05.

SECTION 27.05 AUTHORIZED APPEALS: The Board of Zoning Appeals shall hear the following specified categories of appeals in accordance with the following standards:

1. Administrative Review: The Board of Zoning 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 Building Inspector or by any other official in administering or enforcing the provisions of this Ordinance.

2. Interpretation of the Ordinance: The 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 request the 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 Building Inspector.

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 Board of Zoning 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, 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 or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

b. That a genuine hardship 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.

c. That the hardship or special conditions or circumstances do not result from actions of the applicant.

d. 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.

e. 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.

f. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

g. 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 Board of Zoning 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.

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

- The construction authorized by such variance or permit has commenced within six (6) months of granting of the variance.

- 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 Board of Zoning 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 27.06 APPEAL PROCEDURE:

1. Notice of Appeal: Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by an officer or department of the City, filing a written Notice of Appeal with the City Clerk. Upon receipt of a Notice of Appeal, the City Clerk shall promptly transmit the records concerning the appealed action to the chairperson of the Appeals Board. Any appeal from the ruling of the Building Inspector concerning the enforcement of the provisions of this Ordinance shall be filed within ten (10) days after the date of the Building Inspector's decision.

2. Hearing: Upon receipt of a Notice of Appeal, the chairperson 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 City Clerk shall notify the following, by first class mail or by personal service, not more than fifteen (15) or less than eight (8) days before the Public Hearing:

   - The appellant
   - The Building Inspector
   - 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
   - The Mayor
   - The City Manager

3. Notice of Hearing: Where the hearing, in the opinion of the City Clerk, concerns matters of general applicability in the City 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 fifteen (15) or less than eight (8) days before the public hearing.

4. Appearance: Upon 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.

5. Fee: A fee as established by the City Commission, shall be paid to the City Clerk 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.

6. Decision: The Board of Appeals 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.

7. 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 Village covering the estimated cost of improvements associated with a project for which zoning approval is sought, be deposited with the City Clerk 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 27.07 ADMINISTRATIVE VARIANCE:

1. Procedure and Criteria: The Building Inspector is hereby authorized to grant an administrative variance to the provisions of this Ordinance in an amount not to exceed a ten percent (10%) variation from the site development standards, parking and loading requirements, and the specific provisions and requirements contained in this Ordinance.

   The Building Inspector, after consultation with the Community Development Director, may grant administrative variances for wheelchair ramps and other similar structures intended to meet the accessibility needs of the handicapped persons as defined in 42 USC ‘3602. In addition to the variance criteria in Section 27.05 (3), the request must satisfy the following conditions:

   (1) No feasible design alternative exists to accommodate the accessibility needs of the principal structure and the applicant.

(2) The variance is the minimum possible to meet the accessibility requirements of the principle structure and the applicant.

(3) The variance is specific to the applicant and should the applicant no longer require the facility or no longer reside on the property, the administrative variance shall lapse.

Upon receipt of a request for an administrative variance, the Building Inspector shall prepare a report of the situation and all factual data concerning the site in terms of the criteria stated in this Ordinance. Upon completion of the report, the Building Inspector shall determine whether or not the request meets the above stated criteria and shall approve or deny the request exclusively on that basis. Decisions rendered by the Building Inspector shall be in the form of a letter which stated specifically a determination of each of the items contained in Section 27.05.03 of this Ordinance, with reference to the above mentioned report.

2. Appeals: Any decision may be appealed to the Board of Appeals pursuant to Section 27.06 of this Ordinance.

SECTION 27.08 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 insure 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.

## ARTICLE XXVIII

## AMENDMENTS

SECTION 28.01 PURPOSE AND INTENT: The purpose of this Article is to establish and maintain sound, stable and desirable development within the territorial limits of the City.

SECTION 28.02 INITIATION OF AMENDMENTS: Only the City Commission may amend this Ordinance. 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.

SECTION 28.03 FILING FEE: The City Commission shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the City Engineer's Office and no part shall be refundable to the applicant. No fee shall be charged when the applicant is a governmental body.

SECTION 28.04 PROCEDURES:

1. Application: A Petitioner shall submit a completed and signed application for Ordinance amendment, along with the appropriate fees, to the City Engineer's Office. An application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment.

2. Action of Clerk: The City Clerk shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.

3. Notice of Hearing: After transmitting the amendment application to the Planning Commission the City Engineer shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within 45 days of the date of application receipt. The City Engineer shall give notice of the public hearing in the following manner:

    a. By one publication in a newspaper of general circulation in the City not more than thirty (30) days nor less than ten (10) days before the date of the hearing.

b. For any proposed amendment to the zoning map, written notice will be delivered by mail, or personally, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet of the premises in question. The notice shall be made at least fifteen (15) days prior to the hearing. Requirements of written notice to property owners shall not apply to a comprehensive revision to the Zoning Ordinance.

SECTION 28.05 APPLICATION INFORMATION: When the petition involves a change in the Zoning Map, the applicant shall submit the following information to the City Clerk:

1. A legal description of the property.

2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.

3. The name and address of the applicant.

4. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner.

5. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

6. The desired change and reasons for such change.

SECTION 28.06 PLANNING COMMISSION RECOMMENDATIONS:

1. Scope of Examination: In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify an devaluate all factors relevant to the application, and shall report its findings in full along with its recommendations for disposition of the application to the City Commission within a period of 60 days. The matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:

   a. What identifiable conditions related to the application have changed which justify the proposed amendment?

   b. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?

   c. What is the impact on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?

   d. Does the petitioned district change adversely affect environmental conditions or the value of the surrounding properties?

e. What is the ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located?

2. Findings of Fact: All findings of fact shall be made a part of the public records of the meetings of the Planning Commission. The Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the City Commission.

3. Outside Agency Review: In determining the above-mentioned findings of fact the Planning Commission may solicit information and testimony from officials of, but not limited to, the following agencies:

   a. Lenawee County Health Department

   b. Lenawee County Road Commission

   c. Lenawee County Drain Commission

SECTION 28.07 CONSIDERATION BY THE CITY COMMISSION: After receiving the recommendations of the Planning Commission, the City Commission may hold additional hearings if the City Commission considers it necessary. The City Commission may, by majority vote of its membership:

1. Adopt the proposed amendment

2. Reject the proposed amendment

3. Refer the proposed amendment back to the Planning Commission for further recommendation within a specified time period. Therefore, the City Commission may either adopt the amendment with or without the recommended revisions, or reject it.

In order to lessen the possibility of adverse litigation concerning any decision regarding any zoning amendment by the City Commission, the City Commission shall make a written record of the rationale for the action taken on each application for amendment to this ordinance.

SECTION 28.08 PUBLICATION OF NOTICE OF ORDINANCE AMENDMENTS: Following adoption of amendments to this Ordinance, one (1) notice of adoption shall be published in a newspaper of general circulation in the city within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the test of the amendment.

2. The effective date of the amendment.

3. The place and time where a copy of the amendment may be purchased or inspected.

SECTION 28.09 RESUBMITTAL: No application for a rezoning which has been denied by the City Commission shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the City Commission to be valid.

SECTION 28.10 COMPREHENSIVE REVIEW OF ZONING ORDINANCE: The Planning Commission shall, at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the City Commission recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

## ARTICLE XXIX

## INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, PENALTIES, AND EFFECTIVE DATE

SECTION 29.01 NTERPRETATION AND CONFLICTS: In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

SECTION 29.02 SEVERANCE CLAUSE: Sections of this Ordinance shall be deemed to be severable and should any section, paragraph or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court 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 said provision to any other parcel, lot use, building or structure not specifically included in said ruling.

SECTION 29.03 VESTED RIGHT: Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vest rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; 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.

SECTION 29.04 REPEAL: All ordinances and amendments thereto enacted and/or adopted by the City by virtue of Act 207 of the Public Acts of 1921, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

SECTION 29.05 PENALITIES AND REMEDIES:

1. Civil Law: Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

2. Criminal Law: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than five hundred dollars ($500) or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

3. Remedies: The City Commission may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

SECITON 29.06 EFFECTIVE DATE:

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SECITON 29.06 EFFECTIVE DATE:

## ARTICLE XXX—SIGNS

### SECTION 30.00 - 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:

A. General. Ensure that signs are located, designed, constructed, installed and maintained in a way that protects life, health, morals, property and the public welfare;

B. 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;

C. 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;

D. Free Speech. Ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication;

E. Reduce Conflict. Reduce conflict among signs and light and between public and private information systems;

F. 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;

G. 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

H. 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 30.10 - Definitions

Sign means any words, numbers, figures, presentations, designs, objects, trademarks, inflatables, announcements, pennants, emblems, banners, pictures or other symbols or similar devices which attract attention or make known such things as an individual, firm, profession, business, event, commodity or service and which are visible outdoors at the property line or any right-of-way lines, and shall include any structure designed to be used for such display. For the purpose of removal, such term 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).

A. **Abandoned sign** means any sign which for a period of at least 30 days or longer no longer correctly directs or exhorts any per-son or advertises a bona fide business lessor, owner, product, service or activity.

B. **Advertising vehicle or trailer s**ign 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 located on or off the premises.

C. **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 alters in appearance in a manner that is not permitted by these regulations.

D. **Area of sign** shall be calculated by measuring the area of all sign elements circumscribed by a rectangle, as follows (see graphic next page):

   i. 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.

   ii. 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.

   iii. 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.

   iv. 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.

E. **Ascenders** means the portion of a lowercase letter that rises above the main body of the letter as found in the letters b, d, f, h, k, l, and t.

F. **Awning sign**– see Canopy Sign

G. **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.

H. **Billboard** means a large panel for the display of advertising and messages.

I. **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

**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.

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J. **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.

K. **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.

L. **Descenders** means the portion of a lowercase letter that falls below the baseline as found in the letters g, j, p, q, and y.

M. **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.

N. **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.

O. **Embellishments** mean any framing or trim attached to or superimposed upon a sign.

P. **Feather sign** means any sign that is comprised 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.

Q. **Festoon sign** means a sign made of fabric or material suspended, draped, and bound at intervals to form loops or scalloped folds.

R. **Flashing Sign**—see Animated Sign

S. **Freestanding sign** means any sign permanently affixed to the ground and not to a building, and which is not used for off-premises advertising.

T. **Frontage** (for sign purposes) - means that side of a building that faces a street. Principal frontage is typically the side that contains the building entrance, or as otherwise designated by the building owner.

U. **Ground sign** - see Monument Sign

V. **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.
W. **Marquee sign** means any sign painted on or attached to or supported by a marquee.

X. **Mural** means a picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

Y. **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.

Z. **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.

AA. **Moving sign**—see Animated sign.

BB. **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.

CC. **Off-premises sign** means any sign not strictly related to goods, activities or services rendered on the premises where the sign is located or affixed.

DD. **On-premises sign** means a sign limited to advertising the name and goods or services rendered on the premises where the sign is located or affixed.

EE. **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.

FF. **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.

GG. **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.

**Monument Sign** **Pole sign**

HH. **Portable sign** means any sign not permanently affixed to the ground or a building, and which is designed to permit removal and reuse or relocation without any disassembly.

II. Projecting sign means a sign that extends beyond the building wall, where the horizontal sign face is not parallel to the building wall.

JJ. **Roof sign** means any sign which is affixed to a building roof.

KK. **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.

LL. **Sign face** means that part of the sign where copy and display matter is or could be located.

MM. **Sign height** means the vertical distance between the grade of the public street to which the sign is oriented to the highest point of the sign.

NN. **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.

OO. **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 located and is not otherwise permitted by this Ordinance.

PP. **Street Level Building Frontage** means the width of the principal structure, measured along the first floor (ground) elevation, which faces the front lot line.

QQ. **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.

RR. **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.

SS. **Wall sign** means any sign affixed flat against and parallel to a building wall, including the exterior of window areas.

TT. **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 30.20 - General Requirements**

A. All signs shall meet the requirements of the city building code.

B. 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 Building Official 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.

C. Signs with changeable copy may be changed by the owner, occupant or their assignees, provided the sign has been approved and constructed in accordance with this chapter and the building code.

D. 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.

E. 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.

F. All businesses, institutions, and residences shall be identified by a street address sign or number which shall be clearly visible from the street.

G. Signs shall meet requirements for sight distances as described elsewhere in this Ordinance.

H. Substitution. Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message.

I. Illumination:

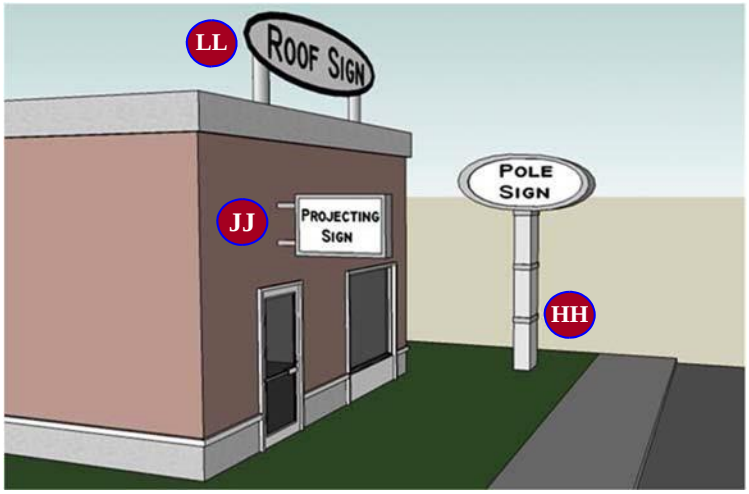
   i. Exterior lighting may be provided from an external light source attached to or near the sign and directed only to the face of the sign. Sign light sources shall be shielded in order to prevent visible glare to passing motorists and unnecessary spillover to the night sky, and they shall not be directed 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-3, and B-4 districts, but is not permitted in other districts.

   ii. 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.

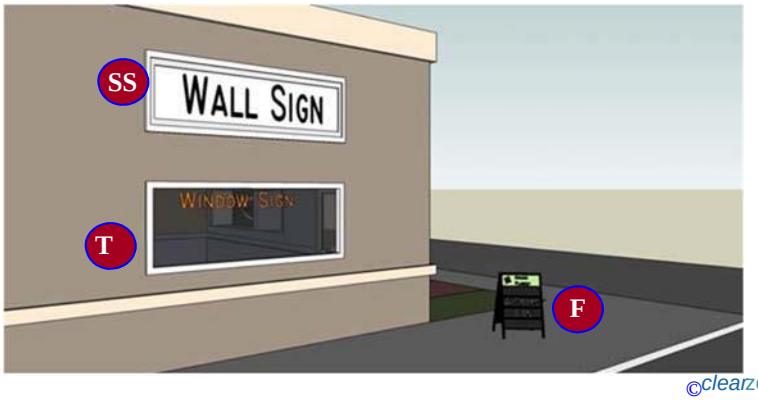
**COMMON SIGN TYPES**
**Defined in this Section**

- H Banner Sign
- J Canopy Sign
- A Monument Sign
- T Window Sign

- HH Pole Sign
- JJ Projecting Sign
- LL Roof Sign




- F Pedestrian (A-Frame)
- SS Wall Sign
- T Window Sign

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**SECTION 30.30 - Sign Types Permitted by District.** See corresponding table.

| **Section 30.30 Sign Types Permitted by District** | | | | |
|---|---|---|---|---|
| **A. 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 |

| **Section 30.30 Sign Types Permitted by District** | | | | |
|---|---|---|---|---|
| **B.** General Business Districts (B-1, B-2, & B-4). Permits required, unless otherwise noted | | | | |
| 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 in the B-1 district. B2 and B-4 districts are allowed a maximum of 1.5 sq ft of sign area per 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. in the B-1 & B-2 districts and up to 300 sq ft in the B-4 district. | — | Up to four signs are permitted per street level business frontage. The sum of the area of all signs shall not exceed the maximum sign area permitted.<br><br>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. |

| | | | | |
|---|---|---|---|---|
| **Secondary Wall Sign** | On building face other than the principal building frontage | Same maximum area as allowed for Principal Wall Sign. | — | Up to 2 secondary wall signs shall be permitted, with one sign permitted on each of two walls. |
| **Monument Sign** | 10 ft minimum front and side yard setbacks | 1 sq ft per lineal foot of building frontage, up to 75 sq ft per side | 8 ft from ground level to top of sign | See Sec 30.30 A. for provisions for number of Monument Signs. A monument sign is not permitted in addition to a pole sign. |
| **Pole Sign** | 10 ft minimum front and side yard setbacks | 3 sq ft per lineal foot of building frontage, up to 154 sq ft per side | 35 ft from ground level to top of sign | See Sec 30.30 A. (Number of Monument Signs) which also applies to pole signs, where permitted. A pole sign is not permitted in addition to a monument sign. |
| **Window Sign**— No permit required | In business windows | — | — | — |
| **Other signs** | See Section 30.40, as applicable | | | |

Illustration of corner building with identical wall signs on both frontages

Illustration of wall signs permitted for street level businesses with building frontage.

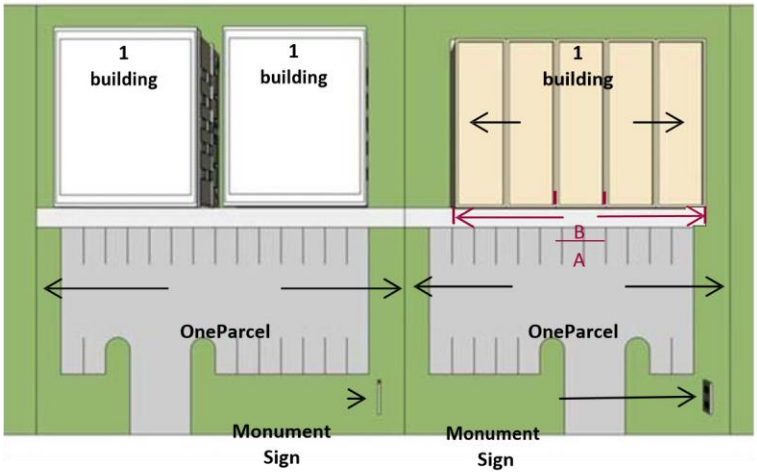


Illustration of one monument sign permitted per parcel.

A = Street level building frontage
B = Street level business frontage

| **Section 30.30 Sign Types Permitted by District** | | | | |
|---|---|---|---|---|
| C. **Pedestrian-Oriented Business Districts (B-3)** Permits required, unless otherwise noted | | | | |
| Sign Type | Location | Max. Area | Max. Height | Number |
| **Wall Sign** | On building frontage containing the main entrance at the sign band | 1.5 sq. ft. per lineal foot of street level business frontage. | — | Up to four signs are permitted per street level business frontage. The sum of the area of all signs shall not exceed the maximum sign area permitted.<br><br>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 30.40 D | At least 8 ft. above ground level<br>No closer than 20 ft to another such sign No higher than the 2nd floor of a multi- story building | **24** sq. ft. total | **8** ft. from bottom edge of sign | 1 per occupant at street level |
| **Window Sign**— No permit required | In business windows | 30% of total glass area per business, applied by floor | — | — |
| **Monument Sign** | 10 ft minimum front and side yard setbacks | 1 sq ft per linear foot of building frontage, up to24 ft per side | 4 ft from ground level to top of sign | See Sec 30.30 A. for provisions for number of monument signs. A monument sign is not permitted in addition to a pole sign. |
| **Temporary Pedestrian or A-Frame Sign** — No permit required. See Section 30.40 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.<br>No closer than 20 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 30.40, as applicable | | | |

| Section 30.30 Sign Types Permitted by District | | | | |
|---|---|---|---|---|
| **D. Office District (OS-1) & Residential Office District (RO)**<br>Permits required, unless otherwise noted | | | | |
| 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 24 sq ft per side | 8 ft from ground level to top of sign | 1 per parcel. A monument sign is not permitted in addition to a pole sign. |
| **Window Sign**— No permit required | In business windows | — | — | — |
| **Other signs** | See Section 30.40, as applicable | | | |

| Section 30.30 Sign Types Permitted by District | | | | |
|---|---|---|---|---|
| **E. Industrial Districts (EI, I-1, I-2, WH).** Permits required, unless otherwise noted | | | | |
| Sign Type | Location | Max. Area | Max. Height | Number |
| **Wall Sign** | On principal building frontage | 1.5 sq. ft. per lineal foot of street level business frontage, up to 200 ft | — | 1 per street level business with building frontage. Corner buildings shall be permitted 1 identical sign (type and area) per 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 parcel. A monument sign is not permitted in addition to a pole sign. |

| | | | | |
|---|---|---|---|---|
| **Window Sign** — No permit required | In business windows | 20% of total glass area per business, applied by floor | — | — |
| **Other signs** | See Section 30.40, as applicable | | | |

| **Section 30.30 Sign Types Permitted by District** | | | | |
|---|---|---|---|---|
| **F. Education-Research-Office District (ERO).** Permits required, unless otherwise noted | | | | |
| Sign Type | Location | Max. Area | Max. Height | Number |
| **Principal Wall Sign** | On principal building frontage to be placed at the sign band, when provided. | **1.5** 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 | — | Up to four signs are permitted per street level building frontage. The sum of the area of all signs shall not exceed the maximum sign area permitted.<br><br>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. |
| **Secondary Wall Sign** | On building face other than the principal building frontage, placed within 30 ft of the front facade | 50% of the maximum permitted area for Principal Wall Sign | — | Up to 2 secondary wall signs shall be permitted, with one sign permitted on each of two walls. |
| **Monument Sign** (formerly Pole Sign) | 10 ft minimum front and side yard setbacks | Maximum of 250 sq ft total. **An additional 30 sq. ft. allowed for institution identifier.** | 8 ft from ground level to top of sign | 1 per each 1,200 lineal ft of street frontage. |
| **Window Sign**— No permit required | In business windows | 20% of ground floor glass area | — | — |

| | | | | |
|---|---|---|---|---|
| **Temporary A-Frame Sign.** No permit required.<br>See Section 30.40 B | May be located in yard or public right-of-way, but shall maintain 4 ft clear pedestrian area on sidewalks and be setback 4 feet from the back of curb.<br><br>No closer than 20 ft. from another such sign. | 6 sq ft per side | 4 ft from ground level to top of sign | 1 per building |
| **Other signs** | See Section 30.40, 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 30.40 - Other Permitted Signs**

A. **Electronic message signs.** Such signs shall be permitted in the B-1, B-2, B-4, ERO, E-1, I-1, I-2, and WH districts as a portion of a wall sign, monument sign, or pole sign. They shall also be permitted as a portion of a monument sign in districts R-1 through R-4 with a permitted, non-residential use. All electronic message signs are subject to the following:

I. The sign must meet the requirements of Section 30.30.

II. 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-4 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.

a. A parcel must be one (1) acre minimum in size.

III. Any portion of the message may have continuous movement. Message may scroll, twirl, change color, and fade in or out, or imitate movement.

IV. Audio speakers or any form of pyrotechnics are prohibited.

V. Brightness. The sign must not exceed a maximum illumination of 5000 nits (Candelas per square meter) during daylight hour and a maximum illumination of 500 nits between dusk and dawn as measured from within six inches of the sign's face at maximum brightness.

VI. 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.

VII. In case of malfunction, the sign must go dark.

VIII. No electronic display or electronic message sign shall be installed in place of a permitted sign. This shall require that the electronic display component serve as one element of the permitted sign, not to exceed fifty percent (50%) of the total sign area proposed for the sign within which the electronic sign will be included.

IX. A minimum of the upper twenty percent (20%) of a sign shall not include an electronic display component.

B. **Temporary Pedestrian or A-Frame Signs:**

I. A-Frame Signs shall be permitted in the following districts: B-1, B-2, B-3, B-4 Districts and ERO District. ii. The area of the A-frame sign shall not exceed six (6) square feet per side or a total of 12 sq ft total. iii. The sign height of the sign structure shall be no greater than four (4) feet and the width shall be no greater than three (3) feet.

iv. The sign shall be located a minimum of four (4) feet from the back of street curb and it shall not be located in a manner as to interfere with vehicular or pedestrian traffic flow or visibility.

v. In the ERO district, such signs may be located in any yard, but are encouraged to be located near pedestrian building entrances.

vi. The sign is permitted only during operating business hours and must be stored inside when the establishment is not open to the general public.

vii. A-Frame signs shall be spaced a minimum of 20 feet apart. viii. The sign must be professionally constructed of weather-proof, durable material, and kept in good repair.

ix. Changeable message panels shall be either professionally printed or contain black or white changeable letters. A "blackboard-style" message area, similar to those used for daily restaurant specials, may also be used for all or a portion of the sign area.

C. **Billboards.** The following regulations apply to billboards:

i. Billboards shall only be permitted within the US223 Highway Corridor on property zoned Industrial. ii. 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.

iii. Billboards shall be setback at least 50 feet from the edge of the right-of-way of the Federal Highway System. iv. 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.

v. Sign faces shall be perpendicular or at an angle no less than 45 degrees to the road upon which they front.

vi. No Billboard shall be constructed in a v-shape in excess of a 45 degree angle.

vii. 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.

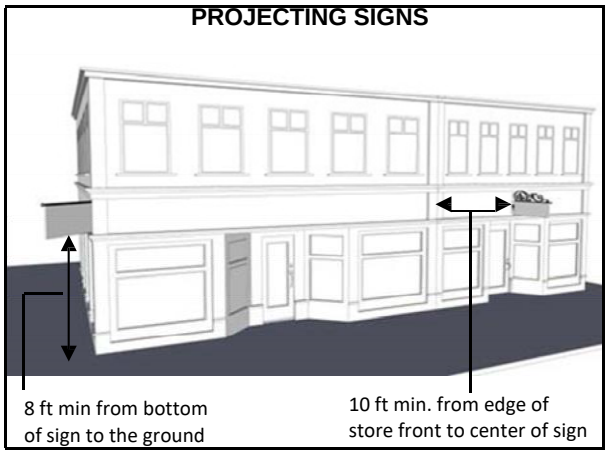
viii. Each permitted Billboard shall have a permanently installed, weatherproof plaque mounted in a conspicuous place that lists the name and phone number of the sign's installer, manufacturer, and owner, as well as the voltage of any electrical apparatus used.

ix. Billboards shall meet the requirements of the adopted Building Code.

x. 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.

xi. When illumination is provided, Billboards shall be externally illuminated. Internal illumination and electronic billboards shall not be permitted.

xii. 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 Building Official to determine whether the Billboard complies with City zoning and construction requirements.

D. **Projecting Signs.** Projecting signs are for the benefit of both pedestrians and motorists and are encouraged to be decorative in design. Such signs shall only be permitted under the following provisions:

i. Projecting signs shall only be permitted in the B-3 District.

ii. Projecting signs shall be placed on the sign band, when provided, unless a wall sign prohibits placement there.

iii. Projecting signs shall be a minimum of 8 feet above ground level, shall be placed no closer than 20 feet from another projecting sign (measured center of sign to center of sign), shall be no taller than **8** feet above the bottom edge of the projecting sign, shall be no greater than **24** square feet in area, and shall project no farther than **8.5** feet from the façade.

iv. Projecting signs shall be placed no closer than 10 feet to the horizontal edge of the storefront façade associated with the subject establishment provided; however, that this subsection shall not apply to the corner portion of a corner building.

v. Projecting signs shall have a maximum depth (thickness) of 2 feet; however, up to 33 percent of the sign may be up to 4 feet thick in order to provide for creative sign design.

vi. Support structures for projecting signs shall be constructed of a material and color to match the sign and complement the building.

E. **Other Signs.**

i. **Special event signs** in non-residential Districts.

a. A temporary special event or community service sign may be erected in a non- residential district for a period not to exceed 30 days. Only 1 special event sign may be placed on a lot and a permit can only be granted once every 3 months. A special event sign shall be a yard sign, portable sign, freestanding sign, inflatable sign, pennant strings, streamers, feather sign or banner sign (affixed to a wall) and shall be no greater than 36 square feet in area and unless it is affixed to a wall, it shall be no taller than 6 feet. The sign may be

externally illuminated. Electrical permits are required if illuminated. Electronic message boards are not permitted as temporary signs.

b. Special event signs shall have an appearance in keeping with permanent signs in the City. They shall be professionally prepared and supported by wood or metal posts or similar support frames that are black, dark, or an otherwise solid neutral color. ii. **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. Each occupant shall be permitted an identification panel up to 1 square foot on a building directory sign. Such signs may be externally illuminated as provided elsewhere in this Article.

iii. **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. iv. **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.

v. **Canopy/Awning Signs.**

a. One hanging or projecting blade sign, no greater than 8 inches in height and 3 ft wide, may be placed under an awning or canopy for the benefit of business identification for pedestrians, provided an 8 ft high clearance is maintained above the sidewalk or ground. 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.

Example of hanging sign, Sec. 30.40, E. v. and painted window lettering Sec. 30.40 E., vi.

vi. **Painted/stencil** letters no higher than eight inches may be applied in one row, to windows in non-residential districts and does not count toward total window sign area.

vii. **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.

viii. **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:

a. Individual wayfinding signs shall not exceed twelve square feet in area and shall consist of horizontal panels not exceeding 10 inches in height per panel

b. Wayfinding signs shall not exceed a maximum of six feet in height

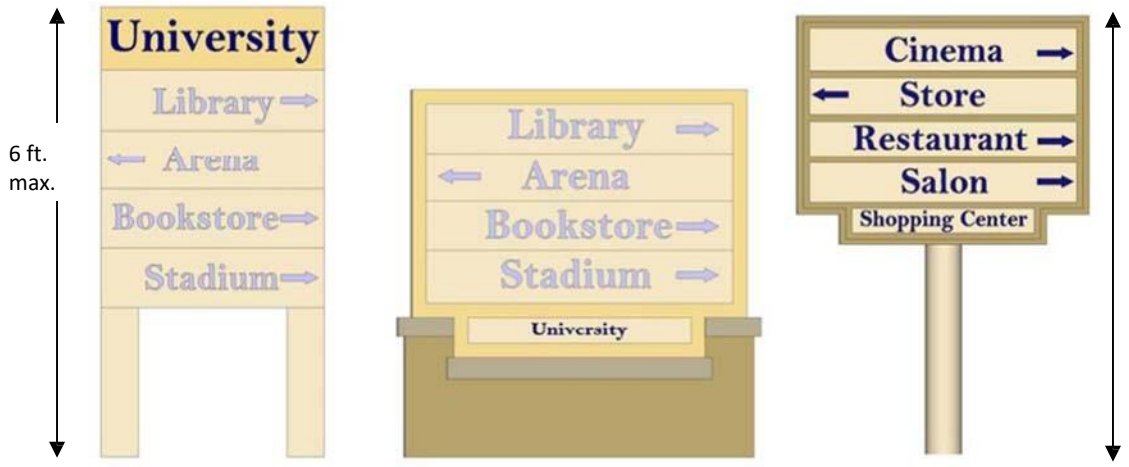
c. Electronic messages are not permitted

d. Such signs shall be located outside the public right-of-way per an approved master wayfinding plan

e. 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 and the City's Comprehensive Plan. ix. **Permanent supplemental signs:** 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. A sign permit is required.

**Examples of Wayfinding Signs**




12 sq. ft max.

**Section 30.50 - Prohibited Signs** The following signs shall be prohibited:

A. Signs in the right-of-way unless otherwise expressly permitted in this ordinance or required by a governmental entity.

B. Flashing Signs

C. Signs which resemble any official traffic sign or bear the words "stop," "go," "slow," "caution," "danger," "warning" or similar words.

D. 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.

E. Signs which hide from view any traffic or street sign or signal or similar device.

F. Signs which emit sound, odor or visible matter which serves as a distraction to persons within the public right-of-way.

G. Mobile billboards

H. Roof signs, or signs that project or extend over the roof line of a building. I. Signs attached to benches or other street furnishings

J. Beacon lights, strobe lights, and laser lights

K. Festoons

L. Mirrors. No mirror device shall be used as part of a sign.

M. Animated Signs

N. Obsolete or Abandoned Signs

O. Snipe Signs

P. Any signs not expressly permitted are prohibited

**Section 30.60 - Administration & Enforcement**

A. Signs permitted without a permit.

i. 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. ii. Flags that display a commercial message such as “open”, “sale” or flags that have a business name or message.

iii. Temporary signs in residential districts. Except as otherwise provided in subsection A, iv. below, 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.

iv. 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:

(1) The maximum total temporary sign area and sign height in residential districts shall be 12 square feet and 3 feet, respectively.

(2) 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)

(3) All signs permitted relative to this subsection (iv. a) shall be removed within 5 days of an election date in the City.

b. Property for Sale or Lease. In additional 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 façade 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 Building Official. v. Window signs

vi. Temporary Pedestrian (A-frame) signs

vii. 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 A., above, require a sign permit.

i. Application. Applications for sign permits shall be made upon forms provided by the Zoning

Administrator. ii. Procedure. When the applicant applies for a sign permit, such plans, specifications, and other data relating to the proposed sign or other supporting structure shall be reviewed by the Zoning

Administrator. iii. A master sign plan shall be reviewed in conjunction with the site plan and filed with the 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. The following information shall be provided with the sign plan: a. Colors

b. Letter/graphic style

c. Location of each sign

d. Materials used

e. Maximum dimensions and proportion.

f. Wayfinding sign elements, as applicable

iv. 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 Zoning Administrator.

v. Fees. Every applicant shall pay to the Treasurer of the City a fee for each sign permit before being granted a permit as established by resolution of the City Commission. In the event a sign is erected prior to receiving the permit, the sign permit fee shall be double that indicated in the schedule.

vi. Duration. All rights and privileges acquired under the provisions of this section or any amendments thereto, are mere licenses and may be revoked upon the violation of any of the conditions contained herein. 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

i. Approval Required. The Zoning Administrator shall review all plans for the construction or alteration of a sign that the Zoning Administrator determines will require a permit. Signs that do not require a permit, do not require review.

ii. The Zoning Administrator shall consider and deny, approve, or approve with conditions, all sign applications for which an application is made and a review fee is paid. The Zoning Administrator shall initiate a review by the Downtown Development Authority, if the site falls within the DDA district.

iii. Requirements in the B-3 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 is consistent with the intent of the City of Adrian Master Plan.

g. The sign otherwise meets all requirements of this Chapter.

iv. Requirements for All Signs. All signs must meet requirements d. through g. 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:

i. 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 Building Official 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 Building Official 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 Building Official.

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:

(1) Property boundaries of proposed sign site, showing nearest intersecting street and names of owners and boundaries of parcels of land abutting the proposed site.

(2) Description of the property by lot number, square, and subdivision name or exact legal description of the proposed site.

(3) The GPS (Global Positioning System) coordinates and street address of the proposed sign structure.

(4) Sign location including pole(s) and sign face(s).

(5) Sign dimensions.

(6) 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 Building Official 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.

ii. Emergency permit. In extenuating circumstances where a sign becomes unsafe due to accident or natural disaster, the Building Official may upon review issue an emergency permit for a temporary or a substitution sign for a period of time not to exceed 45 days.

iii. Revocation. The Zoning Administrator is authorized and empowered to revoke any permit issued by him or her upon failure of the holder to comply with the provisions of this chapter or with the signed plans submitted to the Zoning Administrator.

iv. Billboard permit fees. Permit fees shall be as set forth by resolution of the City Commission.

v. 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.

i. The City of Adrian Sign Ordinance shall be administered by the Department designated by the City to monitor and enforce its provisions. This shall include the Building Department, Community Development Department or other department assigned this responsibility through the granting of permits and approval of site plans which include such signage requests.

ii. 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.

iii. 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 30.70 - Maintenance**

A. Damaged or Abandoned Signs.

i. 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 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.

ii. 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 Code. Failure to comply with this section may result in action by the Zoning Administrator or Building Official to rescind the permit with subsequent removal of the entire structure.

C. A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than 30 successive days.

D. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of more than 30 successive days, unless determined by the Building Official to pose a safety hazard, in which case 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, for a period of more than 30 successive days.

F. An internally illuminated sign shall not be allowed to stand with only partial illumination for a period of more than 30 successive days.

**Section 30.80 - 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 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 30.90 - 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. Any such sign shall be removed within 30 days after notice is given to the owner, in writing, at the address of the owner as shown on the assessment roll. If the owner shall fail or neglect to cause any such sign to be removed within such 30day 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 30.10 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 30.100 - Waivers and Appeals**

A. 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 chief building inspector or other administrative official in connection with the endorsement of this article.

   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. 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:

   i. 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.

   ii. 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.

   iii. 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.

   iv. 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.