

# CITY OF ALBION

## ZONING ORDINANCE

Code of the City of Albion (1984) Chapter 30 ZONING\*

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**\*Cross reference(s)**--Buildings and building regulations, Ch. 5; drainage and flood control, Ch. 9; soil erosion and sedimentation control, Ch. 21; subdivisions, Ch. 25.

**State law reference(s)**--Zoning ordinances authorized, MCL § 125.581 et seq., MSA § 5.2931 et seq.

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# **ARTICLE I. IN GENERAL**

## **Section 30-1. Title.**

This chapter shall be known and may be cited and referred to as the City of Albion Zoning Ordinance.

(Code 1980, § 20.1)

## **Section 30-2. Purpose.**

This chapter is enacted to preserve and promote the public health, morals, safety and general welfare, and for the following more Particularly specified purposes:

- (1) To protect the character and stability of residential, commercial, industrial and recreational areas within the city, and to promote the orderly development of such areas;
- (2) To Prevent overcrowding the land and undue congestion of population;
- (3) To regulate the location of buildings and the use of buildings and land adjacent to streets and thoroughfares; and
- (4) To guide and regulate future growth and development of the city in accordance with the comprehensive plan for the City of Albion.

(Code 1980, § 20.2)

## **Section 30-3. Interpretation and application.**

- (a) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirement where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control.
- (b) Words, phrases and terms defined in Section 30-4 of this Code shall be given the defined meaning. Words, phrases and terms not defined shall be given their usual and customary meanings except where the context clearly indicates a different meaning. The word "shall" is mandatory and not permissive; the word may is permissive and not mandatory. Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future tense and words used in the future tense include the present tense. The text of this chapter shall control captions, titles, and maps.

(Code 1980, § 20.3)

## Section 30-4. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

*Accessory use or structure:* A use or structure customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

*Agriculture:* The use of land and buildings for the production of crops and livestock on a farm and the necessary accessory uses for packing, treating and storing the products; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. Excluded are such commercial uses as slaughtering, commercial meat packing, commercial milk processing and other uses not totally secondary to the normal agricultural activities.

*Alley:* A public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to abutting property.

*Alter:* As applied to a building or structure means a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

*Apartment Building:* A use which is a dwelling designed for or occupied by three or more families, with separate housekeeping, cooking, and bathroom facilities for each. {Definition added by Ordinance #97-3.}

*Automobile repair--Major:* General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision service, including body repair and frame straightening; painting and upholstering; vehicle steam-cleaning and undercoating.

*Automobile repair--Minor:* Minor repairs, incidental replacement of parts and motor service to passenger automobiles and trucks not exceeding one and one-half (1 1/2) tons capacity but not including any operation specified under "automobile repair--major."

*Automobile service station or gasoline station:* A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises, minor repairs, and replacement of minor parts and accessories, but not including major repair work such as motor overhaul, body or fender repair, or spray painting.

*Automobile wrecking:* The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

*Base Flood:* The flood having a one percent of being equaled or exceeded in any given year. {added by Ordinance #2000-11, 4/5/2000}

*Base flood elevation:* The area of lands adjacent to and including a river, stream, lake or other body of water that will be inundated by the base flood. {added by Ordinance #2000-11, 4/5/2000}

*Base flood elevation:* Indicates the expected depth of water should a flood occur. {added by Ordinance #2000-11, 4/5/2000}

*Basic manufacture:* The first operation of operations which transform a material from its raw state to a form suitable for fabrication.

*Bed and Breakfast Inn:* A structure which was originally constructed for single family residential use and is currently the private residence of the innkeeper, but which is used for renting bedrooms, on a nightly basis to transient tenants and serves a breakfast at no extra cost to the transient tenants. {added by ordinance #2000-03, 3/6/2000.}

*Bed and breakfast operation:* The actual or intended rental of a lodging room or lodging rooms in an owner-occupied dwelling for periods of not more than fourteen (14) continuous days, without the provision of separate cooking facilities or meals except breakfast.

*Billboards and signs:* (See [Article V, Division 4](#) of this chapter.)

*Board:* The zoning board of appeals.

*Buildable area:* The space remaining on a zoning lot after the minimum open-space requirements (coverage, yards, and setbacks) have been met. {added by Ordinance #2000-11, 4/5/2000}

*Building:* Structure enclosed or partially enclosed within exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

*Building coverage:* The amount of land covered by or permitted to be covered by a building, usually measured in terms of percentage of a lot. {added by Ordinance #2000-11, 4/5/2000}

*Building envelope:* The space within which a structure is permitted to be built on a zoning lot as defined by the standards of this ordinance including height, yards, building coverage and floor area ratio. {added by Ordinance #2000-11, 4/5/2000}

*Building, height of:* The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for a gable, hip or gambrel roof.

*Bulk regulations:* regulations that are specifically related to height, yards, building coverage and floor area ratio. {added by Ordinance #2000-11, 4/5/2000}

*Campground:* A use on a parcel or tract of land licensed by the State under the control of a person in which sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for three or more recreational units which includes trailers as defined in this Code. {Definition added by Ordinance #97-3.}

*Clinic, dental or medical:* A building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of practicing their profession. The clinic may include a medical or dental laboratory. It shall not include in-patient care or operating rooms for major surgery.

*Common parking element:* A parking plan in which the specific space requirements for permitted or special uses within the “CD” Campus Development or “CDBG” Central Business Districts are coordinated on a district wide-wide basis rather than through on-site development regulations. This plan must be presented as part of specific site plan review for intended uses without sufficient on-site parking. {added by Ordinance #2005-10, 6/15/2005}

*Condominium:* The term “condominium” as used in this Ordinance shall conform to the definition used in the Condominium Act, P.A. 59 of 1978, as amended, MCL 559.11 et. seq. {added by Ordinance #2000-11, 4/5/2000}

*Condominium general commons area:* The land area of the development owned by the condominium association. {added by Ordinance #2000-11, 4/5/2000}

*Condominium limited commons area:* The area around the building envelope, similar to a traditional subdivision lot, used exclusively by the owner of the unit but not technically owned by the owner of the unit. {added by Ordinance #2000-11, 4/5/2000}

*Condominium Project:* A plan or project consisting of not less than two condominium units if established and approved in conformity with the Condominium Act. {added by Ordinance #2000-11, 4/5/2000}

*Condominium Project:* A plan or project consisting of not less than two (2) condominium units if established and approved in conformity with the Condominium Act. {added by Ordinance #2000-11, 4/5/2000}

*Condominium Unit:* The 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 as approved by the administrator of the Condominium Ordinance. {added by Ordinance #2000-11, 4/5/2000}

*Condominium Lot:* Described as an area designed to facilitate the building envelope and the limited commons area. Limited commons areas are designed for the exclusive use of the owner of the unit, although not technically owned by the owner. (Referred to as a Site Condominium) {added by Ordinance #2000-11, 4/5/2000}

*Density*: The average number of families, persons, or housing units per unit of land. {added by Ordinance #2000-11, 4/5/2000}

*Duplex*: A use which is a dwelling designed for or occupied by two families, with separate housekeeping, cooking, and bathroom facilities for each which complies with the standards given in this Code. {Definition added by Ordinance #97-3.}

*Dwelling*: A use which is a structure, mobile home, premanufactured or precut dwelling structure designed and used for the complete living accommodations of a single family which complies with the standards given in this Code. {Definition as amended by Ordinance #97-3.}

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{Definitions made redundant or conflicting by Ordinance #97-3.}

*Dwelling*: Any building or portion thereof designated to be used exclusively as the residence or sleeping place of one or more persons.

*Dwelling group*: A group of three (3) or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

*Dwelling unit*: One room or suite of two (2) or more rooms designed for or occupied by one family for the living and sleeping purposes and having one kitchen or kitchenette.

*Dwelling, single-family*: A building designed for or occupied exclusively by one family.

*Dwelling, two-family*: A building designed for or occupied exclusively by two (2) families living independently of each other.

*Dwelling multiple-family*: A building or portion thereof designed for or occupied by three (3) or more families living independently of each other.

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*Fabrication*: Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores or rubber. Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects.

*Family*: This term shall mean “*traditional family*” or “*functional family*” as defined below: {Definition as amended by Ordinance #2006-02, 5/1/2006}

*traditional family*--an individual or group of two or more persons related by blood, marriage or adoption, or other legal relationship, together with foster children, with a maximum of not more than (3) three additional unrelated persons, who are domiciled together as a single domestic housekeeping unit in a dwelling.

*Functional family*--a collective number of individuals domiciled together in one dwelling unit of not more than four (4) unrelated persons, and who are in fact cooking and living as a single nonprofit housekeeping unit. A functional family shall not include any

society, club, fraternity, sorority, association, lodge, combine, federation group, coterie, or other organization.

Any person or group of persons seeking the legal rights and privileges of a “family” as defined in subparagraph a. or b. above in any administrative, judicial, or quasi-judicial proceeding, whether as the proponent or by way of defense, shall have the burden of proving that their domestic relationship satisfies the criteria in either subparagraph a. or b. above.

*Fine arts:* Individual art pieces not mass produced which may consist of one or more of the following: Paintings, etchings, ceramics, inlays, needlework, knitting, weaving, sculptures, and/or craftwork.

*Float zone:* A zoning district whose requirements are fully described in the text of the ordinance but which is unmapped. A planned unit development would be an example of a float zone. {added by Ordinance #2000-11, 4/5/2000}

*Floor area, gross:* The sum of the horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces for motor vehicles, or any space where the floor-to-ceiling height is less than six feet. {Definition as amended by Ordinance #92-3.}

*Floor to area ratio:* The ratio of floor area permitted on a zoning lot to the size of that lot. (FAR) {added by Ordinance #2000-11, 4/5/2000}

*Funeral Home:* A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation. {Definition as amended by Ordinance #2000-02, 3/6/2000.}

*Garage:*

*Garage, community:* An accessory building, having no public shop or service in connection therewith, for the storage only of non-commercial vehicles. In the case of hotels, motels, or other building of public assembly such community garage may be a part of or attached to the principal building.

*Garage, private:* An accessory building, having not more than one thousand (1,000) square feet of usable floor area, to be used for the storage of non-commercial motor vehicles, and not more than one commercial vehicle of not more than one ton capacity. There shall be no public shop or services in connection therewith.

*Garage, public:* A building or part of a building used for the storage, sale, hire, care, repair or refinishing of motor vehicles.

*Grade:* A reference plane representing the average of finished ground level adjoining the buildings at all exterior walls.

*Home occupation:* In this chapter the term "home occupation" refers to incidental economic enterprises as permitted in specified residential districts, subject to enumerated limitations.

*Hotel:* A building containing guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guest room except suites where compact pullman-type kitchenettes may be provided.

*Institution:* A building occupied by an established non-profit society or non-profit corporation for public use.

*Intensity:* The degree to which land is used; the level of concentration or activity in uses. {added by Ordinance #2000-11, 4/5/2000}

*Junkyard:* A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including wrecked motor vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

*Laboratory:*

*Medical or dental:* A laboratory which provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.

*Experimental:* A building or part of a building devoted to the testing and analysis of any product or animal.;

*Laundromat:* A business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.

*Loading berth:* A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

*Lot:* A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this chapter, and having frontage on a public street or on a street which is a private street as of the date of adoption of this chapter.

*Lot corner:* A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the "corner."

*Lot, interior:* A lot other than a corner lot.

*Lot width:* The width of the lot at the building line.

*Lot of record:* A lot which is part of a subdivision, the map of which has been recorded in the office of the register of deeds of Calhoun County, Michigan or a parcel of land described by metes and bounds, the description of which has been recorded in the office of county register of deeds of Calhoun County, Michigan. (See Section 30-41.)

*Manufacture:* All operations required to produce the material named.

*Mechanical amusement arcade:* A mechanical amusement arcade is any business establishment which contains five (5) or more mechanical amusement devices.

*Mechanical amusement device:* A mechanical amusement device shall include, but not be limited to, a machine, action game table, or electronic device, which for valuable consideration, may be operated for use as a game, contest, video display, or amusement of any description.

*Mobile Home:* A dwelling, transportable in one or more sections which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by Public Act 96 of 1987, as amended, being the Mobile Home Commission Act, MCL 125.2301 et.seq., (MSA 19.855(101) et.seq.), and administrative rules promulgated thereunder. **{Definition amended by Ordinance #97-3.}**

*Mobile Home Park:* A use which is a parcel of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary mobile home or trailer. **{Definition added by Ordinance #97-3.}**

*Motel:* A building or group of buildings on the same lot, whether detached or in connected rows containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot, and designed for, or occupied by automobile travelers. The term shall include any building or building groups designated as motor lodges, motor inns, or by any other title intended to identify them as providing lodging, with or without meals, for compensation.

*Parking area, space, lot:* An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors or employees.

*Planned unit development:* An area of land, under centralized ownership, to be developed as a single entity for one, or a number of combination of residential, commercial, and/or industrial uses, the plan for which does not correspond in lot size, bulk, or type of residential, commercial, or industrial use, density, lot coverage and required open space to the regulations established in any one or more districts created, from time to time, under the provisions of the zoning ordinance. Planned unit development requirements are designed to accomplish the objectives of the zoning ordinance through a land development project-review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

*Processing:* Any operations changing the nature of material or materials such as the chemical composition or physical qualities. [The term] does not include operation described as fabrication.

*Professional Office* – The office of a member of a recognized profession maintained for the conduct of that profession. {Definition added by Ordinance #92-3.}

*Public utility:* Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water.

*Rooming and/or boarding houses:* A building containing guest rooms in which lodging is provided with or without meals for compensation and which is open to permanent guests only and where no provision is made for cooking in any guest room.

*Story:* That portion of a building included between the upper surface of a floor and upper surface of one floor or roof next above.

*Story, first:* The lowermost story entirely above the grade plane.

*Story, half:* A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

*Structure:* Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

*Tourist home:* A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

*Trailer:* A vehicle which can be drawn on a highway and is used for recreational or camping purposes. It includes the terms motor home, pole-trailer, trailer coach, trailer, mobile home as defined in Public Act 300 of 1949, as amended, being the Michigan Motor Vehicle Code, MCL 257.1 et.seq. (MSA 9.1801 et.seq.), as amended, and including camping units, tents, or any other temporary dwellings. **{Definition added by Ordinance #97-3.}**

*Use, by right:* A use which is listed as a use by right in any given zoning district in this chapter. Uses by right are not required to show need for their location.

*Use special:* A use permitted within certain zoning districts but of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in this chapter and to any special conditions imposed by the competent authority to protect the use by right of the other properties in the neighborhood.

*Uses by temporary permit:* Listed uses which may be permitted in any given zoning district, provided that need for the use in the district can be established to the satisfaction of the zoning inspector.

*Use, transitional:* Transitional use is one in which a permitted use of land or structure is less restrictive than the use normally permitted in the zoning district in which the land or structure is located. To qualify for transitional use, the property or structure must meet the following requirements:

- (a) The property (or lot) must be immediately adjacent to the zoning boundary between the zoning district in which the property is located and a zoning district which is the next less restrictive.
- (b) The transitional use must be one which is permitted in the above-described less restrictive zoning district.

*Variance:* A variance is defined as a modification of the terms of this chapter where such variance 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 chapter would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces, establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

*Warehouse:* A warehouse is defined as a property where goods are stored by contract and/or for a valuable consideration, which goods are not intended for sale on those premises.

*Wetland, Regulated:* Land characterized by the presence of water at a frequency and duration sufficient to support (and under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is regulated by the Michigan Department of Environmental Quality (MEDQ) authorized by Part 303, Wetland Protection, or the Natural Resources and Environmental Protection Act, 1994 P.A. 451, as amended. {added by Ordinance #2000-11, 4/5/2000}

*Wholesaling:* Wholesaling is defined as the on-premise sale of goods for resale.

*Yard, front:* An open space extending the full width of the lot between any part of a building and the front lot lines, unoccupied and unobstructed from the ground upward, except as hereinafter specified. For purposes of this chapter, in the case of corner lots, the front lot line shall be deemed to be that lot line adjacent to one street which is the narrower dimension of the lot.

*Yard, side:* An open space of a lot which extends from the front yard to the rear yard between the side lot line of a lot and the nearest wall or supporting member of a building or structure except as hereinafter specified. Section: 30-48(1)(2)(3). {amended by Ordinance #2000-11, 4/5/2000}

*Yard, rear:* An open space extending across the rear of the lot between the inner side yard lines and between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. In the case of through lots and reversed frontage corner lots, there will be no rear yard.

(Code 1980, § 20.4; Ord. No. 1984-1, § 3, 4-2-84; Ord. No. 1984-2, § 2, 6-18-84; Ord. No. 1985-2, § 2, 5-6-85; Ord. No. 1985-12, § 2, 10-7-85; Ord. No. 1987-3, § 2, 4-6-87; Ord. No. 1987-9, § 2, 10-5-87)

### **Section 30-5. Validity and repeal.**

If any article, section, subsection, paragraph, sentence, or phrase of this chapter is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

All ordinances or parts of ordinances in conflict with any of the provisions of this chapter are hereby repealed and said provisions shall be controlling.

(Code 1980, § 20.21)

### **Section 30-6. Adoption.**

This ordinance shall be in effect thirty (30) days from the date of this adoption by the city council.

(Code 1980, § 20.23)

**Sections 30-7--30-20. Reserved.**

# **ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

## **DIVISION 1. GENERALLY**

### **Section 30-21. Zoning inspector.**

There is hereby established the office of zoning inspector, and for the purpose of this chapter the building inspector may be designated as said zoning inspector.

It shall be the duty of the zoning inspector to administer and enforce this chapter in accordance with the provisions contained herein.

In the performance of his duties, the zoning inspector or employees properly authorized to represent him shall have the right to enter any building or premise for the purpose of investigation or inspection.

(Code 1980, §§ 20.18-1, 20.18-2)

**Cross reference(s)**--Officers and employees generally, § 2-16.

### **Section 30-22. Coordination with other departments.**

The zoning inspector shall furnish to the various departments, officers or employees, vested with the duty or authority to issue permits or licenses such information as will ensure proper administration of this chapter. It shall be the duty of said departments, officers and employees to cooperate with the zoning inspector in the performance of his duties. Any permit or license issued by said departments, officials and employees in conflict with the provisions of this chapter shall be null and void.

(Code 1980, § 20.18-3)

### **Section 30-23. Zoning permit.**

- (a) No land shall be used or occupied and no structure shall be designed, erected, altered or used hereafter until a zoning permit shall have been issued by the zoning inspector. It shall be the duty of the zoning inspector to issue a zoning permit, provided he is satisfied that the building, structure or premises, and the proposed use thereof, conform with all the requirements of this chapter. A zoning permit issued by the zoning inspector shall be required prior to the issuance of any building permit.
- (b) If plans as required under subsection (d) are not approved, the zoning inspector must state in writing reasons for disapproval.
- (c) All permits and plans or data relating thereto shall be kept on permanent file by the building inspector.

- (d) Every application for a zoning permit shall be accompanied by plans in duplicate, drawn to scale in black line or blueprint, showing the shape and dimensions of the lot to be built upon or to be changed in its use; and exact location, size and height of building or structure and the intended use to be made thereof. One copy of such plans shall be returned to the owner when such plans shall have been approved by the zoning inspector together with a zoning permit as may be granted.
- (e) A flat fee may be charged and the amount will be determined by resolution of the city council.

(Code 1980, §§ 20.18-2, 20.18-5, 20.18-7)

**Section 30-24. Administrative forms.**

The city planning commission may recommend that certain standardized forms be adopted so as to assure uniform presentation of facts and assist the zoning inspector in the performance of his duties.

(Code 1980, § 20.18-6)

**Section 30-25. Report to governing body.**

Following the enactment of this chapter, the city planning commission shall from time to time prepare and file, with the city council a report on the operations of said chapter, including recommendations as to amendments, supplements or changes thereto, at least once a year.

(Code 1980, § 20.22)

**Section 30-26. Methods of enforcement.**

In case any building except as otherwise provided in this chapter is or is proposed to be located, erected, constructed, enlarged, changed, maintained or used, or any land is, or proposed to be, used in violation of this chapter or any amendment, the zoning inspector shall have the authority to implement the enforcement thereof by any of the following means:

- (1) He may serve notice requiring the removal of any use in violation of this chapter upon the owner, agent or tenant of the building or land, or upon the architect, builder, contractor or other person who commits or assists in any such violation.
- (2) He may call upon the attorney for the municipality to institute any necessary legal proceedings to enforce the provisions of this chapter, and the attorney is hereby authorized to institute appropriate actions to that end.
- (3) He may call upon the local law enforcement officer or his deputies to assist in the enforcement of this chapter.

In addition to the authority vested in the zoning inspector, the attorney for the municipality or any adjacent or neighboring property owner who would be specially damaged by violation of this chapter may institute injunction to restrain or abate, to cause the correction or removal of any violation of this chapter.

(Code 1980, § 20.18-4)

**Section 30-27. Penalties.**

Any person, firm or corporation violating any of the provisions of this chapter, or any amendment thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), or ninety (90) days in jail. Each and every day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Code 1980, § 20.18-8)

**State law reference(s)**--Violations generally, MCL § 125.587, MSA § 5.2937.

**Sections 30-28--30-40. Reserved.**

## **DIVISION 2. EXCEPTIONS AND MODIFICATIONS**

### **Section 30-41. Existing lots of record.**

In any R district a one-family detached dwelling may be erected on any lot of official record as of the effective date of the ordinance from which this chapter is derived, regardless of its area or width, provided the owner of such lot does not own any adjoining property; and provided, however, that:

No lot shall be deemed to be less than forty (40) feet wide for the calculation of yard requirements;

The sum of the side yard widths need not exceed thirty (30) per cent of the width of the lot, or if a corner lot the side yard adjoining the side street shall not be less than eight (8) feet; and

The depth of the rear yard shall not be less than twenty (20) feet.

In no case shall any side yard be less than six (6) feet in width.

(Code 1980, § 20.17-1)

### **Section 30-42. Height limitations.**

The height limitations stipulated in this chapter shall not apply to church spires, elevated water tanks, elevator penthouses, fire towers, cooling towers, grain elevators, grain or coal silos, gas holders, smokestacks, flagpoles, radio and television towers, masts, and aerials, monuments and similar structures requiring a greater height.

(Code 1980, § 20.17-2)

### **Section 30-43. Front yards.**

In any R district, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and, within the same block and on the same side of the street, is less or greater than the least front yard depth prescribed for the specific R district, then the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards, or the average depth of existing front yards on the two (2) lots immediately adjoining, or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be not less than ten (10) feet and need not exceed fifty (50) feet.

(Code 1980, § 20.17-3)

**Section 30-44. Double frontage lots.**

Building on lots having frontage on two non-intersecting streets shall have applicable front yards on both streets.

(Code 1980, § 20.17-4)

**Section 30-45. Side yards.**

- (a) Each side yard shall be increased in width by two (2) inches in any R district for each foot by which the length of the side wall of a building, adjacent to the side yard, exceeds forty (40) feet.
- (b) The width of one side yard may be reduced to a width, not less than three (3) feet; provided the sum of the widths of the side yards is not less than the required minimum, and further provided the distance between the proposed dwelling and another dwelling, existing or proposed on an adjoining lot is not less than the minimum sum of the widths of two (2) side yards. Such reduction may be authorized only when the board finds it to be warranted by the location of existing buildings or conducive to the desirable development of two (2) or more lots.
- (c) A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly or across an alley, the side lot line of another lot in any R district, shall have a width of not less than one-half the required depth of the front yard on such other lot fronting the side street.

(Code 1980, § 20.17-5)

**Section 30-46. Rear yards.**

In any R district, for each foot by which a lot, existing and of record at the time of adoption of the ordinance from which this chapter is derived, is less than one hundred (100) feet in depth, three (3) inches may be deducted from the otherwise required depth of the rear yard; provided this exception shall not apply to buildings higher than thirty-five (35) feet in height; and in any case no required rear yard shall be less than ten (10) feet in depth.

(Code 1980, § 20.17-6)

**Section 30-47. Front yards, side yards and corner lots in R districts.**

In the case of corner lots in any residential area, the front lot line shall be deemed to be the lot line of least dimension which borders a street. The front yard shall be deemed to be that portion of the lot adjacent to the front lot line. The side yard of a corner lot adjacent to a street shall be not less than twenty-five (25) feet.

(Code 1980, § 20.17-7)

### **Section 30-48. Projections into yards.**

In any R district, certain architectural and other features may project into required yards as follows:

- (1) Cornices, canopies, eaves, bay windows, balconies, or chimneys and other architectural features may project a distance not exceeding three (3) feet.
- (2) Outside stairways and fire escapes may project a distance not exceeding four (4) feet, six (6) inches.
- (3) An uncovered stair and landing which does not extend above the entrance floor of the building except for the railing, and projects not more than six (6) feet.
- (4) Fences, walls and hedges may be in required yards as follows:
  - a. If not exceeding at any point six (6) feet in height above the ground, such may be located in any yard. Fences projecting into front yards may not exceed four (4) feet in height.
  - b. On a corner lot, not to exceed four (4) feet above ground level in height, such fence, wall or hedge may be located in the side yard abutting the street line, provided such fence, wall or hedge shall not extend into the front yard above three (3) feet.
- (5) Walks, driveways or necessary retaining walls may occupy any yard area.

(Code 1980, § 20.17-8)

### **Section 30-49. Dwelling Standards:**

{Section 30-49 added by Ordinance #97-3.}

No person shall use, occupy permit the use or occupancy of a structure as a dwelling, or duplex, which does not comply with dwelling standards of this Code, or standards of the State of Michigan and United States Department of Housing and Urban Development, whichever is applicable, within any district, except in a designated mobile home park, and except as hereinafter provided. All dwellings shall comply with the following minimum standards:

- (1) All dwellings hereafter erected shall have at least seven hundred fifty (750) square feet of building area and shall be twenty-four (24) feet, or more, in width.
- (2) All dwellings hereafter erected shall comply in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of Public Act 230 of 1972, as amended, being MCL 125.1501 et.seq. (MSA 5.2949(1) et.seq.), including minimum heights for habitable

rooms; and locally adopted building codes. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code, then and in that even such federal or state standard or regulation shall apply.

- a. Foundations: Any structure shall be firmly attached to a permanent foundation constructed on site in accordance with local construction codes, adopted per PA 230 of 1972, and shall have the same perimeter dimensions as the structure. The perimeter foundation shall not be less than eight (8) inches thick concrete or masonry units forty-two (42) inches deep on proper footing. Anchors shall be placed at intervals not exceeding eight (8) feet or per local construction code which ever is stricter. A solid cement slab not less than three and one-half (3½) inches thick shall cover the entire area within the perimeter. In no instance shall a permanent, non-utility structure be located upon concrete piers or cement blocks in lieu of the foundation prescribed herein.
  - b. Framing, structural, insulation shall comply with the said Michigan State Construction Code, or in the case of mobile homes, shall comply with the “mobile home construction and safety standards”, as promulgated by the United States Department of Housing and Urban Development, in 24 CFR 3280, et.seq., as amended, and which bears a HUD seal or certification by a certified inspector signifying inspection and compliance with the Mobile Home and Construction Standards;
  - c. The final finished structure shall comply with the Michigan State Construction Code.
- (3) All dwellings shall be connected to a public sewer and water supply or to such private facilities as comply with the Calhoun County Sanitary Code, the local plumbing code, and approved by the local Public Health Department.
  - (4) All dwellings must comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within or connected to said mobile home shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
  - (5) No dwelling shall contain additional rooms or other areas which are not constructed with similar quality workmanship as the original structure including permanent attachment to the principal structure as long as such attachment does not include a bearing load on a mobile home and it sits on a foundation constructed as required herein.

- (6) All dwellings must contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which shall be equal or better than fifteen (15%) percent of the square footage of the dwelling.
- (7) All dwellings shall have a roof with at least an average slope of three (3) feet rise, or more, for each twelve (12) feet of horizontal distance, or a slope that meets or exceeds the roofing material manufacturer's instructions, whichever is greater.
- (8) No dwelling shall have exposed wheels, towing mechanism, undercarriage or chassis.
- (9) Dwellings hereafter erected or additions thereto shall be constructed so as to be compatible aesthetically and in design with conventional on-site homes.
- (10) All dwellings shall be maintained against deterioration and/or damage from the elements or from any other cause by prompt and appropriate repairs, surface coating, and other protective measures.
- (11) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required in this Code pertaining to such parks.
- (12) All construction required by this section shall be commenced only after a construction permit is obtained in accordance with the applicable construction code provisions and requirements.

**Sections 30-50--30-60. Reserved.**

## **DIVISION 3. AMENDMENTS\***

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\*State law reference(s)--Amendment procedures, MCL § 125.584, MSA § 5.2934  
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### **Section 30-61. Generally.**

Whenever the public necessity, general welfare or good zoning practice require, the city council may by ordinance and subject to the procedure provided by law amend, supplement or change the regulations, district boundaries or classification of property, now, or hereafter established by this chapter or amendments thereof.

(Code 1980, § 20.19-1)

### **Section 30-62. Persons authorized to initiate.**

Any proposed amendments, supplements or changes to this ordinance may be initiated by any person, firm, or corporation filing an application therefor; or by the city planning commission or the city council upon a resolution adopted by either of these bodies.

(Code 1980, § 20.19-2)

### **Section 30-63. Procedures.**

The application for any proposed zoning change shall be directed to the city planning commission on forms prescribed for such purpose, accompanied by sufficient information so as to assure the fullest presentation of facts for the permanent record.

Any person, firm, or corporation desiring a change in the zoning classification of property shall file with the application for zoning change a list of the names and addresses of the last known owners, as shown on the records of the assessor, and a map of all properties including a list of names and addresses of the occupants, lying within three hundred (300) feet of any part of the property the zoning classification of which is proposed to be changed.

The city planning commission shall then hold a public hearing on such proposed amendment, supplement or change as set forth in the application, notice of the time and place of which shall be given not less than fifteen (15) days prior to such hearing, by one publication in a newspaper of general circulation in the City of Albion, and by registered mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the districts affected, and a hearing be granted any person interested at the time and place specified.

In addition to the published notice required by law, the city planning commission shall give notice of the time, place and purpose of the public hearing to be held on the

proposed amendment, supplement, or change, by mailing a copy of the legal hearing, to the last known owners and/or occupants as per list submitted by applicant, as shown on the records of the assessor, of all properties lying within three hundred (300) feet of any part of the property the zoning classification of which is proposed to be changed. Failure to send notice by mail to any such property owner where the address of such owner is not a matter of record in the assessor's office shall not invalidate any proceedings in connection with proposed amendment, supplement or change. When such amendment, supplement or change does not include any change of district boundaries or classification of property, this additional notice of hearing shall not be required.

The city planning commission shall adopt rules and regulations for the conduct of public hearings consistent with law or ordinance.

After the public hearing on such amendment, supplement or change, the city planning commission shall make its recommendation. Such recommendation shall be by resolution of the city planning commission carried by the affirmative votes of not less than five (5) members of the commission. Such amendment, supplement or change, with recommendation, shall then be certified in writing to the commission and to the county register of deeds.

Such amendment, supplement or change, accompanied by the recommendations of the city planning commission shall then be presented to the city council. Such amendment, supplement or change may be adopted or denied only by the affirmative votes of not less than four (4) members of the city council.

Whenever a proposed amendment, supplement or change has not been approved by the city planning commission and the city council concurs by not adopting it, such amendment, supplement or change shall not be resubmitted to the city council for at least one year from the effective date of final action thereon, excepting whereas it is established that there has been a material change in circumstances and attested thereto.

Whenever deemed necessary for public convenience, general welfare or good zoning practice, the city planning commission or the city council may initiate an amendment, supplement or change in the form of a resolution for zoning change provided it is adopted by a majority vote of the full membership of either of the respective council and/or commission. Such proposed amendment, supplement or change to this chapter shall then follow the same procedure herein set forth for filing an application for zoning change.

(Code 1980, § 20.19-3)

**Section 30-64. Fees.**

Each application for zoning change directed to the city council shall be accompanied by a check payable to the City of Albion, or a cash payment, in accordance with the schedule of fees adopted by the City Council resolution. {As amended by Ordinance #93-9.}

(Code 1980, § 20.19-4)

**Section 30-65. Definitions.**

An "application for zoning change" shall mean the filing of an application by any person, firm or corporation for proposed amendments, supplements or changes to this chapter. A "resolution for zoning change" shall mean the adoption of a resolution to amend, supplement or change this chapter by the city planning commission or by the city council.

(Code 1980, § 20.19-5)

**Sections 30-66--30-75. Reserved.**

## **DIVISION 4. ZONING BOARD OF APPEALS\***

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\***Cross reference(s)**--Boards and commissions generally, § 2-146 et seq.

**State law reference(s)**--Board of appeals, MCL § 125.585, MSA § 5.2935.  
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### **Section 30-76. Appointment and membership.**

The zoning board of appeals, as constituted at the time of enactment of the ordinance from which this chapter is derived, shall continue in power. Effective on July 15, 1985, the board of appeals shall consist of seven (7) members. Future appointments to the seven-member board by the city council shall be for a term of three (3) years each; provided that two (2) of the members shall serve for a term of one year, two (2) for a term of two (2) years, thereafter each member to hold office for the full three-year term.

The mayor, with the consent of city council, shall also appoint two (2) alternate members with three-year terms. An alternate member may be called to sit as a regular member of the zoning board of appeals in the absence of a regular member if a regular member is absent from or unable to attend two (2) or more consecutive meetings of the board of appeals or for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular board 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. The alternate board member shall have the same voting rights as a regular member of the board of appeals.

No elective official or employee of the City of Albion may be appointed to the board of appeals. Members of the board shall be removable for nonperformance of duty, misconduct in office, or other cause by the city council upon written charges having been filed with the council and after a public hearing has been held regarding such charges. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the city council and shall be for the unexpired term.

(Code 1980, § 20.20-1; Ord. No. 1985-3, § 2, 5-6-85; Ord. No. 1985-9, § 2, 6-3-85)

### **Section 30-77. Meetings.**

The board of appeals shall adopt its own rules of procedure and meetings shall be held at the call of the chairman and at such other times as the board may determine. Such meetings shall be open to the public. A record of its proceedings, showing the action of the board and the vote of each of the members on every question considered, shall be kept. The presence of four (4) members shall be necessary to constitute a quorum.

(Code 1980, § 20.20-2)

**Section 30-78. Application, appeals, hearings and stay of proceedings.**

- i. Applications; when and by whom taken.* An application, in cases in which the board of appeals has original jurisdiction under the provisions of this chapter, may be taken by any property owner, including a tenant, or by any officer, department, board or bureau. Such application shall be filed with the zoning inspector who shall transmit same to the board.
- ii. Appeals; when and by whom taken.* An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the zoning inspector. Such appeal shall be taken within ten (10) days after the decision, by filing with the zoning inspector and the board of appeals a notice of appeal specifying the grounds thereof. The zoning inspector shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken.
- iii. Hearings.* The board of appeals shall fix a reasonable time for the hearing of the application or appeal and give ten (10) days' notice thereof to the parties, including all owners of record of property within three hundred (300) feet of the premises in question, such notice to be delivered personally or by registered mail addressed to the respective owners at the address given in the last assessment roll. All occupants of property within three hundred (300) feet of such premises in question shall also be notified of the hearing in the same manner. At the hearing any party may appear in person or by agent or by attorney.
- iv. Adjournment of hearings.* Upon the day for hearing any application or appeal, the board may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served upon such other property owners or occupants as it decides may be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing, unless the board so decides.
- v. Decisions of the board.* The board shall decide all application and appeals within thirty (30) days after the final hearing thereon. A certified copy of the board's decision shall be transmitted to the applicant or appellant, and to the zoning inspector. Such decision shall be binding upon the zoning inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the board.

A decision of the board shall not become final until the expiration of five (5) days from the date such decision is made, unless the board shall find the immediate effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

- vi. Stay of proceedings.* An appeal stays all proceedings in furtherance of the action

appealed from unless the officer from whom the appeal is taken certified to the board of appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause shown, be granted by the board of appeals on application after notice to the zoning inspector, or by judicial proceedings. When an appeal is filed, the zoning inspector shall immediately notify personally or by mail all parties concerned.

*vii. Review by circuit court.* Any party aggrieved by any order, determination or decision of any office, agency, board, commission, or board of appeals may obtain a review thereof both on the facts and law, in the circuit court for the county wherein the property involved or some part thereof is situated; provided, that application is made to the court within thirty (30) days after delivery of a copy of such order, determination or decision, by certiorari or by any other method permissible under the rules and practices of the circuit courts of this state. On such review the courts shall have jurisdiction to make such further orders in respect thereto as justice may require.

(Code 1980, § 20.20-3)

**State law reference(s)**--Judicial appeals, MCL § 125.590, MSA § 5.2940.

### **Section 30-79. Powers.**

- (a) Reserved.
- (b) Where there is a question as to the location of any boundary line between zoning districts, as provided for in Section 30-98 of this Code, the board shall interpret the map in such a way as to carry out the intent and purpose of this chapter.
- (c) The board shall have the power to hear and decide appeals, filed as provided for in Section 30-78 of this Code where it is alleged by the appellant that there is an error in any order, requirement, decision, grant or refusal made by the zoning inspector or other administrative official in the interpretation of this chapter.
- (d) The board shall have the power to authorize upon appeal the specific cases, filed as provided for in Section 30-78 of this Code such variances from the provisions of this chapter, subject to conditions stipulated by the board, as will not be contrary to the public interest; but only in such cases where owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this ordinance would cause practical difficulties or unnecessary hardship. In authorizing a variance with attached conditions, the board shall require such evidence and a guarantee or bond as it may deem necessary that the conditions attached are being and will be complied with.
- (e) No such variance in the provisions or requirements of this chapter shall be authorized

by the board unless the board finds, beyond reasonable doubt that all of the following facts and conditions exist:

- (1) That there are exceptional or extraordinary conditions applying to the property, that do not apply to other properties or classes of uses in the same zoning district.
  - (2) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
  - (3) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not impair the purposes of this ordinance or the public interest.
  - (4) That such variance shall in no manner or guise be construed to mean a change of use, but shall mean only a variation or modification from the provisions of this chapter.
- (f) The board shall have the power to hear and make determination regarding applications for the erection and use of a building, or an addition to an existing building, or a public service corporation or for public utility purposes as described in Section 30-106 of this Code in any zoning district to a greater height or of larger area than the district requirements herein established and permit the location in any use district of a public utility building structure or use if the board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

(Code 1980, § 20.20-4; Ord. No. 1985-2, § 3, 5-6-85)

### **Section 30-80. Fees.**

Before accepting for filing any requests in which the board of appeals has appellate or original jurisdiction under the provisions of this chapter, the City of Albion shall charge and collect the fees in accordance with the schedule of fees adopted by the City Council resolution **{As amended by Ordinance #93-9.}**

(Code 1980, § 20.20-5; Ord. of 4-5-82)

## **DIVISION 5. SPECIAL USE PERMITS\***

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\*Editor's note--Ord. No. 1985-4, § 3, adopted May 6, 1985, added §§ 30-81--30-85 to Ch. 30. Said sections have been designated Division 5 of Article III for purposes of classification by the editor at his discretion.  
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### **Section 30-81. Special use defined; competent authorities designated; prerequisites to issuance.**

"Special uses" are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The procedures and criteria set forth herein shall be applied in the determination of requests to establish special uses.

The competent authority for the review and issuance of special use permits shall be either the planning commission or the zoning administrator, as designated for each particular type of special use.

The competent authority shall grant a properly requested special use permit, provided:

- (1) The proposed use is one listed as a special use for that district in which the use is located; and
- (2) The competent authority ensures before approving a special use permit that both:
  - (a) The standards of the district in which the special use is to be located are fulfilled; and
  - (b) The other standards and requirements set forth herein are fully complied with.

(Ord. No. 1985-4, § 3, 5-6-85)

### **Section 30-82. Procedures.**

An application for permission to establish a special use permit shall be submitted and acted upon in accordance with the following procedures:

- (1) Any person owning or having an interest in the subject property may file an application for one or more special use permits provided for in this chapter in the zoning district in which the land is situated.
- (2) Applications for special use permits shall be submitted through the zoning administrator to the competent authority. Each application shall be accompanied by a

check payable to the City of Albion, or a cash payment, in accordance with the schedule of fees adopted by the City Council resolution. {As amended by Ordinance #93-9.}

- (3) Copies of an application for special use permit shall be presented to the zoning administrator and accompanied by the following documents and information
  - (a) A special use application form supplied by the zoning administrator which has been completed in full by the applicant;
  - (b) A site plan, drawn to a readable scale, of the property involved and adjacent property which describes
    - i. all property boundaries;
    - ii. the location and use of all existing and proposed structures;
    - iii. the location of all existing and proposed streets, parking lots and driveways;
    - iv. the current zoning classification;
  - (c) A statement and other evidence of proof by the applicant of present and future compliance with the criteria required for approval as set forth in this chapter and other criteria imposed by this ordinance affecting the special use under consideration.
- (4) An application which is incomplete or otherwise not in compliance with this chapter shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees paid in full.
- (5) Any person having an interest in an application for a special use permit may present any petition or documents supporting his or her position, or that of a group, for or against the application.
- (6) Upon receipt of an application for a special land use which requires a decision on discretionary grounds, one notice that a request for special land use approval has been received 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 the 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 the occupants of all structures within three hundred (300) feet, provided that the notice shall not be given less than five (5) days nor more than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification.

Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant in each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units, or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.

The notice shall describe the nature of the special land use request, indicate the property which is the subject of the special land use request, state when and where the special land use request will be considered, indicate when and where written comments will be received concerning the request, and indicate the competent authority. The notice shall also indicate that a public hearing on the proposed special use may be requested by the applicant or by any property owner or the occupant of any structure located within three hundred (300) feet of the boundary of the property being considered for a special use permit, provided such request be received by the zoning administrator before the date set for consideration of the special use permit. An affidavit of mailing or delivery shall be maintained. The competent authority may, but is not required to, hold a public hearing on the requested special use. Notice of such public hearing shall comply with the requirements listed earlier in this same subsection.

- (7) At the time and place set forth in the notice provided for above, the competent authority shall consider the special use request. The competent authority may deny, approve, or approve with conditions, the request for special land use approval. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed. Such a decision shall be rendered within fifteen (15) days of the time that the request was considered.

All decisions of the competent authority relating to special use applications, including the findings supporting any decision, shall be recorded in written form and retained as permanent records on file with the zoning administrator and a copy of the records shall be kept on file in the office of the city clerk.

- (8) Upon approval by the competent authority, the zoning administrator shall issue a special land use permit to the applicant. It shall be the responsibility of the zoning administrator to ensure compliance with the terms, conditions and restrictions of any special use permit.
- (9) Within fifteen (15) days following the date of decision on any special use permit, an applicant or any aggrieved party, including any governmental body or agency, may appeal the decision of the competent authority. If the zoning administrator is the competent authority, the appeal shall be made to the zoning board of appeals. If the planning commission is the competent authority, the appeal shall be made to the

circuit court. Upon the filing of an appeal, the application, all relevant documents and testimony, and the findings and decision of the competent authority shall be transmitted to the appropriate appeals forum.

(Ord. No. 1985-4, § 3, 5-6-85)

**Section 30-83. Compliance with standards required.**

Prior to approval of the special use application, the competent authority shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this chapter, shall be satisfied by the completion and operation of the special use under consideration.

General standards. The competent authority shall review the particular circumstances of the special use request under consideration in terms of the following standards, and shall approve a special use only upon a finding in compliance with each of the following standards, as well as applicable standards established elsewhere in this chapter:

- (a) The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area and natural environment.
- (b) The special use shall not change the essential character of the surrounding area.
- (c) The special use shall not interfere with the general enjoyment of adjacent property.
- (d) The special use shall not be hazardous to the adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
- (e) The special use shall protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- (f) The special use shall be adequately served by essential public facilities and services or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration.
- (g) The special use shall not place demands on public services and facilities in excess of current capacity unless proper provision is made for an increased capacity of those services and facilities.

- (h) The special use shall be consistent with the intent and purpose of this chapter and the objectives of any currently adopted master plan.

The competent authority may impose conditions on the approval of the special use which are necessary to ensure compliance with the standards for approval stated in this section, and any other applicable standards contained in this chapter. Such conditions shall be considered an integral part of the special use permit and shall be enforced by the zoning administrator.

In authorizing a special use permit the competent authority may require a cash deposit, certified check, surety bond, or other financial guarantee acceptable to the competent authority be furnished by the developer to ensure compliance with the special use requirements. In fixing the amount of any such financial guarantee, the competent authority shall take into account the size and scope of the proposed use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply with the requirements in the special use permit, and such other factors and conditions as may be relevant in determining the sum reasonable in light of all the facts and circumstances surrounding each application.

Conditions for special uses shall be part of the approval record and shall be changed only by the mutual consent of the competent authority and the owner of the subject property. The competent authority shall maintain a record of such changes.

The special use permit shall become effective when the application is approved by the competent authority, but a building permit shall not be issued until approval of such special use permit by the competent authority. The land subject to special use permit may not be used or occupied for purposes of such special use permit until after a certificate of occupancy has been issued pursuant to this chapter.

(Ord. No. 1985-4, § 3, 5-6-85)

### **Section 30-84. Validity.**

Approval of a special use permit shall be valid regardless of change of ownership, provided all terms and conditions of the permit are met by any subsequent owner or user.

Where development authorized by the special use permit has not been commenced within one year from the date of issuance of the permit, the competent authority shall review the permit in relation to the applicable standards and requirements of this chapter in existence at that time. Upon a finding that there has been a change in conditions on the property or the surrounding area, or in provisions of this chapter applicable to the special use permit under review, so that the permit is no longer in conformance with the requirements of this chapter, the permit shall become null and void. Where it is determined that the permit is in conformance with the provisions of this chapter, and there has not been a change in the conditions affecting the

appropriateness of the permit, the special use permit shall remain valid, subject to subsequent review in accordance with the provisions of this section.

(Ord. No. 1985-4, § 3, 5-6-85)

**Section 30-85. Special uses deemed conforming.**

Any use for which a special use permit has been granted shall be deemed a conforming use permitted in the district in which the use is located, provided:

- (1) The permit was issued in conformity with the provisions of this chapter; and
- (2) The permit shall be deemed to affect only the lot or portion thereof and uses thereon for which the special use permit shall have been expressly granted.

(Ord. No. 1985-4, § 3, 5-6-85)

**Sections 30-86--30-95. Reserved.**

# ARTICLE III. DISTRICTS GENERALLY

## Section 30-96. Designated and created.

For the purposes of this chapter the City of Albion, Michigan, is hereby divided into the following zoning districts:

- R-1 Single family residence district;
- R-2 One- and two-family residence district;
- R-3 Multiple-family residence and office district;
- R-4 Mobile homes residence district;
- O-1 Transitional Office District;  
{O-1 District added by Ordinance #92-3.}
- B-1 Neighborhood business district;
- B-2 Central business district;
- B-3 Highway service business district;
- B-4 Central fringe business district;
- M-1 Light industrial district;
- M-2 Heavy industrial district;
- M-1 (P) Light industrial park district;
- M-2 (P) Heavy industrial park district.

(Code 1980, § 20.5; Ord. No. 1987-6, § 2, 4-6-87)

## Section 30-97. Zoning upon annexation.

- (a) All territory which may hereafter be annexed to the City of Albion shall be automatically classified in the "R-1" residence district until otherwise changed by ordinance after public hearing.
- (b) Such public hearing shall be held as soon as practicable but in any event not later than thirty (30) days after annexation. During the time between annexation and the public hearing, no building permit shall be issued without special approval by the planning commission.

(Code 1980, § 20.5-1)

**Section 30-98. Zoning map.**

- (a) The boundaries of the districts are hereby established as shown on the Zoning Map of the City of Albion, Michigan, which map is hereby made a part of this chapter. The said map and all notations and references and other information shown thereon shall be made a part of this chapter. The master map is in the city engineer's, inspector's, and city clerk's office.
- (b) Except where referenced on said map to a street line or other designated line on said map, district boundary lines follow lot lines or centerlines of streets, alleys or channelized waterways as they existed at the time of the adoption of the ordinance from which this chapter is derived; but where a district boundary line obviously does not coincide with the lot lines or such centerlines or other designated lines, its location shall be fixed from the scale of the official zoning map by the board of appeals.
- (c) Where a district boundary line, as shown on the zoning map divides a platted lot or unplatted property which was in single ownership and of record at the time of the adoption of the ordinance from which this chapter is derived, the use authorized thereon and other requirements applying to the least restricted portion of such lot or property under this chapter shall be considered as extending to the entire lot or property, provided the more restricted portion is entirely within twenty-five (25) feet of said dividing district boundary. The use so extended shall be deemed to be conforming.
- (d) Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning districts adjoining the sides of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.

(Code 1980, §§ 20.5-2, 20.5-5)

**Section 30-99. Limitations on external effects of uses.**

All uses established or placed in operation in any zoning district after the effective date of the ordinance from which this chapter is derived shall comply forthwith with the following limitations:

- (1) Every use shall be operated in its entirety within a completely enclosed structure, unless such mode of operation is deemed impractical by the zoning inspector.
- (2) Every use shall be so operated that it is not obnoxious or dangerous by reason of heat,

glare, fumes, dust, noise or vibration beyond any boundary line of the lot or parcel of land on which the use is located.

- (3) All outdoor storage areas shall be enclosed by a fence or wall. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by rodents or insects, shall be stored outdoors only in closed containers and screened from the street or adjacent property. No materials or wastes shall be deposited on the premises in such form or manner that they may be transferred off the premises by natural causes or forces. Waste materials shall not be allowed to accumulate on the premises in such manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.

(Code 1980, § 20.6-1)

### **Section 30-100. Nonconforming uses.**

- (a) *Generally.* Within the districts established by this chapter or amendments that may later be adopted, there exist lots, uses of land, buildings or structures, and uses of buildings, structures and premises in combination which were lawful before the ordinance from which this chapter is derived was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment.

It is the intent to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other buildings, structures or uses prohibited elsewhere in the same district.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building or structures on which actual construction was lawfully begun prior to the effective date of adoption of the ordinance from which this chapter is derived or amendment of this chapter and upon which actual building construction has been diligently carried on.

- (b) *Nonconforming lots of record.* In any R district except the R-4 district, notwithstanding limitations imposed by other provisions of this chapter a single-family dwelling may be erected on any single lot of record at the effective date of the adoption of the ordinance from which this chapter is derived or the amendment of this chapter, provided that yard requirements of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the zoning board of appeals.
- (c) *Nonconforming uses of land.* 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 of the ordinance from which this chapter is derived or the

- effective date of amendment of this chapter. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel of land occupied at the effective date of adoption of the ordinance from which this chapter is derived, or the effective date of amendment of this chapter. If any such nonconforming use of land is discontinued or abandoned for any reason for a period of twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- (d) *Nonconforming buildings or structures.* No such building or structure shall be enlarged or altered in a way which increases its nonconformity. However, additions or changes would be permitted to building and structures that would be permissible in the same district if they do not enlarge, expand, or extend the existing nonconformity of the structure or property. These requests would be subject to administrative review and approval by the Zoning Administrator. Should such building or structure be destroyed by any means to an extent of more than fifty (50) per cent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. {amended by Ordinance #2001-01, 06/01/2001}
- (e) *Nonconforming uses of building structures and premises.* No such use of a building or structure shall be established after the effective date of this ordinance or any subsequent amendment. A legal non-conforming building or structure may be continued and shall be maintained in good condition, but it shall not be changed to another nonconforming use. The use may be changed to any permitted use within district in which the building and structures are located. A change to any special use shall be subject to the same conditional approval as required for any special use within this ordinance. Before granting such approval, the Planning Commission shall determine that such change in use will not have a greater detrimental effect on neighboring property than the existing nonconforming use. When a nonconforming use of a building or structure is discontinued or abandoned for any reason for a period of twelve (12) consecutive months the building or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located. {amended by Ordinance #2001-01, 06/01/2001}
- (f) *Repair and maintenance.* On any building or structure devoted in whole or in part to a nonconforming use maintenance may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the true cash value of the building or structure, provided, that the cubic content of such building or structure as it existed at the time of passage or amendment of this ordinance shall not be increased. Any alteration or repair approved under this section shall meet local housing and building codes and requirements. {amended by Ordinance #2001-01, 06/01/2001}
- (g) *Conditional uses, not nonconforming uses.* Any conditional use which is permitted as provided in this chapter and authorized by the zoning board of appeals, shall not be

deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

(Code 1980, § 20.6-2)

**State law reference(s)**--Nonconforming uses and structures, MCL § 125.583a, MSA § 5.2933(1).

**Section 30-101. Transitional uses in R district.**

In any R-1, R-2, or R-3 district a transitional use shall be permitted on a lot the side lot line of which adjoins, either directly or across an alley, any B or M district. The permitted transitional uses for any such lot in an R-1 district shall be any use permitted in the R-2 district; the permitted transitional uses for any such lot in an R-2 district shall be any use permitted in the R-3 district.

In the case of any such lot in an R-1, R-2, or R-3 district the requirements governing lot area per dwelling unit, off-street parking, height and yards shall be the same as for the district respectively next listed in Section 30-96 of this Code.

(Code 1980, § 20.6-3)

**Section 30-102. Limitation in R districts on number of use by right buildings.**

In all R districts, not more than one use by right building shall be placed on a lot of record.

(Code 1980, § 20.6-4)

**Section 30-103. Minimum ground floor area for dwellings.**

- (a) A one-story dwelling shall contain not less than seven hundred fifty (750) square feet of usable ground floor area, exclusive of open porches, garages or steps.
- (b) Any dwelling with more than one story shall contain not less than six hundred fifty (650) square feet of ground floor area exclusive of open porches, garages or steps.

(Code 1980, § 20.6-5)

**Section 30-104. Accessory buildings.**

- (a) An accessory building may be erected detached from the use by right building or it may be erected as an integral part of use by right building. When erected as an integral part of such use by right building it shall comply in all respects with the requirements of this chapter applicable to the use by right building.

- (b) Detached accessory buildings and garages shall not occupy more than thirty (30) per cent of any required rear yard space; they shall not be nearer to the side lot line or rear lot line than five (5) feet; and they shall not exceed one story in height. For the purposes of this section, permanent swimming pools shall not be considered as accessory buildings.

(Ord. No. 1985-10, § 2, 6-3-85)

- (c) The distance between detached accessory buildings or garages and the principal building or buildings shall not be less than ten (10) feet. Accessory buildings or garages may be considered as attached to the principal building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.

(Code 1980, § 20.6-6; Ord. No. 1985-10, § 2, 6-3-85)

**Section 30-105. Reduction or occupation of required area or space.**

No lot, yard, parking area or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this chapter. No part of a yard, provided about, or for, any building or structure for the purpose of complying with the provisions of this chapter, shall be included as part of a yard for another building or structure, nor shall such yard be used for the display, hire, sale, outside storage or repair of merchandise.

(Code 1980, § 20.6-7)

**Section 30-106. Exemption of Essential Services.**

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam, or water distribution or transmission systems, collection, telephone, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, electrical towers, telephone and electrical poles, electrical substations, gas regulator stations, telephone exchange buildings, public utility or municipal buildings reasonably necessary for the furnishing of adequate service by such named public utility or municipal department shall be permitted as authorized or regulated by law and ordinances of the City of Albion. {As amended by Ordinance #99-02.}

(Code 1980, § 20.6-8)

**Sections 30-107--30-120. Reserved.**

# ARTICLE IV. REGULATIONS FOR SPECIFIC DISTRICTS

## DIVISION 1. GENERALLY

Sections 30-121--30-130. Reserved.

## DIVISION 2. R-1 ONE-FAMILY RESIDENCE DISTRICT

### Section 30-131. Scope.

The provisions of this division shall apply to the R-1 one-family residence district.

### Section 30-132. Generally.

- (a) This district is composed of low to medium density residential areas plus certain open areas where similar residential development should be encouraged. The regulations are intended to stabilize, protect and encourage the residential character of the district and prohibit all activities of a commercial nature. New development is to be limited basically to single-unit dwellings plus such additional uses as schools, parks, churches and certain public facilities which serve the residents of the district.
- (b) The R-1 district zoning shall be further subdivided into R-1A zones, R-1B zones, and R-1C zones. Such zones shall be based upon lot sizes as shown in Section 30-134 of this Code.

(Code 1980, § 20.7-1)

### Section 30-133. Permitted uses.

No land shall be used or occupied and no structure shall be designed, erected, altered, or used except for either one or several of the following uses by right and lawful accessory uses thereto:

- (1) *Uses by right* The following may be operated as uses by right:
  - a. Cemetery, adjacent to or an extension of an existing cemetery.
  - b. Church; provided, it shall be located not less than thirty (30) feet from any other lot in any R district.
  - c. Dwelling; one-family detached.
  - d. Home occupation.

- e. Library, public.
- f. Museum, public.
- g. Parks, playgrounds, playfields, golf courses and country clubs, provided, any principal building and/or activity area shall be located not less than fifty (50) feet from any other lot in any R district.
- h. Pre-school; provided there shall be at least two hundred (200) square feet of defined outdoor play space per child with the total space suitably fenced and screened to provide protection from traffic and other hazards and, provided, buildings and/or activity areas shall be located not less than fifty (50) feet from any lot in any R district.
- i. Schools; elementary, secondary and college levels for academic instruction provided buildings and/or activity areas shall be located not less than thirty (30) feet from any lot in any R district.
- j. Gardening of fruits and vegetables, not for commercial purposes, under the following conditions:
  - 1. The district front yard setback shall apply except when there are no residences on the same block face, in which case the front yard setback shall be five (5) feet.
  - 2. The district side and rear yard setbacks shall apply except for those lot lines that border properties with no residence; in which case the setback requirement shall be five (5) feet from the respective lot line.
  - 3. Domestic and farm animals are prohibited under this section.
- k. State-licensed residential facilities.
- l. Funeral Homes.  
 {added by Ordinance 2000-02, 3/6/2000}
  - with conditions*
    - a) Such buildings may contain space and facilities for:
      - b) embalming and the performance of other related services used in the preparation of the dead human body for burial
      - c) the performance of autopsies and other surgical procedures used in conjunction with the performance of autopsies.

- d) the storage of caskets, funeral urns, and other related funeral supplies;  
and
- e) the storage of funeral vehicles

Lot area, yard and height regulations.

|   |         |
|---|---------|
| Maximum yard coverage by building – percent coverage: | 35      |
| Minimum lot area – square feet                        | 43,560  |
| Minimum width – linear foot                           | 120     |
| Maximum height – stories                              | 1 and ½ |
| Minimum required setback:                             |         |
| Front – linear foot                                   | 25      |
| Side – linear foot                                    | 25      |
| Rear - linear foot                                    | 25      |

Off-street Parking Requirement.

- a) All required parking shall be located in the side and rear yard area. Designated parking areas shall not be located in the required side or rear setbacks.
- b) Number of required parking spaces shall comply with section: 30-314.
- c) Bumper guards shall be provided and located so that no part of the parked vehicle extends beyond the parking area.
- d) A perimeter landscape treatment for parking areas be required and will be allowed to encroach into the side and rear yard setbacks no more than five (5) feet.
- e) Parking areas shall contain lighting and such lighting shall be so arranged as to reflect the light away from adjoining properties. No wall pack type or style of exterior lighting is allowed on the principal structure.

Landscaping and Screening.

- a) A visual buffer shall be designed to maximize the separation between funeral home uses and residential development and the following will be required:
- b) a minimum ten (10) foot width of perimeter landscaping or screening; and a planting design to include staggered and mixed planting of coniferous trees, deciduous trees and shrubs and shall be seeded or sodded.
- c) Solid fencing or wall screening is prohibited

d) Planting areas shall not interfere with traffic entering or leaving the property.

#### Refuse Storage/Disposal

Trash bins must be fully enclosed. Said enclosures should be softened with landscaping on their most visible sides. Recommended locations include parking areas or at the end of parking rows. Locations should be conveniently accessible for trash collection and maintenance and should not block access drives during loading operations.

#### Signs.

A funeral home operation shall be permitted one non-animated non-illuminated exterior sign. The sign may be attached to the principal structure with a maximum area of six (6) square feet or it may be a ground mounted sign with a maximum area of twenty-five (25) square feet having a ten (10) foot setback from the property line or a ground mounted sign with a maximum area of sixteen (16) square feet and a setback of five (5) feet from the property line and indirect lighting may be allowed with permission from planning commission.

Portable signs, awning, canopy, or marquee signs are prohibited.

Residential Districts that allow Funeral Home use.

R-1-A provided the proposed use is located within one hundred (100) feet of a cemetery.

#### *(2) Home occupations.*

- a. Home occupations are permitted in each dwelling unit, subject to the following qualifications:

The home occupation is operated entirely within the dwelling unit or a garage or shed belonging to that dwelling unit.

No activity connected with a home occupation shall be permitted in a newly constructed shed or newly expanded area of a garage or shed until one (1) year has passed since its construction.

No separate entrance to the dwelling unit shall be constructed for a home occupation.

The home occupation shall not utilize more than twenty (20) per cent of the gross floor area, but not to exceed three hundred (300) square feet in the dwelling unit or shall be contained totally within the interior of the garage or shed.

No structural alteration shall be made to accommodate the home occupation which substantially reduces the marketability of the property as a residential

dwelling.

The home occupation shall conform to all relevant laws, ordinances, regulations, and codes, especially those concerning health and safety.

The home occupation shall not display or create outside the building any externally visible evidence of the operation of the home occupation, except that one (1) nonanimated, nonilluminated nameplate having an area of not more than one hundred (100) square inches shall be permitted.

No person or persons may own, operate, or be employed in such a home occupation unless they physically reside within the premises containing that home occupation.

Only hand and electric tools may be used, with the additional limitation that the size of their motors and their noise levels not exceed those of normal home woodworking tools.

The home occupation may not generate more vehicular traffic than can be parked simultaneously along the premises street frontage and in the premises driveway. In the case of duplexes and multi-family dwellings, the parking shall be limited to that part of the premises street frontage and driveway legally controlled by the operator of the home occupation.

This subsection shall not be construed as prohibiting garage sales or lawn sales, provided that there be no more than three (3) such sales per year on any one (1) particular residential premises, and that no such sale shall last longer than three (3) consecutive days. The resident holding such a sale shall notify the zoning inspector before the sale. Such sales may be advertised through signs, with no sign permit required, provided that such signs be removed within one (1) days of the end of the sale.

For the purpose of regulation, bed and breakfast operations as defined in this Code shall not be considered home occupations but shall be regulated by Chapter 4.5, subject to sections 30-81 through 30-85 of this chapter.

*(3) Accessory uses.*

- a. Incidental only to a use by right when located on the same property and shall not involve the conduct of any business, trade or industry.
- b. Gardening and the raising of fruits or vegetables and the keeping of domestic or farm animals exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes; provided that farm animals shall not be permitted on any lot or parcel of land less than five (5) acres in area and any structures in which farm animals are kept shall be located not less than one

hundred (100) feet from every lot line.

- c. Permanent swimming pool, exclusively for the use of the residents, provided that any wall of such swimming pool shall be located at least six (6) feet from any building, appurtenant structure, or rear or side building, appurtenant structure, or rear or side property line; and at least thirty-five (35) feet from any front property line, or six (6) feet behind the front building line, whichever is greater. Such swimming pool shall be enclosed with an opaque wall, fence, or screen that is at least six (6) feet in height so as to prevent nuisances to and uncontrolled access from the street or adjacent properties.
  - d. Garages as provided in Section 30-104 of this Code.
- (4) *Special uses requiring planning commission authorization.* The following special uses may be permitted upon application to the planning commission and approval by it, based on their conformity with the general special use conditions listed in sections 30-81 through 30-85, and with the special conditions listed below for each:
- a. Buildings owned and operated by colleges in the City of Albion.
  - b. Bed and breakfast operation, but expressly subject to the provisions of Chapter 4.5, the requirements of which it must meet.
  - c. Mechanical amusement devices or arcades, provided that:
    - 1. Any such use is clearly accessory and incidental to a use by right on the same property.
    - 2. All requirements of Chapter 3 of the Code of Ordinances have been met.
    - 3. The location of such mechanical amusement device or arcade shall be restricted to common indoor recreational areas of apartment buildings, churches, clubs, colleges and universities, condominiums, hospitals, nursing homes, office complexes, sanitariums, and schools.
  - d. Medical office in the R-1-B and R-1-C zoning districts provided that any building used therefor shall be located within two hundred (200) feet of property owned and occupied by a fully operating hospital. {As amended/added by Ordinance #97-2.}

(Code 1980, § 20.7-2; Ord. No. 6-15-81; Ord. No. 1984-1, § 3, 4-2-84; Ord. No. 1985-2, §§ 2, 3, 5-6-85; Ord. No. 1985-7, § 2, 6-3-85; Ord. No. 1985-8, § 2, 6-3-85; Ord. No. 1987-8, § 2, 10-5-87)

**Section 30-134. Lot area, yard and height requirements.**

The lot area, yard and height requirements shall be as follows (for exceptions [see Article II, Division 2](#) of this chapter):

|  | <b>R1-A</b> | <b>R1-B</b> | <b>R1-C</b> |
|--|-------------|-------------|-------------|
| Minimum usable floor area, square feet.... | 1500        | 1000        | 750         |
| Maximum yard coverage, per cent....        | 35          | 35          | 35          |
| Minimum required setback:                  |             |             |             |
| Front, feet....                            | 25          | 25          | 25          |
| One side, feet....                         | 10          | 10          | 6           |
| Both sides, feet....                       | 20          | 20          | 16          |
| Rear, feet....                             | 25          | 25          | 25          |
| Maximum height, feet....                   | 35          | 35          | 35          |
| Stories....                                | 2 1/2       | 2 1/2       | 2 1/2       |
| Minimum lot area, square feet....          | 12000       | 9000        | 7500        |
| Minimum lot size, feet....                 | 100         | 75          | 60          |

(Code 1980, § 20.7.3)

**Section 30-135. Signs.**

The provisions of [Article V, Division 4](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.7-4)

**Section 30-136. Off-street parking requirements.**

The provisions of [Article V, Division 2](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.7-5)

**Sections 30-137--30-145. Reserved.**

## **DIVISION 3. R-2 ONE- AND TWO-FAMILY RESIDENCE DISTRICT**

### **Section 30-146. Scope**

The provisions of this division shall apply to the R-2 one- and two-family residence district.

### **Section 30-147. Generally.**

- (a) This district is composed of certain medium-density areas representing a compatible co-mingling of one- and two-family dwellings, plus certain open areas where similar residential development appears likely to occur. The regulations are intended to stabilize and protect the essential characteristics of the district and to prohibit all activities of a commercial nature. To these ends development is limited to medium concentration and permitted uses are typically one- and two-family dwelling units, plus certain additional uses, such as schools, churches, playgrounds and certain public facilities which serve the residents of the district.
- (b) In addition under certain conditions and specific limitations "Planned Residential Building Groups" may be permitted.
- (c) The R-2 district zoning shall be further subdivided into R-2A and R-2B zones. Such zones shall be based upon lot sizes shown in Section 30-149.

(Code 1980, § 20.8-1)

### **Section 30-148. Permitted uses.**

No land shall be used or occupied and no structure shall be designed, erected, altered or used except for either one or several of the following uses by right and lawful accessory uses thereto.

*Uses by right.* The following may be operated as uses by right:

- a. Cemetery; adjacent to or an extension of an existing cemetery.
- b. Church; provided, it shall be located not less than thirty (30) feet from any other lot in any R district.
- c. Dwelling, one-family.
- d. Dwelling, two-family.
- e. Dwelling, conversion of one-family dwelling into two-family dwellings, provided these conform with the lot area and yard requirements in this division.

- f. Dwelling groups comprised of buildings containing not more than two (2) families in any one building.
- g. Library, public.
- h. Museum, public.
- i. Park and/or playground.
- j. Pre-school provided there shall be at least two hundred (200) square feet of defined outdoor play space per child with the total space suitably fenced and screened to provide protection from traffic and other hazards, and provided, buildings and/or activity areas shall be located not less than fifty (50) feet from any lot in any R district.
- k. Gardening of fruits and vegetables, not for commercial purposes, under the following conditions:
  - 1. The district front yard setback shall apply except when there are no residences on the same block face, in which case the front yard setback shall be five (5) feet.
  - 2. The district side and rear yard setbacks shall apply except for those lot lines that border properties with no residence; in which case the setback requirement shall be five (5) feet from the respective lot line.
  - 3. Domestic and farm animals are prohibited under this section.
- l. State-licensed residential facilities.

*Home occupations*, Home occupations are permitted in each dwelling unit, subject to the following qualifications:

- a. The home occupation is operated entirely within the dwelling unit or a garage or shed belonging to that dwelling unit.
- b. No activity connected with a home occupation shall be permitted in a newly constructed shed or newly expanded area of a garage or shed until one (1) year has passed since its construction.
- c. No separate entrance to the dwelling unit shall be constructed for a home occupation.
- d. The home occupation shall not utilize more than twenty (20) per cent of the gross floor area, but not to exceed three hundred (300) square feet in the dwelling unit or shall be contained totally within the interior of the garage or shed.

- e. No structural alteration shall be made to accommodate the home occupation which substantially reduces the marketability of the property as a residential dwelling.
- f. The home occupation shall conform to all relevant laws, ordinances, regulations, and codes, especially those concerning health and safety.
- g. The home occupation shall not display or create outside the building any externally visible evidence of the operation of the home occupation, except that one (1) nonanimated, nonilluminated nameplate having an area of not more than one hundred (100) square inches shall be permitted.
- h. No person or persons may own, operate, or be employed in such a home occupation unless they physically reside within the premises containing that home occupation.
- i. Only hand and electric tools may be used, with the additional limitation that the size of their motors and their noise levels not exceed those of normal home woodworking tools.
- j. The home occupation may not generate more vehicular traffic than can be parked simultaneously along the premises street frontage and in the premises driveway. In the case of duplexes and multifamily dwellings, the parking shall be limited to that part of the premises street frontage and driveway legally controlled by the operator of the home occupation.
- k. This subsection shall not be construed as prohibiting garage sales or lawn sales, provided that there be no more than three (3) such sales per year on any one (1) particular residential premises, and that no such sale shall last longer than three (3) consecutive days. The resident holding such a sale shall notify the zoning inspector before the sale. Such sales may be advertised through signs, with no sign permit required, provided that such signs be removed within one (1) day of the end of the sale.
- l. For the purpose of regulation, bed and breakfast operations as defined in this Code shall not be considered home occupations but shall be regulated by Chapter 4.5 and sections 30-81 through 30-85 of this chapter.

*Reserved.*

*Accessory uses.*

- a. Incidental only to a use by right when located on the same property and shall not involve the conduct of any business, trade or industry.

- b. Gardening and the raising of fruits or vegetables and the keeping of domestic or farm animals exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes; provided that farm animals shall not be permitted on any lot or parcel of land less than five (5) acres in area and any structure in which farm animals are kept shall be located not less than one hundred (100) feet from every lot line.
- c. Permanent swimming pool, exclusively for the use of the residents, provided that any wall of such swimming pool shall be located at least six (6) feet from any building, appurtenant structure, or rear or side building, appurtenant structure, or rear or side property line; and at least thirty-five (35) feet from any front property line, or six (6) feet behind the front building line, whichever is greater. Such swimming pool shall be enclosed with an opaque wall, fence, or screen that is at least six (6) feet in height so as to prevent nuisances to and uncontrolled access from the street or adjacent properties.
- d. Garages as provided in Section 30-104 of this Code.

*Special uses requiring planning commission authorization.* The following special uses may be permitted upon application to the planning commission and approval by it, based on their conformity with the general special use conditions listed in sections 30-81 through 30-85, and with the special conditions listed below for each:

- a. Residences used by a governmental agency, a church, or other nonprofit corporation as a facility for providing emergency assistance of a temporary nature to individuals in need. Such a facility may include a room or rooms used as an office of the agency or organization, provided that:
  - 1. No sign shall be exhibited in connection with the operation of such facility other than a sign not to exceed two (2) inches by three (3) inches in size and said sign must be attached to the building.
  - 2. The premises shall be operated and maintained in compliance with state and local health zoning and safety regulations.
  - 3. Sleeping accommodations for an individual or a family group shall not be provided for a time exceeding three (3) consecutive days within the premises.
  - 4. The board shall state in their permit the maximum number of persons allowed to lodge in the facility and the number of parking spaces required to be provided.
  - 5. The board of appeals shall determine that the location of the facility is such that its operation is not likely to cause substantial inconvenience or annoyance to residents of the immediate area.

- 6. The board may revoke the permit with cause, after holding a public hearing.
- b. Bed and breakfast operations, subject to the provisions of Chapter 4.5 of this Code.
- c. Mechanical amusement devices or arcades, provided that:
  - 1. Any such use is clearly accessory and incidental to a use by right on the same property.
  - 2. All requirements of Chapter 3 of the Code of Ordinances have been met.
  - 3. The location of such mechanical amusement device or arcade shall be restricted to common indoor recreational areas of apartment buildings; churches, clubs, colleges and universities, condominiums, hospitals, nursing homes, office complexes, sanitariums, and schools.
- d. Medical office provided that any building used therefor shall be located within two hundred (200) feet of property owned and occupied by a fully operating hospital. **{As amended/added by Ordinance #97-2.}**

(Code 1980, § 20.8-2; Ord. No. 1984-1, § 3, 4-2-84; Ord. No. 1985-2, § 2, 5-6-85; Ord. No. 1985-7, § 2, 6-3-85; Ord. No. 1985-8, § 2, 6-3-85; Ord. No. 1987-8, § 2, 10-5-87)

**Section 30-149. Lot area, yard and height requirements.**

The lot area, yard and height requirements shall be as follows (for exceptions see [Article II, Division 2](#) of this chapter):

|  | R2-A  | R2-B  |
|--|-------|-------|
| Maximum usable floor area, square feet, per family.... | 900   | 600   |
| Maximum yard coverage, per cent....                    | 35    | 35    |
| Minimum required setback:                              |       |       |
| Front, feet....  | 25    | 25    |
| One side, feet....                                     | 10    | 10    |
| Both sides, feet....                                   | 20    | 20    |
| Rear, feet....   | 25    | 25    |
| Maximum height, feet....                               | 35    | 35    |
| Stories....  | 2 1/2 | 2 1/2 |
| Minimum lot area....                                   | 8712  | 7500  |
| Minimum lot width....                                  | 66    | 60    |

(Code 1980, § 20.8-3)

**Section 30-150. Signs.**

The provisions of [Article V, Division 4](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.8-4)

**Section 30-151. Off-street parking requirements.**

The provisions of [Article V, Division 2](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.8-5)

**Sections 30-152--30-165. Reserved.**

## **DIVISION 4. R-3 MULTIPLE-FAMILY RESIDENCE DISTRICT**

### **Section 30-166. Scope.**

The provisions of this division shall apply to the R-3 multiple-family residence district.

### **Section 30-167. Generally.**

- (a) This district is composed of certain high density residential areas and within which are certain neighborhoods where rehabilitation for similar development should be encouraged. The regulations are designed to protect the essential characteristics of the district and encourage, insofar as compatible with the intensity of land use, a good environment for family life, composed predominantly of an adult population and to prohibit all activities of a commercial nature except certain enumerated and controlled "Home Occupations." To these ends the district is protected against encroachment of general commercial and industrial uses yet permitting high concentration of residential use consistent with high land valuation. All residential types of structures including institutions are permitted but the predominant structural types will be multi-family dwellings, apartments, and conversions of single-family dwellings into multiple units. Also, churches, meeting places for organizations and certain public facilities which serve the residents of the district are permitted.
- (b) The R-3 district zoning shall be further subdivided into R-3A, R-3B and R-3C zones. Such zones shall be based on lot sizes shown in Section 30-169 of this Code.

(Code 1980, § 20.9-1)

### **Section 30-168. Permitted uses.**

No land shall be used or occupied and no structure shall be designed, erected, altered or used except for either one or several of the following uses by right and lawful accessory uses thereto or for one or several of the following home occupations:

- (1) *Uses by right.*
  - a. The following may be operated as uses by right in the R-3A zoning district:
    1. Church; provided it shall be located not less than thirty (30) feet from any other lot in any R district.
    2. Dwelling, multiple-family or apartment.
    3. Dwelling, one- and/or two-family.
    4. Dwelling, conversion of one- and/or two-family residence into multiple-family dwelling units, provided these conform with the lot area and yard

requirements prescribed for multiple-family dwellings in this division.

5. Hospitals, sanitariums and charitable institutions for human care, not including those for penal purposes; provided, that the site of any such use shall be at least two (2) acres in area and that any building for such use shall be distant at least fifty (50) feet from every lot line.
6. Institutions (headquarters for religious, philanthropic and charitable), provided that such organizations occupy buildings existing at the date of adoption of this ordinance.
7. Library, public.
8. Museum, public.
9. Park and/or playground.
10. Rooming house.
11. Schools, elementary, secondary and college levels for academic instruction provided buildings and/or activity areas shall be located not less than thirty (30) feet from any lot in any R district.
12. Clubs, lodges and meeting places for other organizations, not including any use that is customarily conducted as a gainful business, provided, that buildings in which such uses are housed shall be located not less than thirty (30) feet from any other lot in any R district.
13. Private nursing homes and homes for the aged, with four (4) or more persons, provided that any such home shall be distant not less than twenty (20) feet from any other lot in any R or other district.
14. Nursery schools and child day care centers, with four (4) or more children; provided the amount of floor space per child shall be not less than seventy-five (75) square feet. Outdoor play area maintained in connection with the school or center, shall be completely and securely fenced and, if closer than fifty (50) feet to any property line, shall be screened by a masonry wall or compact evergreen hedge not less than five (5) feet in height, and there shall be not less than one thousand (1,000) square feet of play area available to each day care center.
15. Home occupation.
16. Bed and breakfast operation, provided it meets requirements of Chapter 4.5 of this Code.

17. Gardening of fruits and vegetables, not for commercial purposes, under the following conditions:

- i. The district front yard setback shall apply except when there are no residences on the same block face, in which case the front yard setback shall be five (5) feet.
- ii. The district side and rear yard setbacks shall apply except for those lot lines that border properties with no residence; in which case the setback requirement shall be five (5) feet from the respective lot line.
- iii. Domestic and farm animals are prohibited under this section.

18. State-licensed residential facilities.

b. The following may be operated as uses by right in the R-3B and R-3C zoning districts.

1. All uses by right permitted in the R-3A zoning district.
2. Clinic--Dental or medical, provided any building used therefor shall be located not less than twenty (20) feet from any lot in any other R district except between R-3B and R-3C.
3. Dwelling--Apartment, hotel, conversion of one- and/or two-family residences into multiple-family dwelling units, provided these conform with the lot area and yard requirements prescribed for multiple-family dwellings in this division.
4. Fraternity or sorority house and college-owned dormitories, provided any building in which such uses are housed shall be located not less than thirty (30) feet from any other lot in any R district.
5. Funeral home--Ambulance service.
6. Laboratory, dental or medical.
7. Offices: Any office in which chattels or goods, wares or merchandise are not commercially exchanged or sold, provided any building used therefor shall be located not less than twenty (20) feet from any lot in any other R district.
8. Schools and colleges, private, for nonacademic instructions, provided no mechanical equipment is used other than in dwelling and/or offices and any building used therefor shall be located not less than twenty (20) feet from any other lot in any R district.

9. Studio for professional work or instruction of any form of fine arts, music, drama, dance, but not including commercial gymnasium.
10. Beauty salons.
11. Home occupations.
12. Gardening of fruits and vegetables, not for commercial purposes, under the following conditions:

The district front yard setback shall apply except when there are no residences on the same block face, in which case the front yard setback shall be five (5) feet.

The district side and rear yard setbacks shall apply except for those lot lines that border properties with no residence; in which case the setback requirement shall be five (5) feet from the respective lot line.

Domestic and farm animals are prohibited under this section.

13. State-licensed residential facilities.

*(2) Home occupations:*

- a. Home occupations are permitted in each dwelling unit, subject to the following qualifications:
  1. The home occupation is operated entirely within the dwelling unit or a garage or shed belonging to that dwelling unit.
  2. No activity connected with a home occupation shall be permitted in a newly constructed shed or newly expanded area of a garage or shed until one (1) year has passed since its construction.
  3. No separate entrance to the dwelling unit shall be constructed for a home occupation.
  4. The home occupation shall not utilize more than twenty (20) per cent of the gross floor area, but not to exceed three hundred (300) square feet in the dwelling unit or shall be contained totally within the interior of the garage or shed.
  5. No structural alteration shall be made to accommodate the home occupation which substantially reduces the marketability of the property as a residential dwelling.

6. The home occupation shall conform to all relevant laws, ordinances, regulations, and codes, especially those concerning health and safety.
7. The home occupation shall not display or create outside the building any externally visible evidence of the operation of the home occupation, except that one (1) nonanimated, nonilluminated nameplate having an area of not more than one hundred forty-four (144) square inches shall be permitted.
8. No person or persons may own, operate, or be employed in such a home occupation unless they physically reside within the premises containing that home occupation, except that one (1) nonresident employee is permitted.
9. Only hand and electric tools may be used, with the additional limitation that the size of their motors and their noise levels not exceed those of normal home woodworking tools.
10. The home occupation may not generate more vehicular traffic than can be parked simultaneously along the premises street frontage and in the premises driveway. In the case of duplexes and multi-family dwellings, the parking shall be limited to that part of the premises street frontage and driveway legally controlled by the operator of the home occupation.
11. This subsection shall not be construed as prohibiting garage sales or lawn sales, provided that there be no more than three (3) such sales per year on any one (1) particular residential premises, and that no such sale shall last longer than three (3) consecutive days. The resident holding such a sale shall notify the zoning inspector before the sale. Such sales may be advertised through signs, with no sign permit required, provided that such signs be removed within one (1) day of the end of the sale.
12. For the purpose of regulation, bed and breakfast operations, as defined in this Code, shall not be considered home occupations but shall be regulated by Chapter 4.5 of this Code.

(3) *Accessory uses.*

- a. Incidental only to a use by right when located on the same property and shall not involve the conduct of any business, trade or industry.
- b. Gardening and the raising of fruits or vegetables and the keeping of domestic or farm animals exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes; provided that farm animals shall not be permitted on any lot or parcel of land less than five (5) acres in area and any structure in which farm animals are kept shall be located not less than one hundred (100) feet from every lot line.

- c. Permanent swimming pool, exclusively for the use of the residents, provided that any wall of such swimming pool shall be located at least six (6) feet from any building, appurtenant structure, or rear or side building, appurtenant structure, or rear or side property line; and at least thirty-five (35) feet from any front property line, or six (6) feet behind the front building line, whichever is greater. Such swimming pool shall be enclosed with an opaque wall, fence, or screen that is at least six (6) feet in height so as to prevent nuisances to and uncontrolled access from the street or adjacent properties.
- d. Garages as provided in Section 30-104 of this Code.

(4) *Special uses requiring planning commission authorization.* The following special uses may be permitted upon application to the planning commission and approval by it, based on their conformity with the general special use conditions listed in sections 30-81 through 30-85, and with the special conditions listed below for each:

- a. Mechanical amusement devices or arcades, provided that:
  - 1. Any such use is clearly accessory and incidental to a use by right on the same property.
  - 2. All requirements of Chapter 3 of the Code of Ordinances have been met.
  - 3. The location of such mechanical amusement device or arcade shall be restricted to common indoor recreational areas of apartment buildings, churches, clubs, colleges and universities, condominiums, hospitals, nursing homes, office complexes, sanitariums, and schools.
- b. Medical office in the R-3-A zoning districts provided that any building used therefor shall be located within two hundred (200) feet of property owned and occupied by a fully operating hospital. {As amended/added by Ordinance #97-2.}

(Code 1980, § 20.9-2; Ord. No. 1984-1, § 3, 4-2-84; Ord. No. 1985-2, § 2, 5-6-85; Ord. No. 1985-7, § 2, 6-3-85; Ord. No. 1985-8, § 2, 6-3-85; Ord. No. 1987-8, § 2, 10-5-87)

**Section 30-169. Lot area, yard and height requirements.**

The lot area, yard and height requirements shall be as follows (for exceptions see [Article II, Division 2](#) of this chapter):

|  | R3-A  | R3-B  | R3-C  |
|--|-------|-------|-------|
| Minimum usable floor area, square feet, per family.... | 600*  | 600*  | 600*  |
| Maximum yard coverage, per cent....                    | 30    | 30    | 35    |
| Minimum required setback:                              |       |       |       |
| Front, feet....  | 30    | 25    | 25    |
| One side, feet....                                     | 15    | 10    | 10    |
| Both sides, feet....                                   | 30    | 25    | 20    |
| Rear, feet....   | 30    | 25    | 20    |
| Maximum height, feet....                               | 35    | 35    | 35    |
| Stories....  | 2 1/2 | 2 1/2 | 2 1/2 |
| Minimum lot size, square feet/family unit....          | 2000  | 1500  | 1000  |
| Width....  | 132   | 60    | 60    |

- \* 600 No bedroom.
- 700 1-bedroom.
- 800 2-bedroom.
- 1000 3-bedroom.

One- and two-family residences in any R-3 zone shall conform to the requirements of R-1C and R-2B, respectively.

(Code 1980, § 20.9-3)

**Section 30-170. Signs.**

The provisions of [Article V, Division 4](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.9-4)

**Section 30-171. Off-street parking requirements.**

The provisions of [Article V, Division 2](#) of this chapter shall be In full force and effect in this district.

(Code 1980, § 20.9-5)

**Sections 30-172--30-180. Reserved.**

## **DIVISION 5. R-4 MOBILE HOMES RESIDENCE DISTRICT**

{Division 5 deleted and reinserted as per Ordinance #97-7. Note section numbering conflicts with Section 30-188 through 30-190.}

### **Sec. 30-181 Purpose.**

The mobile home park district is intended to encourage the appropriate location and suitable development of mobile home parks. In keeping with the occupancy characteristics of contemporary mobile homes, this Division establishes density standards and permitted uses that reflect the basic needs of potential residents.

The following regulations shall apply to mobile home park districts:

### **Section 30-182 Definitions.**

**Section 30-183** {Amended by emergency Ordinance #1999-05, 8/1/1999. Note: Amendment delineates the difference between uses permitted and permitted uses subject to review}

Uses Permitted.

- (1) Mobile home park developments subject to all minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987, as amended, and all rules promulgated pursuant to Act 96, as may be amended, unless otherwise provided herein.

(b) Permitted Uses Subject To Conditions.

On-site signs in accordance with the requirements of Section 30-189(13).

Clubhouse, swimming pool, and recreation facilities for the use of park residents.

Family day care homes.

Adult foster care family homes and adult foster care small group homes consisting of six (6) or less residents.

Accessory uses and structures, such as managers offices, laundry facilities, tool or storage sheds, and other services for the residents of the park, shall be permitted. Adequate parking for such services shall be provided, as required by the Michigan Mobile Home Commission rules, as amended. The park manager may display mobile homes and accessories for sale, provided the accessories are contained within a mobile home or an approved permanent structure. Such sales are to permit the development of the park and are not intended to be a retail operation. The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied in that development

may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home development provided the development permits the sale.

**Section 30-184. Site Plan Review.** {Amended by emergency Ordinance #1999-05, 8/1/1999.  
Note: amendment insures all uses of land and structures will be subject to section 30-42(2); site plan review for minor projects }

All proposed, structures or uses of land or structures shall be subject to the site plan review procedures below. All other proposed structures or uses of land or structures shall be subject to section 30-42(2); site plan review for minor projects.

2. Application:

- a. Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building in the R-4 zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Planning Commission in accordance with the Ordinance requirements of this article.
  - i) Every site plan submitted to the Director of Neighborhood Services for review by the Planning Commission shall be a complete application and in accordance with the requirements of this ordinance. Twelve (12) copies of the site plan shall be submitted with the application.
  - ii) The Director of Neighborhood Services shall either forward the application package to the Planning Commission within 15 days if it is complete and in compliance or return the application package to the applicant with a list of deficiencies. Forwarding of the site plan shall not be considered as approval or recommendation of approval of the site plan by the Director of Neighborhood Services. No site plan and application package may proceed to the Planning Commission without first receiving approval for completeness and compliance by the Director of Neighborhood Services.
  - iii) All applications for site plan review shall be made at least three (3) weeks prior to the next regularly scheduled Planning Commission meeting.
  - iv) Once a site plan and application package has been approved by the Director of Neighborhood Services, it shall be forwarded to the Planning Commission for their review and decision.
  - v) Every site plan submitted for review shall be in accordance with the requirements of this Ordinance.

3. Data Required:
  - a. Site plans shall contain the following information:
    - i) The date, north arrow and scale. The scale shall be not less than one (1) inch equals fifty (50) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more.
    - ii) The project property lines are shown and dimensioned.
    - iii) The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
    - iv) The location of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, and recreation areas.
    - v) The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
    - vi) The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firm(s) responsible for the preparation of the site plan.
    - vii) The name and address of the property owner or petitioner.
    - viii) The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
    - ix) Size and location of existing utilities including proposed connections to public sewer or water supply systems, if available.
    - x) Location of all fire hydrants, if applicable.
    - xi) The number of mobile home sites proposed.
    - xii) Location of all major design facilities and written assurance that surface drainage facilities will meet the requirements and standards of Part 4 of the MDEQ Mobile Home park Standards.
4. A copy of the final construction plan shall be submitted to the City upon approval by the Department of Consumer and Industry Services.

5. Review Process:

- a. The Planning Commission shall review the submitted site plan and communicate its approval, approval with conditions, or disapproval of the site plan not more than sixty (60) days of receipt of the plan by the City. A meeting may be postponed by mutual agreement of the City and the developer. In cases where modifications have been recommended, the applicant shall resubmit a site plan incorporating those modifications to the Planning Commission for its review any required modifications shall be directed to the specific elimination of unsafe or hazardous health or safety conditions. Upon receipt of the modified site plan, the Planning Commission shall evaluate the changes which have been made and, if deemed acceptable, shall communicate its approval or disapproval of the site plan to the applicant within not more than 45 days after receipt of the modified site plan. Such modified site plan may be disapproved for any inadequacy found to be detrimental to the public health, safety, and general welfare.

The Planning Commission shall approve a site plan only upon a finding that the proposed use will not, upon the facts known at the time of submission of the site plan, cause undue hardship, or create unsafe or hazardous health or safety conditions to the general public in accordance with the Act.

6. Noncompliance:

- a. Any suspected noncompliance with the preliminary plan, shall be reported to the Manufactured Housing Division of the Department of Consumer and Industry Services for remedy along with all pertaining evidence.

7. Fees Required:

- a. Fees for the review of site plans shall be established by resolution of the City Council.

8. Basis for Approval:

In the process of reviewing the site plan, the Planning Commission shall consider:

- 1) Impact on adjacent single-family residential or site condominium development.
- 2) The location and design of driveways providing vehicular ingress to, and egress from, the site in relation to streets giving access to the site and in relation to pedestrian traffic.
- 3) The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure.

- i. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets; and
  - ii. Satisfactory and harmonious relations between the development of the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- 4) The Planning Commission may further require landscaping, fences, or walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
  - 5) The installation, erection, and construction of transmission systems for essential services.
  - 6) The aforementioned site plan review criteria shall not be construed to supersede the requirements of the Ordinance and the Mobile Home Commission Act.

**Section 30-185. Area, Height, and Placement Regulations within the Mobile Home Park.**

1. Lot Size:

- a. The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit, excluding open space common areas. This 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

2. Floor Space:

- a. There shall be not less than seven hundred fifty (750) square feet, of floor area within each mobile home. The floor area of any porch, sun deck, or other structure shall not be used to meet the seven hundred fifty foot requirement.

3. Internal Yard Setbacks:

- a. The placement of mobile homes within a mobile home park shall observe the following setback requirements:
  - i) Twenty (20) feet from any part of an attached or detached structure of an adjacent mobile home which is used for living purposes.
  - ii) Ten (10) feet from an on-site parking space of an adjacent mobile home site.

- iii) Ten (10) feet from a detached structure or accessory of an adjacent mobile home which is not used for living purposes.
- iv) Fifty (50) feet from a permanent building.
- v) Ten (10) feet from the edge of an internal road.
- vi) Seven (7) feet from a parking bay.
- vii) Seven (7) feet from a common pedestrian walkway.

4. Maximum Heights:

- a. The maximum height of any clubhouse building shall not exceed thirty-five (35) feet, or two (2) stories in height. Storage or service buildings in the Mobile Home Park shall not exceed fifteen (15) feet, or one (1) story in height.

**Section 30-186. Development Standards for the Mobile Home Park.**

1. Minimum Site Size:

Each mobile home park must have a site of not less than fifteen (15) acres of land.

2. Park Setbacks:

- a. Front Yards: No mobile home, or any structure within a mobile home park (other than an identification sign) shall be located closer than fifty (50) feet to any public road right-of-way.
- b. Side Yards: No mobile home or any structure within a mobile home park shall be located closer than ten (10) feet from any side lot line of the mobile home park.
- c. Rear Yards: No mobile home or any structure within a mobile home park shall be located closer than ten (10) feet from any rear lot line.

3. Access to Public Roads:

- a. All mobile home parks shall have at least one: (1) property line abutting an existing or planned thoroughfare with a paved surface and a right-of-way width of at least sixty (60) feet, or an easement of access from and to said thoroughfare or in accordance with the requirements of Rules 920, 920(1)(b) and 901(s). All access to the park shall be from such thoroughfares. Two (2) access points shall be provided to the public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of interior park roads shall be interpreted as satisfying this requirement.

4. Paving:

- a. All internal roads and parking facilities shall be provided with a paved surface in compliance with the standards of the AASHTO Specifications referenced in Rule 922 of the Michigan Mobile Home Commission Rules. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to prevent the drainage of water onto adjacent property or toward buildings. No portion of any off-street parking area may be allowed to encroach into sidewalk areas.

5. Parking:

- a. A minimum of two (2) parking spaces shall be provided for each mobile home unit. In addition, a minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking. Adequate room shall be provided for vehicles to safely maneuver through the park when on-street parking is provided.

6. Sidewalks:

- a. Sidewalks, which-meet the standards established in Rule 928 of the Michigan Mobile Home Commission Rules, and AASHTO Standards shall be installed along one (1) side of all internal collector roads within the park and to the public right-of-way and to all service facilities including, but not limited to, central laundry, central parking, and central recreation/park areas. Sidewalks shall also be required along that portion of a site fronting along public thoroughfares.

7. Utilities:

- a. The installation of utilities within a mobile home park shall be in accordance with the following requirements:
  - i) All electrical, telephone, and utility service shall be underground and specifically designed in conformance with the standards established in Rules 932(a), 934(a), 935(a), 937(2)(a), and 940 of the Mobile Home Commission. When separate meters are installed, each meter shall be located in a uniform manner.
  - ii) All gas distribution lines shall be located underground. Each mobile home lot so served shall have the service line located underground to a connection point below the mobile home. Any line running between such connection point and the mobile home shall be supported so it cannot be abraded by the pad surface. If fuel oil is used, it shall be supplied from a central storage tank, with underground distribution and service lines to the individual mobile home sites, and shall be subject to the same requirements given, herein for gas lines.

The use of independent bottled gas service for individual mobile homes is prohibited. All heating systems shall be designed and installed in accordance with Rules 934 and 940 of the Mobile Home Commission.

- iii) Service roadway and parking lights shall be installed so as to permit the safe movement of vehicles and pedestrians at night. All lighting shall be so located and shielded as to direct the light away from adjacent properties. All site lighting shall meet the requirements of the Michigan Mobile Home Commission Rules.
- iv) Minimum standards for plumbing, heating, and electrical systems shall be those either set forth by the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards or by ANSI (American National/Standards Institute) for mobile homes predating HTJD prior to occupancy of any mobile home, the City Building Inspector, City Electrical Inspector, City Plumbing Inspector, and City Mechanical Inspector shall inspect and approve the plumbing, heating, and electrical systems.
- v) All mobile home sites and all other buildings within the park shall be connected to the water system of the City, if it is available to the park, or to another state approved system. The park water system shall conform to parts 2-4 of the Michigan Department of Public Health (MDPH) Mobile Home Park Standards.
- vi) All mobile home sites and all other buildings within the park shall be connected to the sanitary sewerage system of the City, if it is available to the park where it is located, or to other state approved systems. The park sanitary sewerage system shall conform to MDPH-Mobile Home Park standards. Public sewer systems shall be required in mobile home parks, if available within 200 feet at the time of preliminary plan approval. If a public sewer system is unavailable, the park shall connect to a state-approved sewage system.
- vii) All storm sewers shall be constructed in accordance with Part 4 of the MDPH Mobile Home Park Standards by the developer.

8. Skirting:

- a. Skirting shall be installed around all mobile homes. Such skirting shall be compatible aesthetically with the appearance and construction of the mobile home. All skirting shall be installed prior to the issuance of a Certificate of Occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may -be issued for a period not to exceed ninety (90) days. All skirting shall meet the specifications established by the Michigan Mobile Home Commission Rules.

Individual mobile homes shall be skirted around the perimeter of the mobile home unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Mobile Home Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

9. Storage:

- a. The developer shall provide a central storage facility or shall permit individual utility sheds for each mobile home site. Any utility sheds placed on individual mobile home sites shall be maintained in good condition and kept painted. Utility sheds shall be placed in side or rear yard areas.

10. Storage/Parking:

- a. The onsite storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment is prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment. This area shall be in addition to the automobile parking requirements of and shall be adequately fenced, locked or secured, and visually buffered or screened by means of landscaping.

11. Installation:

- a. Each mobile home site shall conform with Mobile Home Commission requirements of Rule 602 for installation of mobile homes.

**Section 30-187. Landscaping, Ground Cover, and Open Space.**

Mobile home parks shall be landscaped as follows:

1. Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with stone or other solid material or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every mobile home parks shall be graded and equipped to drain all surface water in a safe and efficient manner.
  - a. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development. If the park abuts a nonresidential development, the park need not provide screening.

- b. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
2. The mobile home park developer shall provide a landscape buffer planting screen along those portions of the park that abut other developed residential property lines and public right-of-way lines. The landscaping shall consist of evergreen trees or shrubs of minimum three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above. The required planting screen shall be located within the mobile home park's required setback as stated in this ordinance.
3. Alternative screening devices subject to prior approval may be utilized if they conceal the mobile home park as effectively as the required landscaping described above and provided the screening is kept in good repair.
4. Open space shall be provided as required by Rule 946 of the Mobile Home Commission and shall be designated on the site plan. Should recreational areas also be proposed, these shall also be shown on the plans.

#### **Section 30-188. Public Health and Safety.**

1. Fire hydrants shall be installed in all mobile home parks for which public water systems are available and shall be in compliance with the requirements and provisions of the current local fire code, including the requirement that there be no more than five hundred (500) feet between hydrants as measured along adjacent roadways within the mobile home park.
2. For the protection of the public safety, an orderly street name system and numbering system shall be established by the mobile home park owner and a plan of this system shall be verified with the City Public Safety Department. Mobile home space numbers shall be located uniformly on each space, mobile home unit or identification marker, throughout the mobile home park and street names shall be adequately marked.
3. Dogs, cats, or other domestic or house pets shall not be permitted to run at large or to commit any nuisance within the park.
4. Cooking shelters, barbecue pits, fireplaces, and wood burning stoves or incinerators shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed except in facilities provided and all such fires must be attended. No fuel shall be used or items burned which emit dense smoke or objectionable odors.
5. Individual fuel oil, liquid petroleum, or other fuel tanks shall not be permitted to be stored in or under any mobile home unit in a mobile home park.

6. Each mobile home site shall be provided with approved garbage containers per Mobile Home Commission rules. The containers shall be kept in a sanitary condition at all times.
  - a. It shall be the responsibility of the mobile home park operator to ensure that garbage containers do not overflow.
  - b. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident, or fire hazard.

Park grounds shall be maintained in a neat condition at all times.

Every home shall be equipped at all times with fire extinguishing equipment in good working order, of a type, size, and number and so located within the park as to be in compliance with the applicable regulations of the Rules 702a and 703 of the Mobile Home Commission.

- a. No open fire shall be permitted at any place which may endanger life or property.
- b. No fire shall be left unattended at any time.
- c. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with regulations of the state police.

There shall be no storage of any kind underneath any mobile home and each mobile home shall be maintained in a clean and presentable condition at all times.

No personal property shall be stored outside or under any mobile home. Storage sheds may be used but need not be supplied by the owner of the mobile home development.

Two (2) access points shall be provided to the public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of interior park roads shall be interpreted as satisfying this requirement.

Each mobile home shall have a safe and unobstructed primary exit and an emergency exit located away from the primary exit.

### **Section 30-189. Miscellaneous Provisions.**

1. Removal of Towing Mechanisms:
  - a. Towing mechanisms shall be removed from the mobile home dwelling at the time of dwelling installations and stored so as not to be visible from the exterior of the mobile home park.

2. The grounds of a mobile home park shall be graded to drain properly.
3. No home occupations shall be conducted in any mobile home, except as permitted or approved as a conditional use.
4. The business of selling new and/or used mobile homes as a commercial operation within the location of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied in the park may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home development provided the development permits the sale.
5. All requirements of Act No. 96 of the Public Acts of 1987, as amended, shall apply.
6. The owner or operator of any mobile home park shall be responsible for all street construction and street maintenance within the confines of the mobile home park shall be responsible for all snow removal within the confines of the mobile home park and shall be responsible for picking up trash and garbage within the confines of the mobile home park.
7. No mobile home shall be occupied by more than one (1) family.
8. No mobile home shall be occupied for dwelling purposes unless the mobile home is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary or prior to building official inspection and permit approval.
9. Street lighting shall be provided and paid for by the owner of the park and shall be approved by the Mobile Home Commission as to the adequacy of illumination.
10. Street name signs shall be provided by the owner at all street intersections in accordance with Mobile Home Commission requirements. Park street names shall not duplicate or be confusingly similar to the name of any existing street within the areas served by the Post Office or the City Public Safety Department.
11. If permitted, fences on individual home sites shall be uniform in height, not to exceed thirty-six (36) inches, and shall be constructed in such a manner as to provide Public Safety Officers an access to at least two (2) gates.
12. Mobile home parks shall be located with access to a public thoroughfare.
13. There shall be a maximum of one (1) sign per road frontage with an entrance which shall bear only the name of the mobile home park. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Mobile Home Commission rules and may be lighted, provided that the source of light is not visible and is not of the flashing or intermittent type. One (1) sign, not exceeding

thirty-two (32) square feet in area, with copy on both sides, shall be permitted for the first entrance provided to the park. For multiple entrances, a sixteen (16) square foot sign with copy on both sides, shall be permitted at each entrance after the first.

14. Expandable units on mobile homes may be utilized, provided that the minimum spacing between mobile homes as herein provided is maintained.

**Section 30-190. Site Constructed Buildings and Dwellings.**

1. Site constructed buildings within the mobile home park such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the City at the time of submittal for a building permit and shall meet the requirements of applicable building codes and required Mobile Home Commission setbacks.
2. Site built single-family dwellings may be located in a mobile home park as follows:
  - a. One single-family dwelling may be permitted for the exclusive use of the mobile home park owner or manager in a park of thirty (30) acres or less.
  - b. Two single-family dwellings may be permitted for the exclusive use of the park owner, manager, or caretaker in a park in excess of thirty (30) acres.
  - c. Any such dwellings shall comply in all respects with the requirements for single-family dwellings in the R-1, Residential District.

## **DIVISION 5-A. O-1 TRANSITIONAL OFFICE DISTRICT.**

**{Division 5-A added as per Ordinance #92-3, 8/3/92.}**

### **Section 30-188. Scope.**

The provisions of this division shall apply to the O-1 Transitional Office District.

### **Section 30-189. Intent.**

The O-1 Transitional Office District is established in order to buffer commercial and industrial zones from less intensive residential areas by allowing limited professional office and institutional uses in existing structures, when located on or near major streets. This district allows for conversion or re-use of existing structures no longer useful, serviceable or desirable in their present use to restricted office use or restricted institutional uses. Expansion of structures and uses allowed under the district is limited in order to maintain a residentially-scaled pattern of development. This district is specifically intended to prohibit commercial establishments of a retail nature or other activities which generate high traffic volumes and have extended hours of operation. Such prohibited activities include, but are not limited to barber and beauty shops, fraternity and sorority houses, rooming and boarding houses, clubs and lodges, eating or drinking establishments, outdoor vending machines, and parking for off-site uses.

The Transitional Office District is created to preserve the existing residential character of a neighborhood, while promoting a high standard of office development, and to provide redevelopment options for properties both unattractive for residential use and inappropriate for intensive commercial development.

This zone shall be established only when it would act as a buffer between residential and non-residential uses located along major streets, and/or when such uses would abut a nonresidential use, either directly or across a street.

### **Section 30-190. Permitted uses.**

(1) In an O-1 Transitional Office District, no building, structure or land shall be altered, used or occupied except for the following specified uses unless otherwise provided in this Chapter:

a. Offices of professional specifically listed in the following table:

Physician: Office and outpatient facilities.

Dentist

Attorney at Law

Architect

Landscape Architect

Certified Public Accountant

Registered Engineer

Licensed Social Workers: office, counseling & testing facilities

Psychologist  
Chiropractor  
Podiatrist

b. Churches

- (2) Special uses requiring planning commission authorization. The following special uses may be permitted in a building or welling existing as of the date of adoption of this ordinance, upon application to the planning commission and approval by it, based on their conformity with the general special use conditions listed in sections 30-81 through 30-85, and with the special conditions listed below for each:

Veterinary clinics for small animals, provided:

All animal care activities take place in enclosed buildings.

No overnight boarding of animals takes place.

Consumer office services provided to the general public, including real estate agencies, securities and stock market brokerages, insurance agencies, financial counseling and tax services.

Institutional uses, including libraries, public art galleries, museums, armories, and public recreational facilities.

Child day care facilities.

- (3) Accessory uses, which are clearly incidental and customary to and commonly associated with the operation of the use by right:

Business signs which pertain only to the principal permitted use on premises, provided that any such sign comply with the standards of [Article V, Division 4](#) (Section 30-353) of this chapter.

Off-street parking and loading facilities which serve only the principal permitted use on the premises, in accordance with [Article V, Division 2](#) and [Division 3](#) of this chapter, and provided that such parking and loading areas meet the site development standards of Section 30-194.

Dumpsters for the temporary storage of refuse, provided that such dumpsters be located and screened in accordance with the site development standards of Section 30-194

Air conditioning compressors, heat exchange units or similar heating and cooling equipment, provided that such equipment be located and screened in accordance

with the site development standards of Section 30-194.

Accessory storage buildings, limited to a total area of 250 square feet or less.

**Section 30-191. Lot area, yard and height requirements.**

The lot area, yard and height requirements shall be as follows:

|  |      |
|--|------|
| Maximum yard coverage by buildings, percent: | 35   |
| Minimum required setback:                    |      |
| Front, feet:                                 | 25   |
| Side, feet (each):                           | 10   |
| Rear, feet:                                  | 25   |
| Maximum height, feet:                        | 35   |
| Minimum lot area, square feet:               | 6500 |
| Minimum lot width, feet:                     | 60   |

**Section 30-192. Off-street parking and loading space requirements.**

The provisions of [Article V, Division 2](#) shall be in full force and effect in this district. In addition, parking lots in this district shall meet all additional site development standards in Section 30-194.

**Section 30-193. Permitted signs.**

The provisions of [Article V, Division 4](#) shall be in full force and effect in this district.

**Section 30-194. Site development standards.**

- (1) Dumpsters and trash storage containers may not be located in any required zone yard setback area, and must be secured with a decorative opaque fence or wall with the gate secured and latched when not in use. Containers must remain covered to prevent the collection of water and of foraging animals.
- (2) Air conditioning compressors or other heating/air conditioning equipment may not be located in any required zone yard setback area, and must be screened on any side facing residentially zoned property by a decorative opaque fence, wall, or hedge equal to the height of the equipment.
- (3) Parking areas shall be accessory and incidental to the allowed principal use, and shall not be located in front yard areas. Parking areas shall be screened on each side which adjoins or faces premises in any R district by a decorative opaque fence, wall, or hedge which shall be not less than four (4) feet or more than six (6) feet in height.

**Section 30-195. Limitation on expansion of facilities.**

- (1) No existing structure occupied as any of the above listed uses by right or authorized special uses shall be expanded by more than thirty-five percent of existing gross floor area during any ten year period.

**Sections 30-196--30-200. Reserved.**

## **DIVISION 6. B-1 NEIGHBORHOOD BUSINESS DISTRICT**

### **Section 30-201. Scope.**

The provisions of this division shall apply to the B-1 neighborhood business district.

### **Section 30-202. Generally.**

This district is composed of certain land and structures used primarily to provide the retailing of commodities classed by merchants "convenience goods," such as groceries and drugs, and the furnishing of certain personal services such as beauty shops, barber shops, and "pick-up" stations for laundry or dry cleaning, thus satisfying the daily and weekly household or personal needs of abutting residential neighborhoods. This district is small, usually located at the intersection of two (2) streets or highways, and almost always entirely surrounded by residential districts. The regulations of this "essential convenience goods and services" district are designed to encourage development of designated uses and services needed for the neighborhood and protect the abutting or surrounding residential districts against encroachment or infiltration of these uses and services.

(Code 1980, § 20.11-1)

### **Section 30-203. Permitted uses.**

No land shall be used or occupied and no structure shall be designed, erected, altered or used except for either one or several of the following uses by right and lawful accessory uses thereto, or for one or several of the following conditional uses:

- (1) *Uses by right.* The following uses may be operated as uses by right:
  - a. Bakery, provided the production of baked goods is limited in quantity to goods retailed on the premises.
  - b. Barber shop.
  - c. Beauty shop.
  - d. Candy and ice cream store, provided any production of candy or ice cream is limited in quantity to goods retailed on the premises (no drive-in).
  - e. Clinic--Dental or medical.
  - f. Dairy products store, no bottling operations.
  - g. Delicatessen.
  - h. Drugstore.

- i. Dry cleaning and laundry collection and distribution station.
- j. Eating place; grill, bar, cocktail lounge, but not including drive-in types.
- k. Florist shop.
- l. Funeral home--Ambulance service.
- m. Grocery and meat market (supermarkets).
- n. Hardware.
- o. Laundry and dry cleaning, custom and self-service.
- p. Liquor store, sale by package only.
- q. Locksmith shop, fix-it shop and lawnmower service.
- r. Offices; any office in which chattels or goods, wares or merchandise are not commercially created, exchanged or sold; includes banks, loan and finance offices.
- s. Parking lot; subject to provisions of Sections 20.16-1 and 20.16-2.
- t. Parks.
- u. Pressing, altering and repair of wearing apparel.
- v. Shoe repair shop.
- w. Watch repair.
- x. Mechanical amusement arcades, provided that any such establishment shall comply with Chapter 3 of the Code of Ordinances.

(2) *Special uses requiring planning commission authorization.* The following special uses may be permitted upon application to the planning commission and approval by it, based on their conformity with the general special use conditions listed in sections 30-81 through 30-85, and with the special conditions listed below for each:

- a. Automobile service stations; provided:
  - 1. Premises used for such purposes shall not be less than two hundred (200) feet from any place of public assembly including any hospital, sanitarium, clinic or institution. Such measurement shall be along the usual line of street travel.

Hereafter no gasoline filling and/or service station shall be permitted if the location constitutes a hazard to public safety and welfare.

2. Buildings used for such purposes shall not be nearer than fifty (50) feet from any R district.
  3. Any minor automobile repair work as defined in this chapter, shall be done within the principal building on the premises.
  4. No overnight or weekend outside storage of trucks, trailers and/or tractors shall be permitted on the premises, and no partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight (8) hours outside the buildings on the premises.
  5. When such use abuts the side and/or rear line of a lot in any R district, a compact evergreen hedge, solid wall or painted board fence not less than five (5) feet high shall be maintained at the property line.
- b. Billboards; subject to [Article V, Division 4](#) of this chapter.
  - c. Auto parts and supply store, provided:
    1. No automobile repair work or storage shall be done within the principal building or on the premises.
    2. No overnight or weekend outside storage of trucks, trailers and/or tractors shall be permitted on the premises, and no partially dismantled, wrecked or junked vehicles shall be stored within the principal building or on the premises.
  - d. Residential uses, provided:

{As added by Ordinance #2005-13, 8/1/2005}

The unit is a single family or two family dwelling and used exclusively for that purpose, or

The unit is secondary to a principle permitted use in the district and that permitted use is located on the main floor of the building.
- (3) *Accessory uses.* Incidental only to use by right, any use which complies with all of the following conditions may be operated:
- a. Is clearly incidental and customary to and commonly associated with the operation of the use by right.

- b. Business signs which pertain only to a permitted use on the premises; are either integral with, or attached flat against the building or structure or project not more than four (4) feet beyond the building line but not above the roof line; and which do not face the side of any lot which is in an R district.
- c. Mechanical amusement devices, provided that the number of said devices shall not exceed four (4), and all requirements for such devices in Chapter 3 of the Code of Ordinances have been met.

(Code 1980, § 20.11-2; Ord. No. 1985-2, § 5-6-85, Ord. No. 1987-8, § 2, 10-5-87)

**Editor's note**--Ord. No. 1987-8, § 2, adopted Oct. 5, 1987, purported to amend the Code by adding provisions designated as § 30-203(1)w. Inasmuch as there already exists in the code provisions so numbered, the provisions of Ord. No. 1987-8, § 2 have been redesignated by the editor as § 30-203(1)x.

**Section 30-204. Height of structures.**

No use by right or accessory use structure shall exceed two (2) stories or twenty-five (25) feet in height.

(Code 1980, § 20.11-3)

**Section 30-205. Lot area and yard requirements.**

The following minimum requirements shall be observed:

- (1) *Lot area.* No minimum lot area shall be required for the use by right or accessory use structures.
- (2) *Front yard.* Every lot shall be provided with a front yard not less than twenty-five (25) feet in depth.
- (3) *Side yard widths (each side yard).* None required except adjoining any R district or abutting a street, then not less than fifteen (15) feet in width. When abutting a property within the neighborhood business district that is used for residential purposes, the side yard shall be not less than ten (10) feet in width.
- (4) *Rear yard.* Every lot shall be provided with a rear yard not less than ten (10) feet in depth, provided, however, when such lot abuts any R district it shall have a rear yard not less than fifteen (15) feet in depth.

(Code 1980, § 20.11-4)

**Section 30-206. Signs.**

The provisions of [Article V, Division 4](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.11-5)

**Section 30-207. Off-street parking requirements.**

The provisions of [Article V, Division 2](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.11-6)

**Section 30-208. Off-street loading requirements.**

The provisions of Article V, Division 3 of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.11-7)

**Sections 30-209--30-220. Reserved.**

## **DIVISION 7. B-2 CENTRAL BUSINESS DISTRICT**

### **Section 30-221. Scope.**

The provisions of this division shall apply to the B-2 central business district with said boundaries described as:

Beginning at the intersection of E. Ash Street and S. Ionia Street; thence west to a line 38 feet west of the west line of Lot 9, Block 64 of the Original Plat; thence north to the centerline of the vacated alley in said block; thence west to east line of lot 2 in said block; thence north to the centerline of W. Erie Street; thence west to the centerline of S. Clinton Street; thence north to south line of Lot 5, Block 62, of the Original Plat; thence west to the west line of said lot 5; thence north to the centerline of W. Porter Street; thence west to a line 19.42 feet west of the west line of Lot 7, Block 51, of the Original Plat; thence north to the centerline of the alley in said block; thence east to the center of Lot 4 of said block; thence north to the centerline of W. Center Street; thence west to the west line of Lot 8, Block 50, of the Original Plat; thence north to the centerline of the alley in said block; thence east to the centerline of S. Clinton Street; thence north to the centerline of Michigan Avenue; thence east to the centerline of N. Superior Street; thence south to a line which is 95.5 feet south of the south line of the railroad right-of-way (measured along the east right-of-way line of Superior Street); thence east 109.5 feet (from the centerline of Superior Street); thence south 68' -10' east approximately 145 feet to the west line of the City (Water Works) property; thence south to the Kalamazoo River; thence southeasterly along the Kalamazoo River to the north line of Lot 17 of the "Assessor's Replat of Mill Reserve and Block 48 of the Original Plat"; thence west to a line which is 14 feet east of the west line of Lot 16 of said plat; thence south to the centerline of East Erie Street; thence west to the centerline of S. Ionia Street; thence south to the place of beginning.

(Ord. No. 1987-4, § 2, 4-6-87)

### **Section 30-222. Intent.**

The B-2 Central Business Districts is intended to provide for a variety of retail and office services which serve the needs of a consumer trade area that extends beyond the corporate boundaries of the city. This district is characterized by intense pedestrian activity and a unified architectural scale.

The district regulations are designed for these purposes:

- (1) To promote convenient comparison shopping by pedestrians for retail goods and business, professional, and personal services.
- (2) To provide for the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive related uses and services.

- (3) To provide for more employment in the district and to promote the full utilization of downtown buildings, including the second or third floors for possible residential use.

The essential interpretation of activities is given precedence in the regulations and future planning of this district over any desire to permit automobiles to come directly to each establishment. Non retail uses are compatible with the purpose of this district as long as adequate and convenient parking can be provided for within the common parking element, ensuring the ease of pedestrian movement from both retail and non-retail uses. {Amended by ordinance #2005-10, 6/15/05}

- (4) To protect the district from over congestion of the traffic pattern, while providing adequate automobile access to, and parking in, the area.
- (5) To protect and enhance the value of property within the district.
- (6) To promote development which is compatible with the existing historic character of the district.

The essential interdependence of activities is given precedence in the regulation and future planning of this district over any desire to permit automobiles to come directly to each establishment. Non-retail uses are compatible with the purposes of this district as long as adequate and convenient parking can be provided for retail activity, the ease of pedestrian movement can be ensured, and the quality of life can be protected.

(Code 1980, § 20.21-1; Ord. No. 1987-4, § 2, 4-6-87)

### **Section 30-223. Permitted uses.**

In the B-2 Central Business District, no buildings or land shall be used and no structure shall be erected, altered, or used except for either one or several of the following uses by right, permitted special uses, and/or lawful accessory uses.

- (1) Uses permitted by right. The following may be operated as a use by right, provided that any such use, including storage, is conducted on the premises within a completely enclosed, existing building unless otherwise specified below:
  - a. Any generally recognized retail business which supplies commodities on the premises including, but not limited to: antiques or second-hand goods, apparel and accessories, household appliances, automobile parts or accessories, bicycles, books, business equipment and supplies, cameras, drugs and medical equipment and supplies, flowers, foods and grocery items, furniture, garden supplies, gifts, hardware, jewelry, liquor (by package only), luggage, mail-order goods, musical instruments and appliances, shoes, sporting goods, toys, wall and-floor coverings.
  - b. Any personal service establishment including, but not limited to: beauty parlors, barber shops, interior decorators, locksmiths, photographers, repair shops

(electronics, shoes, watches, etc.), tailor shops, laundries, dry cleaners, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in nature.

- c. Restaurants and taverns in which patrons are served while seated within an enclosed building, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive in nature.
- d. Offices characterized by personal, on-premise service of customers, including, but not limited to financial, insurance, real estate, travel agencies, public utilities, and medical or dental clinics and laboratories.
- e. Public and quasi-public buildings, including, but not limited to: fraternal organizations, clubs and lodge halls, libraries, municipal offices, and museums.
- f. Banks and other financial institutions, with drive-in facilities permitted only when said drive-in facilities are incidental and accessory to the principal function.
- g. Commercial recreation facilities which conduct business within a completely enclosed building, including, but not limited to: movie theaters, skating rinks, concert and dance halls, etc., where alcoholic and/or nonalcoholic beverages may be served, provided:
  - 1. That establishments which serve non-alcoholic beverages be limited to the same hours of operation of those which are permitted to serve alcoholic beverages.
  - 2. That all related building, fire, and safety codes be met.
- h. Offices and retail showrooms of plumbers, electricians, decorators, or similar trades. Storage of non-retail materials and the making, assembling, remodeling, repairing, altering, finishing, or refinishing or its products or merchandise shall be permitted, provided that:
  - 1. These activities are completely enclosed within the premises occupied by said establishment.
  - 2. These activities are clearly accessory to sales and display activities.
  - 3. In all cases, the first story premises facing upon or visible from any abutting street may not be used for other than retail display and associated office space.
- i. Studios or business schools, including, but not limited to: dance, music, art, and voice schools and studios.
- j. Bakeries, confectioneries, delicatessens, and other carryout food service

establishments without drive-in facilities, provided that noise and odor levels shall not exceed those levels which are in keeping with the retail uses within the district.

- k. Apartment units and/or multiple-family residences, only in already existing structures, provided that there shall be no dwelling units in basements, nor shall first-story dwelling units be permitted in structures designed and built with commercial storefronts. Conversion of existing space on the second or third floors for the new residential use shall be subject to special use approval. **{amended by Ordinance #2005-10, 6/15/2005}**
- l. Radio and television broadcastings studios excluding transmission facilities.
- m. Mechanical amusement arcades, provided that any such establishment shall comply with Chapter 3 of the Code of Ordinances.
- n. Public parks and plazas.

(A) *Permitted uses with conditions.*

Bed and Breakfast Inns Operations

**{Ordinance #2000-03, 3/6/2000. Note: Section 30-223 (1)(A)(a)(A-F) added}**

Building requirements.

Applicants shall submit a site and floor plan of the residential dwelling unit illustrating that the proposed operation meets all zoning ordinance requirements.

Bed and breakfast operations shall be confined to an existing single-family dwelling unit which is the principal dwelling unit on the property.

The dwelling unit in which the bed and breakfast operation takes place shall be the principal residence of the operator, and the operator shall live on the premises when the bed and breakfast operation is active. The operator shall not let out the principal residence.

Each dwelling utilized as a bed and breakfast inn operation shall comply with the provisions of Chapter 18 and shall comply with those provisions of the State Construction Code, the Electrical Code, the Property Maintenance Code, the Mechanical Code and the Fire Prevention Code applicable to dwellings and lodging houses.

No building or structure either on the premises of the bed and breakfast inn operation or on the property adjacent thereto shall be removed in order to provide for parking for the bed and breakfast inn operation.

No bed and breakfast inn operation shall have on its premises any restaurant which is open to the general public any store or any separate gift shop.

No portion of any bed and breakfast inn operation shall be operated in any accessory structure.

All such bed and breakfast inn operation shall be designed, constructed, operated and maintained so as to be compatible with the surrounding neighborhood.

Annual inspection by the zoning administrator, fire chief and building inspector shall be required.

Bed and breakfast operations shall be limited to five (5) guest sleeping rooms.

A structure or premise utilized for a bed and breakfast inn operation must have at least two (2) exits to the outdoors from such structure or premise.

The main structure of the bed and breakfast inn operation shall have a minimum floor area space of two thousand (2,000) square feet, excluding garage and basement, with a maximum of forty (40) percent of that space designated as a sleeping room. Sleeping rooms shall be a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant, to a maximum of four (4) occupants per room if that sleeping room unit has a private bathroom.

Each sleeping room used for the bed and breakfast inn operation shall have a separate hard wired smoke detector alarm. (Battery operated smoke detectors are prohibited)

Lavatories and bathing facilities shall be available to all persons using any bed and breakfast inn operation.

In no case shall there be fewer than two (2) shared bathrooms for every four (4) sleeping rooms.

#### B. Site Development.

Minimal outward modification of the structure may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which the bed and breakfast inn operation is located.

Refuge container areas shall be fully enclosed and have a minimum of fifteen (15) square foot enclosure area with an overall height of not more than five (5) feet.

Cyclone fencing is prohibited for any use.

Screening requirements shall be reviewed on an individual basis when residential use is adjacent to a Bed and Breakfast Inn Operation.

Parking requirements.

One off-street parking space shall be provided for the owner-occupant and one additional off-street parking space for each sleeping room designated for bed and breakfast inn operation use.

Municipal parking may be used to facilitate required parking if permission is granted by city council. (sec. 82-126 Definition of Downtown parking)

Required parking shall be located only in the side and rear yard areas.

Security lighting is permitted, but shall be restricted to a maximum height of fifteen (15) feet.

Signs.

A bed and breakfast inn operation shall be permitted only one non-animated non-illuminated exterior sign attached to the principal structure or one free-standing sign located not less than five (5) feet from the property line, have an overall face area of six (6) square feet, and indirect lighting may be allowed with permission from planning commission.

Additional Conditions.

*Guest register:* Each operator shall keep a list of names and dates of stay of all persons staying at the bed and breakfast inn operation. Such list shall be available for inspection by city officials at any time.

*Length of stay:* The maximum stay for all customers of a bed and breakfast operation shall be fourteen (14) continuous days.

License for Bed and Breakfast Inn Operations:

Required, License:

No person shall operate, lease, rent or occupy a bed and breakfast inn, as that term is defined under section: 30-4 of the zoning ordinance, unless there is a current, valid license issued by the city clerk in the name of the owner for the specific bed and breakfast inn operation. A license issued pursuant to this section shall be issued for a bed and breakfast inn operation and shall at all times be displayed by the owner in a conspicuous place within the bed and breakfast inn. The license shall only be issued

upon compliance with the requirements of the section: 30-223 of the Zoning Ordinance and the City Code, after inspection by the city and shall be valid for a period of one year from the date of issuance.

Required, Inspections:

The inspections required by subsection (1) above shall be conducted by the city annually prior to the issuance or re-issuance of the license and shall determine the following:

Compliance with the State Construction Codes applicable to dwellings and lodging houses.

Compliance with the requirements of section: 30-223 of the Zoning Ordinance and the City Code.

Compliance with the definition of bed and breakfast inn operation as set forth in section: 30-4 of the Zoning Ordinance.

Compliance with such health and sanitation standards as may from time to time be enacted by the city, Calhoun County and or the state.

Compliance with all other requirements of the Code.

(2) *Uses permitted by special use permit*, subject to the review and approval of the planning commission. The following uses shall be permitted in the B-2 Central Business District, subject to the review and approval of the Planning Commission according to [Article II, Division 5](#) (section 30-81 through 30-85) of this chapter. No special use permit for any such use shall be issued without the applicant first having obtained proof or certification of compliance with state and local barrier-free and fire safety construction codes from the city building inspector. Any special use permit shall be subject to the standards contained in [sections] 30-81 through 30-85, and subject further to the conditions hereinafter imposed for each use:

- a. Any use which involves the construction of a new structure and/or exterior structural additions to existing structures which constitute an increase of fifty (50) a per cent of the gross square footage of any story of said existing structure, provided that this new construction fulfills the intent of this district by complying with the following requirements:
  1. The structure shall be used for a permitted or special use within this district. **{amended by Ordinance #2005-10, 6/15/2005}**
  2. In order to promote convenient comparison shopping by pedestrians, the maximum front and side setbacks for the new building shall be the average of the corresponding setbacks of the adjacent structures, as measured from the common property lines.

3. In order to promote development which is compatible with the district's historic character, any facade on any new construction under this subsection shall incorporate building materials, colors, and proportions which are compatible with those of the existing buildings within the district.
  4. In order to promote convenient pedestrian access, any automobile entry or parking on the site shall be confined to the rear or side of the site.
  5. Adequate automobile parking, as determined for each specific use must be either readily available in existing public facilities, as defined by capacity within the common parking element, or provided for by the owner in conjunction with the proposed new development. {amended by Ordinance #2005-10, 6/15/2005}
- b. Light assembly, fabrication, processing, repair, warehousing, and/or wholesaling, wholly within an already existing structure; including, but not limited to:
1. Crating and packing service;
  2. Dry cleaning and laundry plants serving more than one outlet;
  3. Electronic assembly and repair;
  4. Furniture cleaning and refinishing shops;
  5. Manufacturing (including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products);
  6. Mini-warehouses or storage facilities;
  7. Mirror supply and refinishing shops;
  8. Pest control establishments;
  9. Printing and publishing, including the processing thereto.

Provided that:

10. Any such use which occurs on the first story must be in conjunction with a related use-by-right which is conducted by the same establishment within the same building. The first story premises facing upon or visible from any abutting street shall be used only for that use-by-right, in an area of not less than five hundred (500) square feet.
11. Any such use which has no related use-by-right shall not be permitted on the

first story.

12. Levels of traffic, noise, smoke, vibrations, odor, fumes, and glare shall not exceed those levels which are in keeping with the retail uses within the district.
  13. No separate entrance to the front of the building shall be constructed for any such use.
- c. Hotels, provided that any unit shall contain not less than two hundred and fifty (250) square feet of floor area.
  - d. Restaurants and taverns in which patrons are served outdoors or in an open-front building, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in nature.
  - e. Off-street parking facilities as a principal use, subject to section 30-226 and 30-228, and [Article V, Division 2](#) and [Division 3](#) (sections 30-311 through 30-327) of this chapter.
  - f. Off-premise business signs, provided that any such sign comply with the standards of [Article V, Division 4](#) (sections 30-341 through 30-372) of this chapter.
  - g. Apartment units and/or multiple family residences in new structures or through conversion of existing structures provided such use is located on the second or third floor of the building and each unit has separate kitchen and bathroom facilities. {amended by Ordinance #2005-10, 6/15/2005}
- (3) Accessory uses, which are clearly incidental and customary to and commonly associated with the operation of the uses by right.
- a. Business signs which pertain only to the principal permitted use on the premises, provided that any such sign comply with the standards of [Article V, Division 4](#) (sections 30-341 through 30-372) of this chapter.
  - b. Off-street parking and loading areas which pertain only to principal permitted use on the premises, according to sections 30-226 and 30-228, and [Article V, Division 2](#) and [Division 3](#) (sections 30-311 through 30-327) of this chapter.
  - c. Mechanical amusement devices, provided that the number of said devices shall not exceed four (4), and all requirements for such devices in Chapter 3 of the Code of Ordinances have been met.
  - d. Dumpsters for the temporary storage of refuse.

(Code 1980, § 20.12-2; Ord. No. 1985-2, § 2, 5-6-85; Ord. No. 1985-11, § 2, 10-7-85; Ord. No. 1987-4, § 2, 4-6-87)

**Section 30-224. Height of structures.**

No use or accessory use structure permitted by right or by special use permit shall exceed four (4) stories or fifty (50) feet in height, whichever is taller.

(Code 1980, § 20.12-3; Ord. No. 1987-4, § 2, 4-6-87)

**Section 30-225. Lot area and yard requirements.**

The following minimum requirements shall be observed:

- (1) *Lot area.* No minimum lot area shall be required for use by right or accessory use structures.
- (2) *Front yard.* No front yard is required.
- (3) *Side yard widths (each side yard).* None required, except adjoining any R district, then not less than one-half the height of the building but not less than fifteen (15) feet in any case.
- (4) *Rear yard* The depth of a rear yard for buildings not exceeding three (3) stories shall be ten (10) feet, plus two and one-half (2 1/2) feet for each additional story.

(Code 1980, § 20.12-4)

**Section 30-226. Off-street parking and loading space requirements.**

In the B-2 Central Business District, no building shall be erected or structurally altered, and no land or building shall be used unless adequate off-street parking and/or loading space is provided and maintained [as required under section 30-228 and [Article V, Division 2](#) and [Division 3](#) (sections 30-311 through 30-327) of this chapter] on the premises operated for such use, or on other nearby premises provided and maintained by the proprietors of such use. In the event such adequate space is not available, municipal lots may be utilized for off street parking and/or loading, subject to the approval of the zoning administrator according to generally accepted parking ratios, and subject further to such rules and regulations as the chief of public safety and the city manager or the city council shall determine.

(Code 1980, § 20.12-5; Ord. No. 1987-4, § 2, 4-6-87)

### **Section 30-227. Permitted signs.**

The provisions of [Article V, Division 4](#) (sections 30-341 through 30-372) shall be in full force and effect in this district.

(Code 1980, § 20.12-6; Ord. No. 1987-4, § 2, 4-6-87)

### **Section 30-228. Site development standards.**

In the B-2 Central Business District, all buildings or land shall be used, and all structures shall be designed, erected, altered, or used in compliance with the following site development standards:

- (1) Any such use, including storage, is conducted on the premises within a completely enclosed building unless otherwise specified within this division.
- (2) Levels of traffic, noise, smoke, vibrations, odor, fumes, and glare shall not exceed those levels which are in keeping with the retail uses within the district.
- (3) All parking lots or areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
- (4) All lighting shall be shielded from adjacent properties
- (5) Access shall be provided so as not to conflict with the adjacent business uses or adversely affect the traffic flow.
- (6) When any such use abuts the side and/or rear line of a lot in any R district a compact evergreen hedge, solid wall or treated wood fence not less than five (5) feet in height shall be maintained at the property line.
- (7) All parking and loading areas, including outdoor display areas, shall be subject to [Article V, Division 2](#) and [Division 3](#) (sections 30-311 through 30-327) of this chapter, provided, however, that in the event of a conflict between said sections and this section, the stricter requirement shall prevail.

(Ord. No. 1987-8, § 2, 4-6-87)

### **Sections 30-229--30-240. Reserved.**

## **DIVISION 8. B-3 HIGHWAY SERVICE BUSINESS DISTRICT**

### **Section 30-241. Scope.**

The provisions of this division shall apply to the B-3 highway service district.

### **Section 30-242. Generally.**

This district is intended to provide for retail business and services in areas which abut federal and state highways, and major arterial streets designated as such on the "street plan" of the City of Albion of current adoption.

(Code 1980, § 20.13-1)

### **Section 30-243. Permitted uses.**

No land shall be used or occupied and no structure shall be designed, erected, altered, or used except for either one or several of the following uses by right and lawful accessory uses thereto or for one or several of the following conditional uses:

(1) *Uses by right* The following uses may be operated as uses by right:

- a. Motels, restaurants, drive-in establishments, serving food and beverages, souvenir stands, and uses of a similar nature.
- b. Offices and banks.
- c. Store and shops for the conducting of any retail business.
- d. Personal service shops.
- e. Offices and shops of crafts or trades which do not involve:
  1. The outdoor storage of materials or supplies.
  2. Shop power in excess of ten (10) horsepower.
- f. Commercial recreation facilities.
- g. Any other retail business, service establishment, or use similar to the above.
- h. Accessory uses and buildings.
- i. Dance hall, including discos and similar uses where the primary activity is dancing and where non-alcoholic and/or alcoholic beverages and snacks are served; provided:

1. That dance halls serving non-alcoholic beverages be limited to the same hours of operation as establishments which are permitted to serve alcoholic beverages.
  2. That the maximum number of people permitted in a dance hall at any one time be restricted according to the usage square foot area of the building and based on "floor area in square feet per occupant" requirements of the BOCA Code as adopted by reference by the City of Albion.
  3. That all other related building, fire and safety code requirements be met.
- j. Wholesale business, provided that the business or buildings connected with this business have an area of no more than twenty thousand (20,000) square feet.
  - k. Mechanical amusement arcades, provided that any such establishment shall comply with Chapter 3 of the Code of Ordinances.

(A) *Permitted uses with conditions* {Ordinance #99-17, 1/15/2000.}

#### Churches

##### Site Development.

##### Landscaping and Screening:

Abutting side lot lines shall consist of an undulating berm or solid fence or screening. The berm shall be at a ratio of 3:1; (vertical rise over horizontal run)

Vegetation shall consist of tree and shrub plantings to correspond to the peaks and valleys in the berm. (Trees within the valleys and shrubs along the peaks)

*Special uses requiring planning commission authorization.* The following special uses may be permitted upon application to the planning commission and approval by it, based on their conformity with the general special use conditions listed in sections 30-81 through 30-85, and with the special conditions listed below for each:

- a. Automobile service station and/or public garage, provided that:
  1. Premises used for such purposes shall not have an entrance or exit for motor vehicles within two hundred (200) feet from any place of public assembly including any hospital, sanitarium, or institution. Such measurement shall be along the usual line of street travel. (Whenever, in the judgment of the board, the operation of such business would tend to impede or congest traffic, or

create an undue hazard or danger to pedestrians and other traffic in the street, a permit may be denied.)

2. Building used for such purposes shall not be nearer than fifty (50) feet from and R district.
  3. Any minor automobile repair work as defined in this chapter, shall be done within the principal building on the premises.
  4. No overnight or weekend outside storage of trucks, trailers, and/or tractors shall be permitted on the premises and no partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight (8) hours outside the buildings on the premises, except within an area enclosed by a solid wall or fence or shrubbery hedge designed to conceal such vehicles from public view.
  5. When such use abuts the side and/or rear line of a lot in any R district, a compact evergreen hedge, solid wall, or painted board fence, not less than five (5) feet in height, shall be maintained at the property line.
- b. Automobile, truck and trailer display, hire, sales, wash and repair, provided all operations other than display and sales, shall be conducted within a completely enclosed building. Buildings used for repair and washing operations, if less than fifty (50) feet from any R district, shall have no openings adjoining said R district other than stationary windows or required fire exists.
  - c. Roadside markets.
  - d. Wholesale business whose building or buildings occupy more than twenty thousand (20,000) square feet provided that the applicant provide a site plan and other information demonstrating that, in terms of bulk, architectural design, parking and loading arrangements, and impact on traffic and public utilities, the proposed wholesale use is compatible with surrounding uses.

*Accessory uses and buildings.*

- a. Any accessory use or building may be operated or constructed if it is clearly incidental and customary to and commonly associated with the operation of the use by right.
- b. Business sign which pertains only to a permitted use on the premises.
- c. Mechanical amusement devices, provided that the number of said devices shall not exceed four (4), and all requirements for such devices in Chapter 3 of the Code of Ordinances have been met.

(Code 1980, § 20.13-2; Ord. No. 1984-2, § 2, 6-18-84; Ord. No. 1985-2, § 2, 5-6-85; Ord. No. 1987-8, § 2, 10-5-87)

**Section 30-244. Height of structures.**

No use by right or accessory use structure shall exceed two (2) stories or twenty-five (25) feet in height.

(Code 1980, § 20.13-3)

**Section 30-245. Lot area and yard requirements.**

The following minimum requirements shall be observed:

- (1) *Lot area.* No minimum lot area shall be required for use by right or accessory use structures.
- (2) *Front yard.* Every lot shall be provided with a front yard not less than twenty-five (25) feet in depth, and buildings constructed at a street corner shall have the minimum setback from each street line.
- (3) *Side yard widths (each side yard).* None required, except adjoining any R district or abutting a street, then not less than fifteen (15) feet in width.
- (4) *Rear yard.* Every lot shall be provided with a rear yard not less than ten (10) feet in depth, provided, however, when such lot abuts any R district, it shall have a rear yard not less than fifteen (15) feet in depth.

(Code 1980, § 20.13-4)

**Section 30-246. Signs.**

The provisions of [Article V, Division 4](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.13-5)

**Section 30-247. Off-street parking requirements.**

The provisions of [Article V, Division 2](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.13-6)

**Section 30-248. Off-street loading requirements.**

The provisions of [Article V, Division 3](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.13-7)

**Section 30-249. Reserved.**

## DIVISION 8A. B-4 CENTRAL FRINGE BUSINESS DISTRICT

### Section 30-250. Scope.

The provisions of this division shall apply to the B-4 Central Fringe Business District with said boundaries described as:

- (a) *Area No. 1:* Beginning at the northeast corner of Lot 17, "Assessor's Replat of Mill Reserve and Block 48 of the Original Plat"; thence west to a line 14 feet east of the west line of Lot 16; thence south to a line 68 feet south of the north line of Lot 26; thence east 36 feet; thence north to the northwest corner of Lot 25; thence east to the Kalamazoo River; thence north to the place of beginning.
- (b) *Area No. 2:* Beginning at the intersection of Michigan Avenue and N. Clinton Street; thence east to the centerline of N. Superior Street; thence south to a line which is 95.5 feet south of the south line of the railroad right-of-way (measured along the east right-of-way line of N. Superior Street); thence east 109.5 feet (from the centerline of Superior Street); thence south 68' -10' east approximately 145 feet to the west line of the City (Water Works) property; thence south to the centerline of East Cass Street; thence east to the west line of Lot 1 of the "Assessor's Replat of Mill Reserve and Block 48 of the Original Plat"; thence southeasterly along said line to the northeast corner of Lot 7 of said plat; thence southwesterly 13 feet to the northwest corner of said Lot 7; thence southeasterly along the westerly line of said Lot 7 to a line approximately 136 feet north of the north line of East Porter Street said line also being 33 feet north of south line of lots 1--3 of Block 53 of the Original Plat; thence easterly to the east line of Lot 3, Block 53, of the Original Plat; thence north 41 feet; thence east 32 feet (said point being 100 feet west of the west line of N. Berrien Street); thence north to the Conrail right-of-way; thence northwesterly to a line 66 feet east of the east line of Monroe Street; thence north along said line (the east line of Lot 10, Block 39, of the Original Plat) to the center of the vacated alley in said block; thence west to the centerline of N. Monroe Street; thence north to the centerline of Michigan Avenue; thence east to a line 66 feet west of the west line of N. Berrien Street; thence north along said line (the west line of Lot 5, Block 26, of the Original Plat) to the centerline of the vacated E. Vine Street; thence east to the centerline of N. Berrien Street; thence north to the centerline of the Conrail spur tracks; thence southwesterly along said centerline of tracks to a line 152 feet east of the east line of N. Superior Street; thence north to the south line of Lot 11 (extended), Block 19, of the Original Plat; thence west to the centerline of Superior Street; thence north to the center of the alley in Block 20 of the Original Plat; thence west to the centerline of N. Clinton Street; thence south to the centerline of Conrail spur tracks; thence westerly along said centerline of tracks to a line 200 feet west of the west line of N. Eaton Street; thence south to the Kalamazoo River; thence southeasterly to the centerline of N. Eaton Street; thence south to the center of Block 97 of Warner and Church's Addition; thence west along said line (the north line of Lot 2, Block 97 of said addition) to the west line of said Lot 2; thence south to the centerline of W. Cass Street; thence west to a line 33 feet west of the east line of Lot 6, Block 93 of said

addition; thence south to the north line of Lot 3 of said block; thence east 33 feet; thence south along the west line of Lot 2, Block 93 of said addition to the centerline of Center Street; thence east to the centerline of N. Eaton Street; thence north to the centerline of W. Cass Street; thence east to the east line of Lot 2 (extended), Block 50 of the Original Plat; thence south to the centerline of the alley in said block; thence east to the centerline of Clinton Street; thence north to the centerline of Michigan Avenue, the place of beginning.

(Ord. No. 1987-6, § 2, 4-6-87)

**Section 30-251. Intent.**

The B-4 Central Fringe Business District is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Central Business District. The intent is to provide services which are more dependent upon direct automobile access to establishments within this district, which are in close proximity to the pedestrian scale services of the Central Business District. In most case these services are less interdependent than those within the B-2 Central Business District, and rely less upon comparison shopping than on direct automobile access.

The district regulations are designed for these purposes:

- (1) To provide for more employment in the district and to promote the full utilization of buildings.
- (2) To provide for auto-related shopping alternatives close to downtown.
- (3) To encourage small-scale businesses which may require direct automobile access to locate on the fringe of downtown.
- (4) To allow pedestrian movement within the district.
- (5) To protect the district from over congestion of the traffic pattern, while providing for adequate automobile access to, and parking in, the area.
- (6) To protect and enhance the value of property within the district.

Non-retail uses are compatible with the purpose of this district as long as adequate and convenient parking can be provided for retail activity and a smooth traffic pattern can be assured, and the quality of life can be protected.

(Ord. No. 1987-6, § 2, 4-6-87)

**Section 30-252. Permitted uses.**

In the B-4 Central Fringe Business District, no building or land shall be used and no

structure shall be erected, altered, or used except for either one or several of the following uses by right, permitted special uses, and/or lawful accessory uses.

- (1) Uses permitted by right. The following may be operated as a use by right, provided that any such use, including storage, is conducted on the premises within a completely enclosed building unless otherwise specified below:
  - a. Any retail business or service establishment permitted in B-1 and B-2 districts as uses permitted by right.
  - b. Motel, subject to the following conditions:
    1. Each unit shall contain not less than two hundred and fifty (250) square feet of floor area.
    2. A front yard of not less than twenty-five (25) feet shall be provided. This front yard may contain parking facilities, which shall comply with the requirements of section 30-256 and [Article V, Division 2](#) and [Division 3](#) (sections 30-311 through 30-327) of this chapter.
  - c. Nursery for the retail sale of plant materials, lawn furniture, playground equipment and garden supplies subject to the following conditions:
    1. Any areas used for the outdoor storage or display of any materials or products must comply with the site development regulations contained in section 30-256 and [Article V, Division 2](#) and [Division 3](#) (sections 30-311 through 30-327) of this chapter.
    2. The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
  - d. Residential uses, provided:  
**{As added by Ordinance #2005-13, 8/1/2005}**  
  
The unit is a single family or two family dwelling and used exclusively for that purpose, or  
  
The unit is secondary to a principle permitted use in the district and that permitted use is located on the main floor of the building.
- (2) Uses permitted by special use permit, subject to approval by the planning commission. The following uses shall be permitted in the B-4 Central Fringe Business District, subject to the review and approval of the planning commission according to [Article II, Division 5](#) (sections 30-81 through 30-85) of this chapter. No special use permit for any such use shall be issued without the applicant first having obtained proof or certification of compliance with state and local barrier-free and fire

safety construction codes from the city building inspector. Any special use permit shall be subject to the standards contained in [sections] 30-81 through 30-85, and subject further to the conditions hereinafter imposed for each use:

- a. Veterinary hospitals, provided all activities are conducted within a totally enclosed building and provided further that all buildings are set back at least two hundred (200) feet from abutting residential districts on the same side of street.
- b. Light assembly, fabrication, processing, repair, warehousing, and/or wholesaling, wholly within an already existing structure; including, but not limited to:
  1. Boatworks (custom building and repair);
  2. Building materials sales and storage, provided the appurtenances and grounds comply with the standards set forth in the National Fire Protection Association Code, Standard No. 46-1978;
  3. Crating and packing service;
  4. Dry cleaning and laundry plants serving more than one outlet;
  5. Electronics assembly and/or repair;
  6. Furniture cleaning and refinishing shops;
  7. Manufacturing (including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products);
  8. Mini-warehouses or storage facilities;
  9. Mirror supply and refinishing shops;
  10. Pest control establishment;
  11. Printing and publishing, including the processing thereto.

Provided that:

12. Buildings used for such purposes shall not be nearer than fifty (50) feet from any R district. When the premises' side and/or rear yards abut an R district, any building used for such purposes shall have no openings adjoining said R district other than stationary windows or required fire exits.
13. Premises used for such purposes shall not have an entrance or exit for motor vehicles within two hundred (200) feet from any place of public assembly including any hospital, sanitarium, or institution. Such measurement shall be

along the usual line of street travel.

14. Levels of traffic, noise, smoke, vibrations, odor, fumes, and glare shall not exceed those levels which are in keeping with the retail uses within the district.
- c. Automobile service station and/or public garage, including, but not limited to gasoline stations, body and paint shops, major and minor auto repair facilities, car washes (including self-serve), automobile stereo shops, tire retreading and repair shops, provided that:
1. Buildings used for such purposes shall not be nearer than fifty (50) feet from any R district. When the premises' side and/or rear yards abut an R district, any building used for such purposes shall have no openings adjoining said R district other than stationary windows or required fire exits.
  2. Premises used for such purposes shall not have an entrance or exit for motor vehicles within two hundred (200) feet from any place of public assembly including any hospital, sanitarium, or institution. Such measurement shall be along the usual line of street travel.
  3. Levels of traffic, noise, smoke, vibrations, odor, fumes, and glare shall not exceed those levels which are in keeping with the retail uses within the district.
  4. A front yard of not less than twenty-five (25) feet shall be provided. This front yard may contain parking facilities, which shall comply with the requirements of section 30-256 and [Article V, Division 2](#) and [Division 3](#) (sections 30-311 through 30-327), plus accessory structures such as gas pumps, air pumps, vacuum cleaners for customer use, and/or a canopy or shelter over these structures.
  5. All repair, painting, and installation operations shall be conducted within a completely enclosed building.
  6. Outside storage or trucks, trailers and/or tractors shall be permitted on the premises, subject to the site development standards in section 30-256.
- d. Automobile, camper, mobile home, truck and trailer rental and sales, provided that:
1. Buildings used for such purposes shall not be nearer than fifty (50) feet from any R district. When the premises' side and/or rear yards abut an R district, any building used for such purposes shall have no openings adjoining said R district other than stationary windows or required fire exits.

2. Premises used for such purposes shall not have an entrance or exit for motor vehicles within two hundred (200) feet from any place of public assembly including any hospital, sanitarium, or institution. Such measurement shall be along the usual line of street travel.
  3. Levels of traffic, noise, smoke, vibrations, odor, fumes, and glare shall not exceed those levels which are in keeping with the retail uses within the district.
  4. All operations other than sales and display shall be conducted within a completely enclosed building. Any washing and/or repair activities shall be clearly accessory to the sales and rental activities.
  5. A front yard of not less than twenty-five (25) feet shall be provided. This front yard may contain parking facilities, which shall comply with the requirements of section 30-256 and [Article V, Division 2](#) and [Division 3](#) (sections 30-311 through 30-327).
- e. Business in the character of a drive-in or open front store, subject to the following conditions:
1. Premises used for such purposes shall not have an entrance or exit for motor vehicles within two hundred (200) feet from any place of public assembly including any hospital, sanitarium, or institution. Such measurement shall be along the usual line of street travel.
  2. Buildings used for such purposes shall not be nearer than fifty (50) feet from any R district.
  3. A front yard of not less than twenty-five (25) feet shall be provided. This front yard may contain parking facilities, which shall comply with the requirements of section 30-256 and [Article V, Division 2](#) and [Division 3](#) (sections 30-311 through 30-327).
- f. Off-street parking facilities as a principal use, subject to sections 30-254 and 30-256, and [Article V, Division 2](#) and [Division 3](#) (sections 30-311 through 30-327) of this chapter.
- g. Off-premise business signs, provided that any such sign comply with the standards of [Article V, Division 4](#) (sections 30-341 through 30-372) of this chapter.

- h. Residential uses, provided:

{As amended by Ordinance #2005-13, 8/1/2005}

The unit is a single family or two family dwelling and used exclusively for that purpose, or

The unit is secondary to a principle permitted use in the district and that permitted use is located on the main floor of the building.

- (3) Accessory uses which are clearly incidental and customary to and commonly associated with the operation of the uses by right.
  - a. Business signs which pertain only to the principal permitted use on the premises, in accordance with [Article V, Division 4](#) (sections 30-341 through 30-372) of this chapter.
  - b. Off-street parking and loading facilities which pertain only to the principal permitted use on the premises, according to sections 30-254 and 30-256, and [Article V, Division 2](#) and [Division 3](#) (sections 30-311 through 30-327) of this chapter.
  - c. Mechanical amusement devices, provided that the number of said devices shall not exceed four (4), and all requirements for such devices in Chapter 3 of the Code of Ordinances have been met.
  - d. Dumpsters for the temporary storage of refuse.

(Ord. No. 1987-6, § 2, 4-6-87)

### **Section 30-253. Height of structures.**

No use or accessory use structure permitted by right or by special use permit shall be four (4) stories or fifty (50) feet in height, whichever is taller.

(Ord. No. 1987-6, § 2, 4-6-87)

### **Section 30-254. Lot area yard requirements.**

The following minimum requirements shall be observed.

- (1) *Lot area.* No minimum lot area shall be required for use by right or accessory use structures.
- (2) *Front yard.* Unless specified above, the minimum front yard setback for a structure in the B-4 district shall be the average of the corresponding setbacks of the adjacent structures, as measured from the common property lines. If there are no buildings on

adjacent properties, then the required front yard shall be not less than twenty-five (25) feet.

- (3) *Side yard widths (each side yard)*. None required, except adjoining any R district, then not less than one-half the height of the building but not less than fifteen (15) feet in any case.
- (4) *Rear yard*. The depth of the rear yard for buildings of up to three (3) stories shall be ten (10) feet, plus two-and-one-half (2 1/2) feet for each additional story.

(Ord. No. 1987-6, § 2, 4-6-87)

### **Section 30-255. Off-street parking and loading space requirements.**

In the B-4 Central Fringe Business District, no building shall be erected or structurally altered, and no land or building shall be used unless adequate off-street parking and/or loading space is provided and maintained [as required under section 30-256 and [Article V, Division 2](#) and [Division 3](#) (sections 30-311 through 30-327) of this chapter] on the premises operated for such use, or on other nearby premises provided and maintained by the proprietors of such use. In the event such adequate space is not available, municipal lots maybe utilized for off-street parking and/or loading, subject to the approval of the zoning administrator according to generally accepted parking ratios, and subject further to such rules and regulations as the chief of public safety and the city manager or the city council shall determine.

(Ord. No. 1987-6, § 2, 4-6-87)

### **Section 30-256. Permitted signs.**

The provisions of [Article V, Division 4](#) (sections 30-341 through 30-372) shall be in full force and effect in this district.

(Ord. No. 1987-6, § 2, 4-6-87)

### **Section 30-257. Site development standards.**

In the B-4 Central Fringe Business District, all buildings or land shall be used, and all structures shall be designed, erected, altered, or used in compliance with the following site development standards:

- (1) Any such use, including storage, is conducted on the premises within a completely enclosed building unless otherwise specified within this division.
- (2) Levels of traffic, noise, smoke, vibrations, odor, fumes, and glare shall not exceed those levels which are in keeping with the retail uses within the district.
- (3) All parking lots or areas shall be provided with a permanent, durable, and dustless

surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.

- (4) All lighting shall be shielded from adjacent properties.
- (5) Access shall be provided so as not to conflict with the adjacent business uses or adversely affect the traffic flow.
- (6) When any such use abuts the side and/or rear line of a lot in any R district a compact evergreen hedge, solid wall or treated wood fence not less than five (5) feet in height shall be maintained at the property line.
- (7) All parking and loading areas, including outdoor display areas, shall be subject to [Article V, Division 2](#) and [Division 3](#) (section 30-311 through 30-327) of this chapter, provided, however, that in the event of a conflict between said sections and this section, the stricter requirement shall prevail.

(Ord. No. 1987-6, § 2, 4-6-87)

**Sections 30-258--30-260. Reserved.**

## **DIVISION 9. M-1 LIGHT INDUSTRIAL DISTRICT**

### **Section 30-261. Scope.**

The provisions of this division shall apply to the M-1 light industrial district.

### **Section 30-262. Generally.**

This district is composed of certain land so situated as to be suitable for light industrial development, but where the modes of operations of the industry may directly affect nearby nonindustrial development. The regulations are so designed as to permit the normal operations of almost all light industries, subject only to those needed for their mutual protection and the equitable preservation of nearby nonindustrial uses of land.

(Code 1980, § 20.14-1)

### **Section 30-263. Permitted uses.**

No land shall be used or occupied and no structure shall be designed, erected, altered or used except for either one or several of the following uses by right and lawful accessory uses thereto:

#### *(1) Uses by right*

- a. Manufacturing, processing and/or fabrication. Any of the following uses, provided that any building used for such purposes shall be located not less than one hundred (100) feet from any R district:
  1. Automotive and aircraft parts (not including tires).
  2. Automotive assembling and including major repair.
  3. Bag, rug and carpet cleaning.
  4. Bakery, large, wholesale, and chain types.
  5. Bottling plant, brewery, dairy products plant.
  6. Candy, potato chips, flavoring, extracts.
  7. Cleaning or dyeing plants and laundries.
  8. Cold storage plant.
  9. Electric foundry or foundry for nonferrous metals.

10. Electric equipment and motor assembly.
  11. Experimental laboratory.
  12. Flexible hose, lines, fittings--Basic manufacture.
  13. Garage maintenance tools and equipment.
  14. Garment making--Apparel and accessories.
  15. Heating and air conditioning equipment.
  16. Mattress making and box springs.
  17. Metalworking, provided that the operations produce no more noise or vibrations at the boundary of the M-1 light industrial district than is produced at the point from other causes.
  18. Paper products fabrication.
  19. Parks.
  20. Pharmaceuticals, cosmetics and toiletries.
  21. Plating of metals.
  22. Professional and scientific instruments.
  23. Surgical supports and hospital equipment.
  24. Tool and die shops--Screw machine products.
  25. Tube fabrication--Bending and welding.
  26. Wire fabricators.
  27. Wood products assembly.
  28. Any other light manufacturing, processing, and/or fabrication but not including any uses specifically listed as heavy industry.
  29. Glass insulation and related products.
- b. Sale at wholesale and retail, warehousing and storage; and repair, rental and servicing.

The sale, warehousing, storage, repair, rental, and servicing of any of the uses enumerated in paragraph (1), provided any building or premises used for such purposes shall be located not less than seventy-five (75) feet from any R district.

Additional uses permitted are:

1. Billboards, subject to [Article V, Division 4](#) of this chapter.
2. Contractors' yards for vehicles, equipment, materials and/or supplies, but not including asphalt and cement mixing, provided that such yards shall be not less than two hundred (200) feet from any R district.
3. Gasoline service station, provided buildings used for such purposes shall not be nearer than fifty (50) feet from any R district.
4. Landing field for aircraft or rotocraft, provided any hangar or servicing facilities shall not be less than five hundred (500) feet from any R district.
5. Office and/or meeting halls, provided buildings used for such purposes shall not be nearer than twenty (20) feet from any R district. Also, motels, subject to the same regulations.
6. Parking and/or storage yards for motor vehicles (no junked vehicles) and not including transport equipment, providing such yards shall be not less than two hundred (200) feet from any R district.
7. Restaurants, including but not limited to drive-in establishments, providing buildings used for such purposes shall not be nearer than twenty (20) feet from any R district and subject to the number of off-street parking spaces required pursuant to sections 30-311 through 30-315 of this Code.
8. Sewage disposal plant.
9. Storage of liquid petroleum gas, five hundred (500) gallons or over if stored above ground, shall be no closer to any boundary line of the premises on which storage is maintained than fifty (50) feet.
10. Storage of flammable liquids, three thousand (3,000) gallons or over, if stored above ground, shall be no closer to any boundary line of the premises on which storage is maintained than one hundred (100) feet.
11. Trucking freight terminal yards, provided such buildings and premises shall be not less than two hundred (200) feet from any R district.

(2) *Accessory uses:*

- a. Is clearly incidental and customary to and commonly associated with the operations of the use by right.
- b. Does not include dwellings except for caretakers or watchmen.
- c. Exterior signs which pertain only to a permitted use on the premises.
- d. Mechanical amusement devices and/or arcades, provided that all requirements of chapter 3 of the Code of Ordinances have been met.

(3) *Reserved.*

(4) *Special uses requiring authorization by the planning commission:* The following uses may be operated with a special use permit, upon approval by the planning commission and issuance by the zoning administrator pursuant to sections 30-81 through 30-85 of chapter 30, the zoning ordinance.

- a. Incinerators for the burning of solid waste, provided that:
  1. Such facilities simultaneously generate energy in a usable manner in the form of steam and/or electricity, and;
  2. Such facilities comply with all ordinances and regulations of the City of Albion, County of Calhoun, State of Michigan and United States of America.
- b. Foundry for ferrous metals; provided, that:
  1. All production processes are conducted within an enclosed building;
  2. All raw materials storage is within an area enclosed by a roof and at least two (2) sides;
  3. All operations are screened from each side and/or rear lot lines with a solid earthberm;
  4. Such facilities comply with all ordinances and regulations of the City of Albion, County of Calhoun, State of Michigan and the United States of America; and
  5. Before commencement of construction of such facility copies of necessary pollution control permit applications, and after issuance, copies of pollution control permits, shall be submitted to the zoning administrator who shall retain them on file.

(Code 1980, § 20.14-2; Ord. No. 1985-2, § 2, 5-6-85; Ord. No. 1986-1, § 2, 1-20-86; Ord. No. 1986-2, § 2, 3-3-86; Ord. No. 1987-8, § 2, 10-5-87; Ord. No. 1988-8, § 2.9-6-88)

**Section 30-264. Height of structures.**

The following minimum requirements shall be observed: No use by right or accessory use structure hereafter erected or structurally altered shall exceed three (3) stories or fifty (50) feet in height within three hundred (300) feet of any R district.

(Code 1980, § 20.14-3)

**Section 30-265. Lot area and yard requirements.**

The following minimum requirements shall be observed:

- (1) *Lot area.* No minimum lot area required.
- (2) *Front yard.* Every front yard shall be no less than thirty (30) feet deep.
- (3) *Side yard.* None required, except adjoining an R district or abutting a street, then the required distance from R district as stated in sections 20.14-2(A) and 20.14-2(B).  
When abutting a street, across from any other district, then not less than ten (10) feet in width.
- (4) *Rear yard.* The depth of a rear yard shall be thirty (30) feet, provided, however, the required distance from an R district when stated in section 30-263, paragraphs (1) and (2) of this Code shall take precedent over the above stated rear yard depth.

(Code 1980, § 20.14-4)

**Section 30-266. Permitted signs.**

The provisions of [Article V, Division 4](#) of this chapter, shall be in full force and effect in this district, provided, however, that no sign or billboard constituting a nuisance and producing glare in an adjacent residential district or considered hazardous to traffic safety shall be erected or continued in operation.

(Code 1980, § 20.14-5)

**Section 30-267. Off-street parking requirements.**

The provisions of [Article V, Division 2](#) of this chapter shall be in full force and effect in this district.

(Code 1980, § 20.14-6)

**Section 30-268. Off-street loading requirements.**

The provisions of section 20.16-3 shall be in full force and effect in this district.

(Code 1980, § 20.14-7)

**Section 30-269. Light industrial parks (M-1-P).**

Light industrial parks shall conform to all the requirements of the light industrial district and shall meet the following additional requirements:

- (1) Minimum lot size, one-half acre;
- (2) Minimum front yard, fifty (50) feet;
- (3) Minimum side yard, twenty (20) feet;
- (4) Minimum rear yard, seventy-five (75) feet.

(Code 1980, § 20.14-8)

**Sections 30-270--30-280. Reserved.**

## **DIVISION 10. M-2 HEAVY INDUSTRIAL DISTRICT**

### **Section 30-281. Scope.**

The provisions of this division shall apply to the M-2 heavy industrial district.

### **Section 30-282. Generally.**

This district is composed of certain land so situated as to be suitable for industrial development, but where the modes of operation of the industry may directly affect nearby nonindustrial development. The regulations are so designed as to permit the normal operations of almost all industries, subject only to those needed for their mutual protection and the equitable preservation of nearby nonindustrial uses of land.

(Code 1980, § 20.15-1)

### **Section 30-283. Permitted uses.**

No land shall be used or occupied and no structure shall be designed, erected, altered, or used except for either one or several of the following uses by right and lawful accessory uses thereto or for one or several of the following conditional uses:

- (1) *Manufacturing (basic, processing, and/or fabrication)*. Any of the following uses, provided that any building or premise used for such purpose shall be located not less than three hundred (300) feet from any R district:
  - a. Any use permitted in Section 14--Light industry.
  - b. Abrasives, acid, alcohol, ammonia and asbestos.
  - c. Bone black, carbon black and lamp black.
  - d. Brick, clay, tile, manufacture.
  - e. Canning and preserving plants.
  - f. Charcoal and coke, basic manufacturing.
  - g. Chemicals, manufacture or processing.
  - h. Cinder block fabrication.
  - i. Creosote treatment.
  - j. Detergents, soaps and by-products.

- k. Forge plant, foundries.
- l. Fungicides and insecticides.
- m. Galvanizing and anodizing processes.
- n. Gases, manufacture.
- o. Glue, size or gelatin, manufacture.
- p. Grain milling and mixing.
- q. Graphite manufacture.
- r. Insulation, manufacture, or fabrication.
- s. Meat slaughtering or packing.
- t. Metals, ingots, castings, sheets, bars or rods.
- u. Oils and fats, animal or vegetable, manufacture.
- v. Paints, pigments, enamels, japans, laquer, varnishes and wood fillers.
- w. Paper, pulp and cellulose.
- x. Paraffin wax and wax products.
- y. Petroleum and petroleum products, refining and processing (buildings and/or plant to be located not less than one hundred fifty (150) feet from boundary line of lot).
- z. Plastics, basic manufacture.
- aa. Rubber and rubber products, manufacture.
- bb. Sauerkraut, vinegar and yeast manufacture.
- cc. Sawmill or planing mill.
- dd. Serums, toxins, viruses, manufacture.
- ee. Sound deadeners, caulking, mastic and undercoating manufacture.
- ff. Any other basic manufacturing, processing and/or fabrication, but not including any uses specifically listed in paragraph (2) below and/or those prohibited by any

other law or ordinance.

(2) *Special uses requiring planning commission authorization.* The following special uses may be permitted upon application to the planning commission and approval by it, based on their conformity with the general special use conditions listed in sections 30-81 through 30-85, and with the special conditions listed below for each:

- a. Alkali plants manufacture.
- b. Asphalt plants.
- c. Automobile wrecking and salvage yards.
- d. Bulk storage of explosives.
- e. Building materials salvage yard.
- f. Cement manufacture and concrete mixing operations.
- g. Fertilizer manufacture.
- h. Gravel and rock crushing operations.
- i. Gypsum and other forms of plaster base manufacture.
- j. Incinerators or reduction of garbage.
- k. Junkyard.
- l. Sanitary landfill and/or dumps.
- m. Stock yards, livestock auction yard.
- n. Any other use not prohibited by any other law or ordinance.

Every building or premises used for such purposes shall be located not less than five hundred (500) feet from any R or B district.

Every building or premises used for such purposes shall be located not less than one hundred (100) feet from any enumerated uses in Section 30-263, clauses (1)a and (1)b. The board may prescribe such additional limitations as are in its opinion necessary to secure the objectives of this chapter.

(3) *Accessory uses*, which are clearly incidental and customary to and commonly associated with the operation of the uses by right.

- a. *Reserved.*
- b. *Reserved.*
- c. Mechanical amusement devices and/or arcades, provided that all requirements of Chapter 3 of the Code of Ordinances have been met.

(Code 1980, § 20.15-2; Ord. No. 1985-2, § 2, 5-6-85; Ord. No. 1987-8, § 2, 10-5-87)

**Section 30-284. Other requirements.**

Section 20.14 shall be applicable to the heavy industrial district.

(Code 1980, § 20.15-3)

**Section 30-285. Heavy industrial parks--M-2 (P).**

Heavy industrial parks shall permit all uses allowed in light industrial districts, light industrial parks and heavy industrial districts, and shall conform to all the requirements of Section 30-269 of this Code.

(Code 1980, § 20.15-4)

**Sections 30-286--30-289. Reserved.**

## DIVISION 11. CD CAMPUS DEVELOPMENT DISTRICT

{Article IV, Division 11, added by Ordinance #2000-20, 7/3/2000}

### Section 30-290. Boundary.

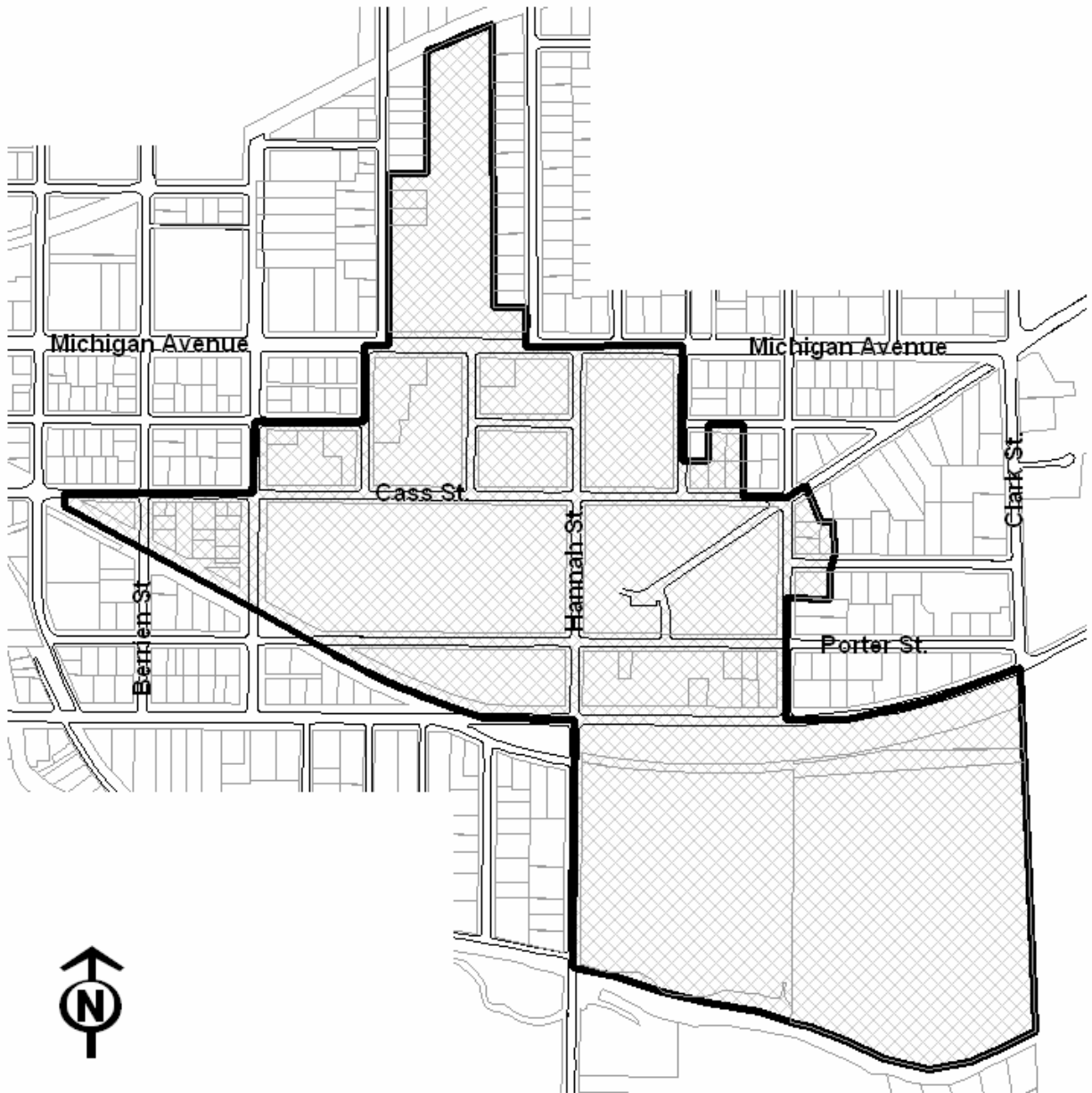
The Campus Development District shall encompass the territory as described on the attached map and will include certain properties within the territory owned by Albion College and will exclude other properties within the territory owned by others in accordance with the following:

| <u>Parcel Number</u> | <u>Address</u>       | <u>Parcel Number</u> | <u>Address</u>       |
|----------------------|----------------------|----------------------|----------------------|
| 13-51-000-464-00     | 616 E. Michigan Ave. | 13-51-013-478-00     | 1111 E. Porter St.   |
| 13-51-000-725-00     | 514 Perry St         | 13-51-013-501-00     | 703 E. Cass St.      |
| 13-51-000-740-00     | 600 E. Michigan Ave. | 13-51-013-502-00     | 110 Ingham St.       |
| 13-51-000-741-00     | 108 E. Oswego St.    | 13-51-013-502-00     | 110 Ingham St.       |
| 13-51-000-749-00     | 605 E. Cass. St.     | 13-51-013-502-00     | 110 Ingham St.       |
| 13-51-000-751-00     | 611 E. Porter St.    | 13-51-013-503-00     | 711 E. Cass St.      |
| 13-51-000-765-00     | 102 S. Huron St.     | 13-51-013-507-00     | 111 N. Hannah St.    |
| 13-51-000-785-00     | 320 E. Cass St.      | 13-51-013-509-00     | 712 Perry St.        |
| 13-51-000-941-00     | 602 E. Porter St.    | 13-51-013-521-00     | 701 Perry St.        |
| 13-51-000-942-00     | 604 E. Porter St.    | 13-51-013-522-00     | 709 Perry St.        |
| 13-51-000-945-00     | 612 E. Porter St.    | 13-51-013-524-00     | 801 Perry St.        |
| 13-51-000-946-00     | 304 S. Ingham St.    | 13-51-013-525-00     | 201 N. Hannah St.    |
| 13-51-001-503-00     | 401 S. Hannah St.    | 13-51-013-526-00     | 810 E. Michigan Ave. |
| 13-51-001-504-00     | 401 S. Hannah St.    | 13-51-013-527-00     | 804 E. Michigan Ave. |
| 13-51-001-506-00     | 401 S. Hannah St.    | 13-51-013-528-00     | 708 E. Michigan Ave. |
| 13-51-002-033-00     | 609 E. Michigan Ave. |                      | 204 Ingham St.       |
| 13-51-002-034-00     | 613 E. Michigan Ave. | 13-51-013-531-00     | 200 Hannah St.       |
| 13-51-002-036-00     | 703 E. Michigan Ave. | 13-51-013-561-00     | 901 E. Cass St.      |
| 13-51-002-502-00     | 711 E. Michigan Ave. | 13-51-013-563-00     | 1003 E. Cass St.     |
| 13-51-002-503-00     | 709 E. Michigan Ave. | 13-51-013-564-00     | 1005 E. Cass St.     |
| 13-51-005-002-00     | 312 Bidwell St.      | 13-51-013-568-00     | 200 N. Hannah St.    |
| 13-51-005-003-00     | 400 Bidwell St.      | 13-51-013-572-00     | 109 N. Park St.      |
| 13-51-005-004-00     | 402 Bidwell St.      | 13-51-013-581-00     | 1103 E. Cass St.     |
| 13-51-005-007-00     | 500 Bidwell St.      | 13-51-013-582-00     | 1107 E. Cass St.     |
| 13-51-013-400-00     | 201 S. Hannah St.    | 13-51-013-583-00     | 1109 E. Cass St.     |
| 13-51-013-401-00     | 702 E. Porter St.    | 13-51-013-588-00     | 1108 Perry St.       |
| 13-51-013-402-00     | 706 E. Porter St.    | 13-51-013-589-00     | 1106 Perry St.       |
| 13-51-013-403-00     | 710 E. Porter St.    | 13-51-013-661-00     | 109 S. Mingo St.     |
| 13-51-013-411-00     | 705 E. Erie St.      | 13-51-013-692-00     | 203 S. Mingo St.     |
| 13-51-013-412-00     | 703 E. Erie St.      | 13-51-000-766-00     | 106 S. Huron St.     |
| 13-51-013-421-00     | 906 E. Porter St.    | 13-51-000-767-00     | 110 S. Huron St.     |
| 13-51-013-421-00     | 906 E. Porter St.    | 13-51-013-430-00     | 1112 E. Porter St.   |
| 13-51-013-427-00     | 1102 E. Porter St.   | 13-51-013-433-00     | 1107 E. Erie St.     |
| 13-51-013-431-00     | 1114 E. Porter St.   | 13-51-013-566-00     | 111 Park St.         |
| 13-51-013-434-00     | 1105 E. Erie St.     | 13-51-013-661-00     | 1205 Burns St.       |
| 13-51-013-471-00     | 1009 E. Porter St.   | 13-51-013-662-00     | 107 S. Mingo St.     |
| 13-51-013-436-00     | 1101 E. Erie St.     | 13-51-013-663-00     | 1202 Jackson St.     |

The following properties will not be included in the new campus development district and shall remain under the current zoning classification, Single-Family Residential (R-1-C):

| <u>Parcel Number</u> | <u>Address</u>       | <u>Parcel Number</u> | <u>Address</u>       |
|----------------------|----------------------|----------------------|----------------------|
| 13-51-000-460-00     | 602 E. Michigan Ave. | 13-51-000-770-00     | 412 E. Cass St.      |
| 13-51-000-721-00     | 507 E. Cass St.      | 13-51-000-721-00     | 105 S. Berrien St.   |
| 13-51-000-730-00     | 501 E. Cass St.      | 13-51-000-772-00     | 107 S. Berrien St.   |
| 13-51-000-760-00     | 400 E. Cass St.      | 13-51-000-925-00     | 202 S. Huron St.     |
| 13-51-000-761-00     | 404 E. Cass St.      | 13-51-001-505-00     | 1300 E. Erie St.     |
| 13-51-000-762-00     | 408 E. Cass St.      | 13-51-005-005-00     | 404 Bidwell St.      |
| 13-51-000-763-00     | 410 E. Cass St.      | 13-51-005-006-00     | 410 Bidwell St.      |
| 13-51-000-764-00     | 416 E. Cass St.      | 13-51-013-423-00     | 1000 E. Porter St.   |
| 13-51-000-768-00     | 112 S. Huron St.     | 13-51-013-429-00     | 1108 E. Porter St.   |
| 13-51-000-769-00     | 114 S. Huron St.     | 13-51-013-529-00     | 700 E. Michigan Ave. |
| 13-51-000-770-00     | 407 E. Center St.    |                      |                      |

**Map of “Campus Development” district boundaries**



**Sec. 30-291. Permitted uses.**

Academic buildings defined by the majority of floor area devoted to classroom space.

Administrative buildings defined by the majority of floor area utilized for professional office space.

Student housing, excluding facilities within the “campus perimeter” as defined within the site development regulations.

Accessory uses except those permitted by special use provisions.

**Sec. 30-292. Special uses.**

Student housing facilities located within the “campus perimeter”, subject to the specific conditions established for facilities within this area.

Parking areas devoted to meeting space needs for individual uses within the “campus perimeter” area shall be deemed special uses. Other parking linked to an individual site may be considered an accessory use. There must first be submitted an overall “coordinated parking element” established in the “Campus-Area Plan”. Such element shall define a parking area as short-term (less than 24 hours) or long-term based upon the use to be served. In addition, it shall be designated as staff, student or visitor parking.

Any facilities of a commercial nature, including those providing for food service, entertainment or similar use when not secondary and incidental to a permitted use.

Utility buildings or essential service facilities. (College Owned and Operated)

Any other use not specifically listed and those lying within the “campus perimeter” area.

**Sec. 30-293. Site Development Regulations.**

Central Campus Area: Lot area, lot width, lot coverage and setbacks shall not be required within the “central campus area”, although this shall be subject to site plan review for protection of health and safety. The “central campus area”, shall be defined by 100% ownership of land within any city block or an area bounded by public right-of-way, such as a street or river. Privately owned right-of-ways, such as railroad R.O.W., may also be utilized to define a block. This area must be a contiguous area, with this defined as though the public R.O.W. did not exist.

Campus Perimeter Area: The “campus perimeter area” shall be defined by all other college owned land within the area designated “Institutional” in the Comprehensive Plan within a block where the college owns less than 100% of the land. Any development within this area shall meet the following standards:

Development sites, including buildings and parking areas, shall be setback fifty (50) feet from any privately owned property. Any public right-of-way of fifty (50) feet or more shall satisfy this requirement. Where abutting a private property, this fifty (50) foot setback shall be maintained in natural open space, such as grass or other landscape treatment.

Where the college owns property outside the area designated “Institutional”; this property shall be subject to regulations within the zoning district in which it is located. Where this property abuts a college owned property within the district, it may be utilized for purposes of meeting the setback requirement under b.1.

Height of Structures: No use by right or accessory use structures shall exceed three stories or a height of thirty-six (36) feet. A special use permit shall be required for all other structure heights not to exceed seventy-two (72) feet or six (6) stories and such structures shall not be located within three hundred (300) feet of any privately owned property.

Transfer Area: Where individual properties within the “campus perimeter area” are controlled by the college through a private transfer agreement and where the owner of such properties has stipulated within the agreement that setback requirements may be waived, submission of this agreement during site plan review may allow for a waiver or reduction in the setback by the Planning Commission. In no instance shall this result in construction of a building or parking area on this private property, but shall allow for zero-lot line development provided no less than ten (10) feet of separation exists between buildings

#### **Sec. 30-294. Definitions for “Campus Development” district.**

*Campus Area Plan* means a plan developed by the college that shall outline the future development needs of the college. The plan shall delineate the central campus area, campus perimeter area and transfer areas. Said plan shall be updated as changes are made to the respective areas.

*College* means Albion College as a recognized tax-exempt entity.

*Coordinated parking element* means a parking plan that shall be an intricate component to the campus area plan.

*Student housing* means any and all housing associated within and in coordination with the housing of college students by and through the control of the college.

*Sub-Area Plan* means a plan developed by the college (“campus area plan”) and approved by the planning commission as an amendment to the 2000 Update of the Comprehensive Plan.

*Transfer agreement* means an agreement made between a private property owner and the college that allows for the waiver of certain setback requirements.

# ARTICLE V. SUPPLEMENTARY REGULATIONS

## DIVISION 1. GENERALLY

Sections 30-301--30-310. Reserved.

## DIVISION 2. OFF-STREET PARKING REQUIREMENTS

### Section 30-311. Generally.

In all districts there shall be provided, at the time any buildings are erected, or are enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with this division (for exceptions or modifications to this requirement in the B-2 central business district see Section 30-226).

(Code 1980, § 20.16-1(A))

**{Section 30-312, 30-313, 30-315, and 30-316 as amended by Ordinance #99-06, 11/1/1999}**

### Section 30-312. Size and location.

Each required parking space shall have an area of not less than one hundred eighty (180) square feet, exclusive of access drives or aisles, any parking area space or lot required to serve for off-street parking purposes shall be located as follows:

- (1) For one- and two-family dwellings--Parking spaces shall be provided on the same lot as the building they are intended to service. Furthermore, no parking shall be permitted in the front yard area except upon an improved driveway.
- (2) For multiple-family dwellings--Parking spaces shall be located not more than two hundred (200) feet from the building they are required to service. Furthermore, no parking shall be permitted in the front yard area except upon an improved driveway.
- (3) For uses located in and first permitted in the B-1 district, and for places of public assembly, hospitals, institutions and club houses-- Parking spaces shall be located not more than three hundred (300) feet from the building or building group they are required to serve.

### Section 30-313. Provision of Parking for Mixed Use and Multiple Use Properties.

Separate off-street parking space shall be provided for each use, or the parking space required of two (2) or more uses may be combined and used jointly; provided:

- (1) That the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately.

That the requirements set forth above as to maximum distances between parking areas and the building or building group served shall apply to each building or building group participating in the collective provisions of parking.

**Section 30-314. Number of spaces required.**

The number of off-street parking spaces shall be as follows:

| Use  | No. of Spaces |
|--|---------------|
| <i>(1) Dwellings:</i>  |               |
| One-family....   | 1             |
| Two-family....   | 3             |
| Multiple-family--each dwelling unit....  | 1 1/2         |
| Apartment hotel--each sleeping unit....  | 1             |
| Fraternity--sorority--2 occupants for each room....  | 1             |
| Dormitory--each 2 occupants....  | 1             |
| Roomer or boarder--for each person....   | 1             |
| <i>(2) Places of public assembly:....</i>  |               |
| Churches--for each 4 seats....   | 1             |
| Community center--for each 100 sq. ft. of floor area used for assembly....                                   | 2             |
| Junior high and elementary schools--each 8 auditorium seats....  | 1             |
| Senior high schools--each 4 students....   | 1             |
| Stadium or sports arena--each 4 seats....  | 1             |
| Library, museum and art gallery each 5 seats....   | 1             |
| Auditorium, other than school each 4 seats....   | 1             |
| Theater--each 4 seats....  | 1             |
| Dance hall--studio--skating rink--each 100 sq. ft. of floor area used by public....                          | 2             |
| Bowling alley--each alley....  | 8             |
| Mortuary or funeral home--each 50 sq. ft. of floor area used for assembly room (services)....                | 1             |
| Business and technical schools--each 3 students enrolled (day or night classes) whichever is the greater.... | 1             |
| Colleges and universities--for each 3 students enrolled....  |               |
| Civic or social club--for each 50 sq. ft. of floor area used for assembly room....                           | 1             |
| Public meeting halls--each 100 sq. ft. of floor area used by public....                                      | 1             |
| <i>(3) Hotels--for each bedroom....</i>  | 1             |
| Bed and Breakfast Inn Operations--for each sleeping room....<br>{Ordinance #2000-03, 3/6/2000}               | 1             |
| <i>(4) Motel, motor inn or motor lodge--each sleeping unit....</i>   | 1             |

|  |                             |
|--|-----------------------------|
| (5) <i>Private clubs, lodge or hall (with or without bedrooms)--for each 100 sq. ft. of assembly space....</i>   | 1                           |
| (6) <i>Hospitals institutions and clinics--hospital--for each patient bed....</i>  | 1 1/2                       |
| Sanitariums and convalescent home--for each 2 beds....   | 1                           |
| Homes for aged and childrens' homes--for each 3 persons in residence....   | 1                           |
| Medical and dental clinic or office--for each doctor....   | 5                           |
| Funeral Home--50 sq. ft. of floor area used for viewing and seating areas (services) {Ordinance #2000-02, 3/6/2000}  | 1                           |
| (7) <i>Offices, all types except doctors and dentist--for each 200 sq. ft. of floor area ....</i>  | 1                           |
| (8) <i>General business and any service establishment--for each 100 sq. ft. of floor area or sales space (loading or unloading space not included in parking space)....</i>                    | 300 sq. ft. of parking area |
| (9) <i>Food, soft drinks and alcoholic beverages (served on the premises) restaurant, bar, grill, tavern, dining room of hotel or motel, dairy bar and soda fountain--for each 3 seats....</i> | 1                           |
| (10) <i>"Drive-In" establishments--for each 125 sq. ft. of ground floor area....</i>   | 8                           |
| (11) <i>Manufacturing processing and/or fabrication, warehouse and storage buildings and experimental laboratories--for each 3 employees on maximum shift....</i>                              | 1                           |
| (12) <i>Mechanical amusement arcades--for every two (2) mechanical amusement devices....</i>   | 1                           |

(Code 1980, § 20.16-1(D); Ord. No. 1987-8, § 2, 10-5-87)

### **Section 30-315. Development and maintenance of parking areas.**

Every lot or parcel of land hereafter established as a public or private parking area, including a municipal parking lot, commercial parking lot, restricted residential, business, industrial, public assembly or institutional accessory parking lot and also an automobile, mobile homes or trailer sales (including rental) lot, shall be developed and maintained in accordance with the following requirements:

(1) *Screening and landscaping.* Off-street parking areas for more than five (5) vehicles shall conform with the requirements of Article V, Division 9.

(2) *Maintenance.* Any off-street parking area for more than five (5) vehicles:

- a. Shall not be used for repair, dismantling or servicing of any vehicles.
- b. Must be adequately surfaced with concrete or asphalt and must further be provided with adequate storm water runoff facilities so that surface water will not drain into adjacent properties or public rights-of-way.
- c. Shall be provided with entrances and so located as to minimize traffic congestion.

- d. Shall be provided with wheel or bumper guards so located that no part of parked vehicles will extend beyond the parking area.
- e. Lighting facilities shall be so arranged as to reflect the light away from adjoining residential properties and not interfere with traffic.
- f. Shall conform with the landscaping and screening requirements of Article V, Division 9.

**Section 30-316. Parking lots in R districts.**

The establishment and operation of supplemental accessory off-street parking lots in any R district as special uses may be permitted upon application to the planning commission and approval by it, subject to the special use conditions listed in Sections 30-81 through 30-85 and subject to an additional finding by the planning commission that:

- (1) The supplemental lot is necessary because the required number of parking spaces cannot be provided on the lot on which the building is located.
- (2) The parking lot shall be supplemental accessory to, and for use only in connection with one or more residential, business, industrial, public assembly or institutional buildings. No charge for parking shall be made.
- (3) Each entrance to and exit from such parking lot shall be not less than twenty (20) feet distant from any adjacent property line located in any R district.
- (4) No sign of any kind other than designating entrances, exits and ownership and conditions of use, shall be maintained on such parking lot.
- (5) Such supplemental accessory parking lot shall be subject to all the requirements of Section 30-315 and Article V, Division 9.
- (6) Any person, firm or corporation desiring to secure permission to establish and maintain a restricted residential, business, industrial, public assembly or institutional, supplemental accessory parking lot, within the meaning of this section, shall make application to the board, accompanied by a plan which clearly indicates the proposed development, including the location, size, shape, design, landscaping, curb cuts and other features and appurtenances of the parking lot.
- (7) Before making its final determination, the board shall hold a public hearing, notice of which shall be given to owners of property within the same block as the proposed parking lot, and all properties separated therefrom by not more than one street, any part of any one of which properties is within three hundred (300) feet of any part of said proposed parking lot and is located in an R district above described.

- (8) Any supplemental accessory off-street parking lot permit issued by the zoning inspector may be revoked any time that the aforementioned requirements are not complied with, and any permittee who uses premises to which said permit relates, in violation of any of the conditions herein specified or fixed to such permit shall be deemed in violation of this chapter and shall be subject to the penalty prescribed herein for such violations.
- (9) In any R district, supplemental accessory parking lots shall not have any parking space or spaces nearer the street than the front building line of the adjoining dwelling or structures or the established setback line whichever is greater and in any case not less than ten (10) feet from the street right-of-way line.  
(Code 1980, § 20.16-2(2); Ord. No. 1985-2, § 2, 5-6-85)

**Sections 30-317--30-325. Reserved.**

## **DIVISION 3. OFF-STREET LOADING REQUIREMENTS**

### **Section 30-326. Location of spaces.**

Off-street loading space shall be located at the side or rear of the building for which provided.

(Code 1980, § 20.16-3(A))

### **Section 30-327. Number of spaces.**

At least the following amounts of off-street loading space shall be provided, plus an area or means adequate for maneuvering, ingress and egress:

- (1) For structures containing less than twenty thousand (20,000) square feet of gross floor area, one loading space shall be provided.
- (2) For structures containing twenty thousand (20,000) or more square feet of gross floor area, the number of berths specified in the following table. Each such berth shall be not less than ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height:

| Square Feet of Gross Floor Area                | Required # of Berths |
|--|----------------------|
| 20,000 up to and including 40,000;....         | 1                    |
| 40,001 up to and including 100,000....         | 2                    |
| 100,001 up to and including 160,000....        | 3                    |
| 160,001 up to and including 240,000....        | 4                    |
| 240,001 up to and including 320,000....        | 5                    |
| 320,001 up to and including 400,000....        | 6                    |
| For each additional 90,000 or over 400,000.... | 1 additional         |

- (3) Such off-street loading space may occupy any part of any required side or rear yard space but shall not occupy the front yard space in any district.

(Code 1980, § 20.16-3(B))

### **Sections 30-328--30-340. Reserved.**

**~~DIVISION 4. SIGNS AND BILLBOARDS (removed)~~**

**~~Part A. General Provisions~~**

This chapter has been removed from the Zoning Ordinance. Signs & Billboards are now chapter 64 of the City of Albion Code of Ordinances {Chapter 64 adopted 5/20/2002}

**Sections 30-373--30-385. Reserved.**

**Sections 30-389--30-400. Reserved.**

## **DIVISION 6. PLANNED BUILDING GROUP SHOPPING CENTERS\***

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\*State law reference(s)--Planned unit developments, MCL § 125.584b et seq., MSA § 5.2934(2) et seq.  
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### **Section 30-401. Preliminary plan.**

- (a) In any district, the owner of a tract of land may submit to the city planning commission for its review, a preliminary plan for the use and development of such tract for a planned building group shopping center.
- (b) In accepting such plan for review, the city planning commission must be satisfied that the proponents of the planned building group shopping center are financially able to carry out the proposed project; that they intend to start construction within a specified time of the approval of the project and necessary change in zoning and intend to complete it within a reasonable time as determined by the city planning commission. It shall be the duty of the city planning commission to investigate and ascertain whether the location, size and other characteristics of the site and the proposed plan comply with the following conditions:
  - (1) The need for the proposed center at the proposed location has been demonstrated by the applicant by means of market studies and such other evidence as the city planning commission may require.
  - (2) The proposed shopping center is adequate in size to provide shopping facilities for the population which reasonably may be expected to be served by such facilities.
  - (3) The proposed shopping center is at a location where traffic congestion can be reduced to a minimum by presently projected improvement of access thoroughfares, and the plan shows the location of entrances, exits and internal arrangement for driving lanes and parking.
  - (4) The plan provides for a shopping center consisting of one or more groups of buildings of integrated and harmonious design with adequate and properly arranged traffic and parking facilities and landscaping, which will be an attractive and efficient shopping center, convenient and safe to use, and which will fit harmoniously into, and will have no adverse effects upon the adjoining or surrounding development.
  - (5) The uses permitted in the proposed shopping center shall be those of retail business and service uses and no residential or industrial uses shall be permitted.

(Code 1980, §§ 20.16-6(A), 20.16-6(B))

## **Section 30-402. Regulations.**

The following regulations shall apply to a planned building group shopping center:

(1) *Uses by right.*

- a. Antique shop--art goods.
- b. Apparel and accessories store.
- c. Appliances, (household).
- d. Auto accessory store.
- e. Bakery.
- f. Banks, including drive-in types--loan and finance offices.
- g. Barber and beauty shops.
- h. Cameras and camera supplies.
- i. Candy and ice cream store.
- j. Clothing and dry goods.
- k. Clinic, dental or medical.
- l. Dairy products.
- m. Delicatessen.
- n. Department store.
- o. Drug store.
- p. Dry cleaning shop, custom and self-service.
- q. Eating place-grill, bar, cocktail lounge.
- r. Florist--gift shop.
- s. Furniture--household furnishings.
- t. Garden center (supplies, furniture, plants and shrubs).

- u. Grocery and meat market (supermarket).
- v. Hardware and sporting goods.
- w. Hobby shops.
- x. Jewelry store--leather goods--luggage.
- y. Laundry, custom and self-service.
- z. Liquor store (sale by package only).
- aa. Music store: pianos, radio and television.
- bb. Offices: any office in which chattels or goods, wares or merchandise are not commercially created, exchanged or sold.
- cc. Office supply store--business machines--stationery.
- dd. Paint and wallpaper store.
- ee. Plumbing and heating shops, sales and display.
- ff. Pressing, altering and repair of wearing apparel.
- gg. Repair, rental and servicing of any product the sale of which is permitted in this district.
- hh. Stamp redemption store.
- ii. Shoe store, sales and repair.
- jj. Specialty shops (apparel).
- kk. Toy store.
- ll. Variety and notions store.
- mm. Wine and/or gourmet stores.
- nn. Any other retail business or service establishment which is determined by the city planning commission to be of the same general character as the above permitted uses.

(2) *Conditional uses requiring board authorization.* Upon application to and the recommendation by the board of a permit therefor, gasoline service stations may be

operated as a conditional use provided:

- a. Premises used for such purpose shall not be less than two hundred (200) feet from any place of public assembly including any hospital, sanitarium, clinic or institution. Such measurement shall be along the usual line of street travel. Hereafter no gasoline filling and/or service station shall be permitted if the location constitutes a hazard to public safety and welfare.
  - b. Building used for such purposes shall not be nearer than fifty (50) feet from any R district.
  - c. Any minor automobile repair work, as defined in this chapter, shall be done within the principal building on the premises.
  - d. No overnight or weekend outside storage of trucks, trailers and/or tractors shall be permitted on the premises, and no partially dismantled, wrecked or junked vehicles shall be stored for more than a total of eight (8) hours outside the building on the premises.
  - e. When such use abuts the side and/or rear line of a lot in any R district a compact evergreen hedge, solid wall or painted board fence not less than five (5) feet high shall be maintained at the property line.
- (3) *Tract area and coverage.* The net land area to be included and designated as a planned building group shopping center shall be not less than five (5) acres in size and the ground area to be occupied by buildings shall not exceed twenty-five (25) per cent of the net land area.
- (4) *Building heights.* No building shall exceed two (2) stories or twenty-five (25) feet in height.
- (5) *Yards.* No building shall be less than one hundred (100) feet distant from any boundary of the tract on which the shopping center is located. The center, including the parking areas, shall be permanently screened from all adjoining properties located in any R district and, except for a necessary entrances and exits, from all properties located across the street in any R district by a solid wall or compact evergreen hedge at least six (6) feet in height. Such wall or hedge shall be maintained in good condition.
- (6) *Customer parking space.* Notwithstanding any other requirements of this chapter, there shall be provided off-street parking space equal to three (3) times the ground floor area of the building. Customer parking areas, driving lanes, pedestrian walks and loading space shall be properly graded for drainage, surfaced with cement or asphalt pavement and maintained in good condition, free of dust, trash and debris. The outer boundary of customer parking areas shall be provided with wheel or bumper guard rails so located that no part of parked vehicles will extend beyond the

parking area.

- (7) *Entrances and exits.* Each entrance to and exit from the shopping center shall be not less than fifty (50) feet from any adjoining property located in any R district. Plans for deceleration and acceleration traffic lanes in relation to entrances and exits shall be required to ensure a minimum of traffic congestion.
- (8) *Illumination.* Illumination facilities for the shopping center, including parking areas and open spaces, shall be so arranged as to reflect the light away from adjoining premises in any R district.
- (9) *Signs.* All signs within the planned building group shopping center shall be controlled by written agreement between the owners and tenants of the center to control excessive advertising and ensure a harmonious appearance to the center as a whole. All signs shall only be indirectly illuminated with white light. Signs shall be neither flashing or animated and shall be attached flat against wall or facade of building. In no case shall any business sign project above the roof line. In addition to signs permitted for the tenants each such center shall be permitted two (2) free standing single or double faced identifying signs not over thirty (30) feet in height, each having a maximum size of one hundred (100) square feet for each face.

(Code 1980, § 20.16-6(C))

#### **Section 30-403. Final development plan and hearing.**

Upon determination by the city planning commission that the planned building group shopping center, as shown by the preliminary plan, appears to conform to the requirements of this section and all other applicable requirements of this chapter, the proponents shall prepare and submit a final development plan, which plan shall incorporate any changes required or suggested by the planning commission. If the final development is found to comply with requirements set forth in this section and other applicable requirements of this chapter and the planning commission shall submit said plan with its report and recommendations together with the required application, by the proponents of the necessary change in the zoning classification of the proposed center, to the city council. When referred back to the city planning commission, it shall hold a public hearing on both the development plan and the application for a change in zoning.

(Code 1980, § 20.16-6(D))

#### **Section 30-404. Procedure following hearing.**

Following a public hearing, the city council may modify the plan, consistent with the intent of this chapter and may rezone the property to the classification "P-B planned building group shopping center district" for development.

(Code 1980, § 20.16-6(E))

**Section 30-405. Approval; adjustments.**

Provided the city council approves of the final development plan and rezones the property to the classification "P-B planned building group shopping center district" and in the course of carrying out the plan, adjustments or rearrangements of buildings, parking areas and entrances may be requested and provided such requests conform to the standards established by the final development plan and this chapter, such adjustments or rearrangements may be authorized by the city planning commission.

(Code 1980, § 20. 16.6(F))

**Section 30-406. Planned building group shopping centers.**

Applications for zoning permits shall be submitted through the zoning administrator. Each application shall be accompanied by a check payable to the City of Albion, or a cash payment, in accordance with the schedule of fees adopted by the City Council resolution. {As amended by Ordinance #93-9.}

**Sections 30-406--30-415. Reserved.**

## **DIVISION 7. PLANNED UNIT DEVELOPMENTS DISTRICT\***

{All previous amendments and revisions to Article V. Division 7. are repealed and replaced by Ordinance #2000-04, on 3/6/2000}

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\*Editor's note--Ord. No. 1987-9, § 2, adopted Oct. 5, 1987, repealed former Division 7, §§ 30-416, 30-417, pertaining to planned residential building group, which derived from Code 1980, §§ 20.16-7(A)--20.16-7(C), and enacted new provisions designated as Division 7, §§ 30-416--30-419. Effective March 6, 2000, all prior revisions and amendments to Division 7, §§ Section 30-416--3-419 are repealed and replaced with the following.  
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### **Section 30-416. Intent.**

- A. The purpose of this district is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage provision of useful open space; provide adequate housing, employment and shopping opportunities particularly suited to the needs of the residents of the city; and encourage the use, reuse and improvement of existing sites and buildings when developed in a compatible way with surrounding uses and when the uniform regulations contained in other zoning districts do not provide adequate protections and safeguards for the site or surrounding area.
- B. The district is intended to accommodate developments with mixed or varied uses, sites with unusual topography or unique settings within the community or on land which exhibits difficult or costly development problems and shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other applicable zoning classification rather than to achieve the stated purposes above.

### **Section 30-417. Permitted principal uses.**

Any combination of uses permitted in any residential, commercial, office, and/or industrial classifications pursuant to section 30-96, provided that such principal uses are included in the approved development plan.

### **Section 30-418. Permitted accessory uses.**

Any use which is accessory to the uses allowed as permitted principal uses pursuant to section 30-96, provided that such accessory uses are included in the approved development plan.

**Section 30-419. Planned unit development regulations and standards for review and approval.**

The following provisions shall apply to all planned unit development zoning classifications:

- I. *Ownership.* Any planned unit development zoning application may be initiated only by the owner or owners, or by persons with an executed option to purchase (hereinafter, "the petitioner"). The entire parcel for which application is made must be under one ownership, or the application must be made with the written authorization of all property owners.

Residential: Minimum Parcel Criteria: The provisions of this section may be applied to any parcel of land twenty (20) acres or greater, located in any residential district, which is under single ownership and for which an application for a planned unit development is made as provided herein.

Commercial and Industrial Minimum Parcel Criteria: The provisions of this section may be applied to any parcel of land five (5) acres or greater, located in any commercial or industrial district, respectively, which is under single ownership and for which an application for a planned unit development is made as provided herein.

*Establishment, amendment procedure.* The competent authority for the review and approval for the establishment, amendment, and/or removal of a planned unit development zoning classification shall be either city council, subsequent to the recommendation of the planning commission; or the planning commission; under the following conditions and procedures:

If, in the judgment of the city manager, the planned unit development proposal involves a significant increase in the expenditure of public funds, including the construction and/or maintenance of streets, roads, utilities, or other public facilities; and/or if in the judgment of the planning department, the proposed use includes fabrication, processing, warehousing, or other industrial uses; then the establishment, amendment, or removal of the planned unit development zoning classification shall follow the procedures set forth for zoning amendments in Article II, Division 3 (sections 30-61 through 30-65) of this chapter and the additional procedures set forth in this ordinance. The competent authority in these cases shall be city council.

In all other cases, the establishment, amendment, or removal of the planned unit development zoning classification shall follow the procedures set forth for special use permits in Article II, Division 5 (sections 30-81 through 30-95) of this chapter and the additional procedures set forth in the ordinance. The competent authority in these cases shall be the planning commission.

The City Council shall have jurisdiction to grant or deny variances as herein provided:

The petitioner may appeal a decision by the director of planning or the director of public works/city engineer if, in the opinion of the petitioner, an error has been made relative to any order, requirement, interpretation, or decision made concerning the administration of this ordinance. The city council may reverse or affirm, wholly or in part, or may modify the order, requirement, interpretation, or decision as in its opinion what ought to be done, and to that end shall have all the powers of the administrative official from whom the appeal was taken.

Where by reason of the shape, topography or other extraordinary condition of the land, the use or development of the property immediately adjoining the subdivision, the literal application of the requirements of this ordinance would involve practical difficulties or would cause undue hardships.

Procedures: The concurring vote of majority of the city council shall be necessary to grant variance and shall be conducted concurrently with the review and approval of either the preliminary and/or final planned unit development plan.

Criteria: No variance shall be granted by a the city council unless one or more of the following conditions apply:

- a) Special circumstances exist affecting the subject property which are peculiar to the parcel and that the strict application of the provisions of this chapter would be clearly impractical or unreasonable and that these special circumstances did not result from the actions of the applicant.
  - b) The granting of the variance will not be detrimental to the public welfare or injurious to other property adjoining the new development.
  - c) The variance will not be contrary to the spirit or purpose of this chapter or the city comprehensive plan.
5. Conditions: When granting the variance, the city council may authorize a lesser variance than that requested or may prescribe conditions and safeguards to satisfy the intent of this chapter. A variance granted shall become null and void unless the final planned unit development plan shall have been approved by the city council. A variance request shall not be resubmitted within one year from the date of the city council's action except on grounds of new evidence or proof of changed conditions relating to the reasons for denial of the original variance request found by the city council to be valid.

*Review standards for approval of a planned unit development proposal.*

Approval, denial or request for a variance of the planned unit development proposal shall be reviewed based upon the following standards:

- A. The uses proposed would have a beneficial effect, in terms of public health, safety, welfare or convenience or any combination thereof, on present and potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation systems, surrounding properties, or the environment. This beneficial effect for the city (not the developer) shall be one, which could not be achieved under any other single zoning classification.
- B. The uses proposed shall be compatible with the land use plans that delineate the zoning districts adopted by the city.
- C. The zoning is warranted by the design and amenities incorporated in the development proposal. The permitted residential density shall be determined based on the maximum density permitted by the underlying zoning district, modified by the following formula:

Gross parcel area minus the area occupied by proposed or existing dedicated public right-of-ways.

The resulting land area shall be divided by the minimum lot size of the underlying zoning district.

A reduction of lot area per dwelling unit shall not be more than thirty (30) percent of the minimum lot area required by the underlying zoning district.

All planned unit developments shall maintain a minimum of twenty (20) percent of the gross parcel area as common open space, which is readily accessible and available to the residents of the planned unit development. Wetland, floodplain, and/or open water areas may fulfill a portion of the common open space requirement, provided that not more than ten (10) percent of the designated common open space area is wetland area, floodplain, and/or open water.

Both public and private nonresidential uses of an educational or recreational nature, including but not limited to golf courses, tennis clubs, swim clubs, and necessary accessory uses and structures, designed as an integral part of the overall planned unit development, may occupy appropriate portions of the site. The area so occupied may be applied, at the discretion of the Planning Commission and City Council, to satisfy a percentage of the total common open space requirement. Recreational uses may be used to satisfy up to sixty (60) percent of the common space requirement, provided such use is integrated into the overall development.

Off-street parking sufficient to meet the minimum required in sections 30-301 through 30-310. The competent authority may, if deemed appropriate, require the planned unit development to have more or less parking than that required by this code.

Landscaping shall be provided so as to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property to meet the minimum requirements of section 30-437. The competent authority may, if deemed appropriate, require the planned unit development to have more or less landscaping than that required by this code.

Vehicular and pedestrian circulation, allowing safe, convenient, uncongested, and well-defined circulation within and to the district, shall be provided.

Major natural, historical and architectural features of the district shall be preserved, unless, in the judgment of the planning commission and the competent authority, the preservation of such features is not in the public interest.

Other site Improvements: signage, lighting, exterior building materials, and other features of the project shall be designed and constructed with the objective of creating an integrated and controlled development, consistent with the character of the community, the surrounding developments, and the site's natural features.

#### Perimeter Setback and Buffering:

1. The proposed location and arrangement of structures shall not be materially detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood. There shall be a perimeter setback and landscaping and/or berming, as recommended by the Planning Commission, for the purpose of buffering the adjacent properties from the planned unit development. The setback distance and buffering treatment need not be uniform at all points on the perimeter of the development.
2. However, in cases where nonresidential uses in the planned unit development are adjacent to residentially zoned property, such uses shall be visually screened by a landscape berm, evergreen screen, or a decorative wall, as provided for in section 30-434.

#### Residential Development Phases:

Each phase shall be designed to stand-alone and provide a residential environment, which is compatible with the surrounding existing development. Further, each development phase shall be designed to provide a proportional amount of common open space in each proposed phase.

A minimum of fifty (50) percent of the total number of residential dwelling units in any planned unit development must be constructed and be ready for sale prior to the construction of any commercial portion of the planned unit

development, except that site grading, road construction, and utility installations related to the commercial portions of the planned unit development may be undertaken concurrent with the development of residential units.

M. Planned Unit Development Agreement:

The plan shall contain such proposed covenants, deed restrictions, easements, road dedications and other provisions relating to the bulk, location, intensity and density of such residential units, nonresidential uses and public facilities, and provision for the ownership and maintenance of the common open space as are necessary for the welfare of the planned unit development and are not inconsistent with the best interests of the city. Said covenants, deed restrictions, easements, road dedications and other provisions, which are a part of the plan as finally approved, may be modified, removed, or released only in accordance with regulations and standards as may be subsequently set forth by the City Council. An association formed by the residents of the planned unit development shall carry out the enforcement of covenants, deed restrictions, and easements. Further, the bylaws of such association shall provide for the assessment of fees to finance enforcement actions undertaken by the association.

The petitioner shall make such easements, covenants and other arrangements, and shall furnish such performance guarantees, as may be required, to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of proposed development before completion.

N. All portions of the planned unit development, including single-family lots, multiple-family dwellings, commercial and industrial areas shall be platted in conformance with the requirements of the state of Michigan Land Division Act, P.A. 288 of 1967, as amended, (formerly known as the Subdivision Control Act, MCL 560.101 et seq. and with the City of Albion Subdivision Control Ordinance; or prepared in conformance with the requirements of the state of Michigan Condominium Act, P.A. 59 of 1978, as amended, MCL 559.101 et seq, and the provisions of the Condominium Ordinance.

O. Commercial Uses: Commercial uses together with such other uses deemed consistent with the overall development plan, may occupy up to ten (10) percent of the gross area of a parcel twenty (20) acres or greater.

The following commercial uses may be permitted within a planned unit development if such uses are permitted in the underlying zoning district:

Professional offices including but not limited to the offices of a lawyer, accountant, insurance agent, real estate broker, architect, engineer, doctor, dentist or similar occupation.

Banks, credit unions, savings and loan associations, and similar financial institutions.

Retail businesses which supply commodities on the premises such as but not limited to groceries, meats, dairy products, baked goods, drugs, dry goods, clothing notions, hardware, books, and similar establishments.

Personal service establishments, which form services on the premises such as, but not limited to, tailor shops, beauty parlors and barber shops.

Adjacent property, which is zoned commercial and included as part of the planned unit development proposal, shall not be applied to this provision.

Planned commercial uses shall be accessed by public roads and cited in such a manner as to not encourage through traffic within the planned unit development or adjacent residential areas.

Approval of commercial uses shall be dependent upon the market potential or demand for the uses in the area. The petitioner shall submit sufficient evidence to justify the need for commercial uses within the planned unit development.

- P. Industrial Development: Uses for industrial development of planned unit development shall be required to show the proposed intensity projected by the development.

*Procedure for submittal for preliminary and final approval phases.* The planned unit development approval shall involve two phases.

The preliminary approval phase shall involve a review of the conceptual plan of the proposed planned unit development to determine its suitability for inclusion in the land use and zoning plans of the city and adoption by the competent authority under the zoning ordinance.

The final approval phase shall require detailed site plans for any part of the conceptual planned unit development prior to the issuance of building permits.

The preliminary and final approval phases may run concurrently if, in the judgment of and by resolution of the planning commission and the competent authority, the

size and nature of the project and the readiness of the petitioner warrant such action.

*Materials to be submitted for preliminary approval phase for the review of conceptual plan.*

The petitioner for any planned unit development zoning classification shall submit to the Planning Department the following technical and/or graphic materials describing the conceptual planned unit development plan, together with an application for a planned unit development zoning classification preliminary phase approval.

A complete zoning change application as required by section 30-419(II)(A) or a special use permit application as required by section 30-419(II)(B), together with a planned unit development conceptual plan shall be submitted pursuant to subsection "C".

The planned unit development conceptual plan shall indicate the following:

The entire holdings of the owner or owners or petitioner which are contiguous to the parcel or any parts thereof; together with the identities of all owners, investors, managers, and all others with vested interests in the proposed project.

The area and use of land adjacent to the parcel to be developed.

Any unusual problems of topography, utility service, land usage or land ownership, to include but not limited to, means of serving the development with water, sanitary waste disposal, and storm water drainage.

All existing and proposed structures, streets, and open spaces; along with major natural, historical, and architectural features of the site and its surrounding area and a statement of anticipated impact on natural features, public facilities and services such as, but not limited, to wetlands and flood plains, police and fire protection, roads and schools.

All uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, total number of dwelling units, floor area per habitable space, and total open space.

Total project area, description of existing site characteristics, description of proposed character of the development, densities, intensity, total land areas and setbacks for various residential types, and proposed project phasing and estimated timing schedule by phase to completion.

Overall map at a minimum scale of 1 inch equals 2,000 feet (1:24,000) showing the relationship of the proposed planned unit development to its surroundings, including section lines, parcel boundaries, major roads, collector streets, among other landmarks.

Generalized graph depiction at a scale of 1 inch equals 100 feet (1:1,200) showing the following:

- a) Major access roads serving the site, including right-of-way widths, and existing and proposed road surfacing.
- b) Existing utility lines including but not limited to, sanitary sewer, storm sewer, water main, and gas and electric service.
- c) Existing adjacent land uses and structures within 200 feet of the proposed planned unit development boundary.
  - d) Proposed internal pedestrian and vehicular circulation system.
- e) Areas to be developed for residential, commercial, industrial, recreational, and common open space uses and structure locations.
- f) Other data or graphics, which will serve to further, describe the proposed planned unit development.
- g) Topography drawn at a two (2) foot contour interval. Topography must be based on UAGA datum (1:24,000) and be extended a minimum distance of two hundred (200) feet outside the proposed planned unit development boundaries.

Proposed Development Features:

- a) Layout of internal roads indicating proposed road names, right-of-way widths, and connections to adjoining platted roads, and also the widths and location of alleys, easements and pedestrian ways.
- b) Layout, numbers and dimensions of single-family lots, including buildings setback lines.
- c) Layout of proposed multiple-family dwellings, including setbacks, buildings, drives, parking spaces, pedestrian ways, and landscaping.
- d) Location and function of both developed and undeveloped open spaces, as well as the layout of facilities to be included on developed open spaces.
- e) Indications of the proposed sewage, water supply, and storm drainage system.
- f) Conceptual site grading and conceptual landscaping plan.

- g) Depiction of proposed development phases.

Tabulations:

- a) Total site acreage and percent of total project in various uses, including developed and undeveloped open space.
- b) Acreage and number of single-family lots, multiple-family dwellings (including number of bedrooms) to be included in development phases.
- c) Total site density of single-family and multiple-family dwellings and the percent of ground area covered of multiple-family dwellings and their associated structures.
- d) Total gross land area for industrial and commercial uses.
- e) Total building coverage for industrial and commercial uses. (Coverage being the proportion of the lot area, expressed as a percent, that is covered by the maximum horizontal cross-section of a building(s).)

Planned Unit Development Agreement:

- a) Legal description of the total site.
- b) Statement of petitioner's interest in the land proposed for development.
- c) Statement regarding the manner in which open space is to be maintained.
- d) Statement regarding the petitioner's intentions regarding sale and/or lease of all or portions of the planned unit development, including land areas, units, and recreational facilities.
- e) Statement of covenants, grants of easements, road dedications, (including easements for public utilities), and other restrictions to be imposed upon the uses of the land and structures.
- f) Statement of required modifications (variances) to the regulations, which are otherwise applicable to the site.
- g) Schedule indicating the time within which applications for final approval of each development phase of the planned unit development are intended to be filed.

- D. The petitioner shall present material as to the development's objectives and purposes to be served; management plan, economic feasibility, conformity to plans and policies of the city, market needs, impact on public schools, utilities and

circulation facilities, impact on natural resources, impact on the general area and adjacent property, estimated cost, and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan.

- E. All applications shall include photographs of all sides of all existing buildings. Any additional graphics, scale models, or written materials requested by planning commission or the competent authority to assist the city in visualizing and understanding the proposal shall be submitted.

*Conceptual plan review for preliminary approval phase of planned unit development.*

The commission shall hold a meeting at which the petitioner shall present a written proposal for a planned unit development discussing the petitioner's intentions and the commission shall provide the petitioner with its comments after holding such a meeting. No fees shall be charged for said meeting.

The petitioner shall next submit to the planning department sufficient copies of the planned unit development conceptual plan together with appropriate review fees. The planning department shall designate this date as the petitioner's date of filing. Copies of the plan as submitted shall be distributed promptly by the planning department to the city manager and the appropriate city agencies for review to determine if the development concept can be accommodated by the existing public utility, street, and general city service facilities, or if any additions to, or extension of facilities are necessary for the project.

The planning director shall compile the results of the above agency review, and shall along with the city manager, determine the appropriate competent authority according to section 30-419(II)(A)(B). planning department shall notify the petitioner of this determination and of any questions raised by the city agencies during said review and shall submit like information to the planning commission for its consideration, along with a report which evaluates the planning aspects of the project and its impact on the present and future development of that part of the city in which it is located.

The commission shall hold at least one (1) public hearing on said planned unit development conceptual plan. Notice of such hearing shall be provided in the same manner as is required for special use permits under section 30-82(6). The commission shall hold additional public hearings, as it deems necessary.

Upon reviewing said conceptual development plan and reports, the commission shall make its decision on said plan at its next regularly scheduled meeting after holding its last public hearing pursuant to subsection (D) above; unless said time is agreed to be extended by the petitioner in writing; provided that the commission may extend this time for periods not to exceed thirty (30) days each if such extensions are necessary for adequate review.

If the commission rejects the planned unit development, its reasons therefor shall be specified in writing and approved by the commission.

If the planning commission is the competent authority under section 30-419(II)(B), then the commission's decision shall be final.

If the council is the competent authority under section 30-419(II)(A), then the commission's recommendations and all related reports shall be submitted to council for its consideration. Council shall take final action on said planned unit development and petition within thirty (30) days of the date it receives a report from the planning commission or such reasonable extension of time as may be necessary for adequate review.

Any conditions of approval required by the competent authority shall be satisfied by the petitioner or owner prior to subsequent final phase site plan approval and prior to the issuance of any building permits. The planning director shall keep a special record of all approved planned unit developments and approval conditions.

*Effect of preliminary approval phase of planned unit development.*

- A. Preliminary phase approval of the planned unit development by competent authority shall designate a "planned unit development" zoning classification to the property for uses as shown on the planned unit development conceptual plan and shall confer upon the owner the right to proceed through the subsequent planning phase in accordance with regulations and ordinances in effect at the time of said approval for a period not to exceed two (2) years from date of approval, unless subsequent regulations or ordinances are specifically made applicable to developments which have been so approved. If final phase site plans have not been submitted for approval before the termination of said two-year period, said subsequent site planning must conform to the regulations, ordinances and laws in effect at the time said final phase site plan is submitted.

*Final approval phase for a planned unit development site plan.*

- A. The final planned unit development submittal must be prepared as one of the following:

Subdivision Plat as defined by the Land Division Act:

The final planned unit development submittal must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval in conformance with the State of Michigan Land Division Act, City of Albion Subdivision Control Ordinance, and conditions established in the preliminary planned unit development submittal and planned unit development agreement.

Condominium Plan as Defined by the Condominium Act:

The final planned unit development submittal must be prepared in the form of a condominium plan pursuant to the requirements of the Condominium Act in detail sufficient to be granted approval in conformance with the condominium provisions of this Ordinance and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.

B. The following minimum information must be provided by the developer at the time of filing the final site plan for all or a portion (phase) of a planned unit development:

1. Detailed building site plan with a scale of 1"=20'
2. Detailed grading plan with a scale of 1"=100'
3. Detailed landscaping plan with a scale of 1"=20'
4. Detailed utilities layout with a scale of 1"=100'
5. Tabulations showing the following:
  - a) Total phase acreage and percent of total planned unit development.
  - b) Acreage and percent for each portion or phase and total planned unit development occupied by single-family, developed and undeveloped open space.
  - c) Total phase density, intensity and percent of total planned unit development.
  - d) Number of bedrooms per multiple-family dwelling unit by type (i.e., efficiency, one bedroom).
  - e) Percent of ground area covered by structures other than detached single-family dwelling units.
  - f) Gross total land area and total building coverage for all industrial and commercial use (to include number of stories).
6. Supporting Materials
  - a) Legal description of the total phase, each use area, and dedicated open space.

- b) Copies of covenants, easements, and other restrictions to be imposed.
- c) Proposed dates of start of construction and completion.

The final planned unit development submittal shall not:

- a) Vary the proposed gross residential density or intensity of use in any portion of the planned unit development by more than ten (10) percent; or
- b) Involve a reduction of the area set aside for common space; or
- c) Increase by more than ten (10) percent of the floor area proposed for nonresidential use; or
- d) Increase by more than five (5) percent of the total ground area covered by buildings.

- C. The petitioner shall submit to the planning department four (4) copies of the planned unit development final site plan for all or any part or phase of the development, in accordance with the uses and concepts as shown on the approved planned unit development conceptual plan together with appropriate review fees. The final site plan for each phase shall include detailed information as required in section 30-419(VIII)(B).
- D. Copies of this planned unit development final site plan as submitted, shall be distributed promptly by the planning department to the appropriate city agencies for review and comment regarding the legal requirements of the city.
- E. All applications shall include photographs of all sides of all existing buildings. Any additional graphics, scale models, or written materials requested by planning commission or the city council to assist the city in visualizing and understanding the proposal shall being submitted.
- F. A detailed listing of existing and/or proposed exterior materials shall be provided and will become part of the planned unit development site plan.
- G. The planning department shall notify the petitioner of any questions raised by the city agencies during said review and shall submit like information to the planning commission for its consideration.
- H. The commission shall, after holding public hearings on said planned unit development site plan, make its recommendation at its next regularly scheduled meeting unless said time is agreed to be extended by the petitioner in writing; provided that the commission may extend such time for periods not to exceed thirty (30) days each if such extensions are necessary for adequate review.

- I. If the commission rejects the planned unit development site plan, its reasons therefore shall be specified in writing and approved by the commission.
- J. If the planning commission is the competent authority under section 30-419(II)(B) then its decision shall be final.
- K. If the city council is the competent authority under section 30-419(II)(A), then the commission's recommendations and all related reports shall be submitted to council for its consideration. The council shall take-final action within thirty (30) days of the date of the recommendations by the commission unless said time is agreed to be extended by the petitioner in writing; provided, that the council may extend such time for periods not to exceed thirty (30) days each if such extensions are necessary for adequate review.
- L. If the council rejects the site plan, its reasons shall be based upon the standards of review listed in section: 30-419(III), specified in writing, and approved by council.

*IX. Effect of final phase approval of planned unit development.*

- A. Following approval of a final planned unit development, the petitioner may begin processing a subdivision plat through the Planning Commission in conformance with the Land Division Act and the City of Albion Subdivision Control Ordinance or the condominium plan through the Planning Commission and the City Council in conformance with the Condominium Act and condominium provisions of this Ordinance.
- B. Approval of final planned unit development site plan shall entitle the owner to apply for building permits provided that all platting and condominium plan approvals have been received.

*X. Time for completion of development.*

- A. The competent authority shall consider the size, scope, and complexity of the proposed project; generally accepted construction standards; plus the impact of an incomplete project on the community; and establish reasonable deadlines for the completion of the various aspects of the project. In projects, which require phased construction, the competent authority may require whatever accommodation it deems appropriate to ensure that continuing construction activities do not detract from land uses in the immediate area.
- B. Said deadlines may be extended if applied for by the petitioner and granted by the competent authority in writing following public notice and public hearings as specified in section 30-419(II) of this chapter. Failure on the part of the petitioner to secure this written extension may result in stoppage of all construction.

- C. In all cases, the proposed planned unit development and all proposed buildings, parking spaces, landscaping, useable open spaces, and amenities must be started within two (2) years after the final plan approval, and work must be continued in a reasonably diligent manner and completed on or before the deadlines as established or revised by the competent authority pursuant to this section.
- D. Recording of Action: The petitioner shall record an affidavit with the register of deeds containing the full legal description of the project site, specifying the date of final city council approval, and declaring that all improvements will be carried out in accordance with the approved planned unit development plan unless an amendment is adopted by the city council. In addition, all deed restrictions, dedications and easements shall be duly filed with the register of deeds of the County and copies of recorded documents presented to the city clerks office.

*XI. Financial guarantee.*

In approving the final development plan, the competent authority may, if it deems necessary, require that a cash deposit, certified check, surety bond, or other financial guarantee acceptable to the competent authority be furnished by the petitioner to ensure compliance with the planned unit development requirements. In fixing the amount of such financial guarantee, the competent authority shall consider the size and scope of the project, current prevailing costs of rehabilitating or completing the premises upon default by the petitioner, estimated expense to compel the petitioner to comply with the requirements of the final planned unit development approval, and such other factors and conditions as may be relevant in determining the sum reasonable in light of all the facts and circumstances surrounding the proposed planned unit development.

*XII. Deviations from approved planned unit development site plan.*

- A. Minor changes to a previously approved planned unit development site plan may be approved without the necessity of planning commission or city council action thereon if the appropriate planning, zoning, streets, traffic and parking, fire, utilities, and building officials certify in writing that the proposed revisions constitutes a minor alteration and does not alter the basic design nor any specific conditions of the plan as agreed upon by the competent authority. The planning director shall record all such changes on the original planned unit development site plan and shall advise the competent authority of all said minor revisions within fifteen (15) days of said administrative approval. Minor alterations or revisions under this section shall be limited to:
  - 1. Addition or relocation of all fire escapes.
  - 2. Shifting of building heights and elevations, providing such shifting does not exceed ten (10) per cent of the previously approved dimensions and providing such shifting does not significantly alter the conceptual integrity of the plan.

3. Construction of additional, or alteration of, approved sidewalks, provided that the full intent of pedestrian movement through and around the site is not inhibited thereby.
  4. Shifting of, additions to, or changes in species of landscape materials, provided that such change does not reduce minimum landscape requirements.
  5. Relocation of refuse collection stations.
  6. Internal rearrangement of parking lots and curb cut locations provided such functional rearrangement does not reduce the total number of parking spaces required and further provided that the minimum landscape requirements are maintained, and further provided that such rearrangement does not inhibit good traffic flow or circulation.
  7. Any decrease in building size or changes in bedroom counts per dwelling unit in no more than ten (10) per cent of the total number of units.
  8. Construction and location of bus stop stations.
  9. Installation of recreational or maintenance facilities that do not require erection of a structure intended for human use or occupancy.
- B. Final phase site plan approval shall be assigned only after the approval of the preliminary phase planned unit development and the planned unit development designation of the property as required by this chapter. Any deviation from the approved planned unit development site plan, except as authorized in section 30-419(XII) (A) above, shall be considered a violation of this chapter in accordance with section 30-26 and subject to the penalties stated in section 30-27. Further, any such deviation shall result in notice to the owner that rezoning procedures may be initiated by the planning commission and the competent authority.

*XIII Terms defined related to planned unit development projects.*

*Planned Unit Development Conceptual Plan* means a plan that presents the petitioner's tentative development proposal. A conceptual plan, if approved takes on the status of the preliminary phase of the planned unit development project.

*Planned Unit Development Agreement* means a written agreement specifying the details of a planned unit development submittal and the conditions under which the submittal received final approval.

## **DIVISION 8. SITE PLAN REVIEW**

{Division 8 added by Ordinance #97-6.}

### **Section 30- 420. Intent**

Site Plan Review and approval of all development proposals listed below is required by the provisions of this Section. The intent of this Section is to provide for consultation and cooperation between the developer and the Department of Neighborhood Services so that both parties might realize maximum utilization of land and minimum adverse effects upon the surrounding land uses consistent with the requirements and purposes of this Ordinance. Through the application of the following provisions, the attainment of the Comprehensive Plan of Albion will be assured and the city will develop in an orderly fashion.

### **Section 30-421. Site Plan Review in Use Districts Required.**

A site plan shall be submitted to the Department of Neighborhood Services for approval of any use in the R-2 One and Two Family Residence, R-3 Multiple Family Residence, R-4 Mobile Homes Residence, B- I Neighborhood Business, B-2 Central Business, B-3 Highway Service Business, B-4; Central Fringe Business, M-1 Light Industrial and M-2 Heavy Industrial Districts, and shall be required in the following situations.

- a. Any use or development for which the submission of a site plan is required by any provision of this Ordinance.
- b. Any development, except single family platted residential, for which off-street parking areas are provided as required in this Ordinance.
- c. All special land uses, regardless of zoning district.
- d. Any of the following uses in a residential district: churches, library, museum, golf course, country club, pre-school, nursery school, and all private and public schools.
- e. All single family residential uses subject to the requirements of the Albion Subdivision Ordinance.
- f. All site condo and condominium subdivisions developed pursuant to the Condominium Act (MCLA 5 5 9. 1 01 *et seq.*).
- g. All other developments in which ownership interests in land are transferred for the purpose of development of a physical structure and which do not fall under the requirements of the Subdivision Control Act of 1967 as amended (MCLA 60. 1 01 *et seq.*).
- h. All developments in wetlands or 100 year flood plains, including individual single family homes for which a permit is required by the DEQ.

- i. Application for a Planned Unit Development in any zoning district.

**Section 30-422. Application for Site Plan Review.**

An application for Site Plan Review shall be submitted to the Department of Neighborhood Services. The detailed site plan presented for consideration shall contain all information required in this Ordinance.

- (1) Each submittal for Site Plan Review shall be accompanied by an application and site plan. The application shall at a minimum, include the following information:
  - a. The applicant's name, address, and phone number in full.
  - b. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
  - c. The address or parcel identification number of the property.
  - d. Name and address of the developer (if different from the applicant).
  - e. Name and address of engineer or architect.
  - f. Project description, including the total number of structures, square feet, total and usable floor area, parking spaces, garages, open space and related information as pertinent or otherwise required by the ordinance.
  - g. A vicinity map with north point indicated.
  - h. The gross and net acreage of all parcels in the project.
  - i. Existing structures on the subject parcel.
- (2) The site plan shall consist of an accurate, reproducible drawing at a scale of 1"=100' or less, showing the site and all land within 150 feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified. Each site plan shall depict the following:
  - Location of proposed and/or existing property lines, dimensions, legal descriptions and setback lines.
  - Existing topographic elevations at two foot intervals, proposed grades and direction of drainage flows.
  - Location and type of significant existing vegetation.

Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands.

Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building.

Proposed location of accessory structures, buildings and uses, including but not limited to flagpoles, light poles, docks, storage sheds, transformers, air conditioners and the method of screening where applicable.

Location of existing public roads, rights-of-way and private easements of record and abutting streets.

Location of and dimensions of existing and/or proposed curbing, carports, barrier free access, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.

Location, size and characteristics of all loading and unloading areas.

Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam.

Location and specifications for all fences, walls, and other screening features.

Location for all proposed perimeter and internal landscaping.

Location, and size for screening of all trash receptacles and other solid waste disposal facilities.

Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.

Identification of any significant site amenities or unique natural features.

North arrow, scale and date of original submittal and last revision.

### **Section 30-423. Site Plan Review and Approval Authorized.**

The Department of Neighborhood Services and/or Planning Commission as specified in this Section shall review and approve, review and approve with conditions, or review and deny all site plans submitted under this Ordinance. Each site plan shall comply

with the "Standards for Granting a Site Plan Approval" as described in Section 30-426 of this Ordinance. Each action taken with reference to site plan review shall be duly recorded in the official record of action by the Department of Neighborhood Services or in the minutes of the Planning Commission. Those site plans which require Planning Commission review will then be submitted to the Planning Commission for action along with the recommendation of the Planning Department as to conformity or nonconformity with Ordinance requirements and what revisions or conditions, if any, would be necessary in order to be in conformance. Prior to any final decision, the Department of Neighborhood Services and Planning Commission shall seek the recommendations of the City Inspector, City Engineer, Public Safety Chief, Fire Marshal, and Water and Sewer Department.

All site plans shall be acted upon within thirty (30) days of receipt by the City of Albion Department of Neighborhood Services of a complete application and site plan meeting the requirements of Section 30-422. Following approval of a site plan, the petitioner shall apply for the appropriate City of Albion, County and/or State permits as may be required by said agencies and present appropriate plans and specifications as may be required by such agencies.

#### **Section 30-424. Procedures for Submission and Review of Application for Major Projects.**

*Major Projects.* All non-residential developments greater than 10,000 square feet of structure, or larger than 2-1/2 acres in size, and all PUD's are major projects which require preliminary site plan review by the Planning Commission. All other projects are either minor projects subject to review and approval by the Department of Neighborhood Services or amendments to existing site plans.

*Minor Projects.* The Department of Neighborhood Services may review and approve minor site plans without their submission to the Planning Commission. The Department of Neighborhood Services shall apply all applicable standards and procedures of this Ordinance in approving, conditionally approving or denying site plans. Data submitted requirements shall be as specified in Section 30-422.

*Submission Requirements.* The applicant shall complete and submit the required number of copies of an application for Site Plan Approval, site plans, and other information where applicable. Compliance with the requirements of the Zoning Ordinance is mandatory. The applicant or his/her representative must be present each scheduled review or the matter will be tabled for a maximum of two consecutive meetings due to lack of representation. The procedure for processing major project site plans includes two phases: preliminary site plan review and final site plan review.

*Preliminary Site Plan Review.* A preliminary site plan meeting the submittal requirements of this Ordinance is reviewed by the Department of Neighborhood Services and Planning Commission, and the changes necessary, if any, for final site plan approval are indicated in writing to the applicant.

*Final Site Plan Review.* Final Site Plan approval shall be by the Department of Neighborhood Services. The approving official shall indicate in writing that all requirements of the Ordinance have been met including any conditions that may be necessary. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals is necessary before final site plan approval can be granted. An approved site plan shall include a note referencing the case number and date of all variances granted.

**Section 30-425. Distribution of Required Copies and Action Alternatives.**

Where Site Plan Review is required by this Ordinance, an applicant for Site Plan Approval shall complete and submit a minimum of two copies of an Application for Site Plan Approval, site plans, and other information where applicable.

- (1) The Application for Site Plan Approval must be obtained from the Department of Neighborhood Services. The applicant shall return the original and a minimum of two copies of the application and site plan to Department of Neighborhood Services at least fifteen (15) days prior to the next regularly scheduled meeting of the Planning Commission for the purpose of preliminary site plan review. Application fees as found the Albion fee Resolution must be paid when the application is submitted.
- (2) The Planning Commission will consider all applications for site plan review submitted to it for approval, revision, or disapproval at a scheduled meeting:

Upon determination of the Planning Commission that a site plan is in compliance with the Zoning Ordinance and other plans or regulations, it shall be so indicated on the site plan.

Upon determination of the Planning Commission that a site plan is in compliance, except with minor revisions, said changes shall be so indicated. When these changes have been adequately provided, the petitioner shall resubmit the site plan to the Planning Department for Final Site Plan Approval.

If extensive revisions to the site plan are necessary to meet the Zoning Ordinance, and other applicable plans and regulations, the site plan shall be disapproved and the applicant requested to prepare an alternate site plan. In this case "DISAPPROVAL" shall be written on the plan and reasons for disapproval indicated in the Planning Commission's resolution.

- (3) Any site plans reviewed and approved by the Planning Department pursuant to Section 30-424(2) and all final site plans shall have the same submittal requirements and action alternatives as for preliminary site plans described in the above requirements with the following exceptions:

A minimum of two copies of the final site plan and related information shall be submitted.

Copies will be distributed to other reviewing agencies as determined necessary by the Department of Neighborhood Services.

Final action shall be taken within 30 days.

Approval of a final site plan shall be by the Department of Neighborhood Services unless the applicant has requested final approval by the Planning Commission.

- (4) Upon Final Site Plan Approval by the Planning Commission, ' a building permit may be obtained subject to review and approval of building and engineering plans.
- (5) Failure to initiate construction of an approved site plan within 365 days of approval shall require the applicant to appear before the Planning Commission and demonstrate why the approval should not be revoked. After a hearing the Planning Commission may revoke a previously approved site plan for property on which no physical development activity has occurred upon making written findings that one or more of the following circumstances exist:
  - a. An error in the original approval is discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member of other agency;
  - b. Zoning regulations applicable to the project have been changed and the previously approved site plan does not comply with them;
  - c. A change in state law, local charter, or other local ordinance affecting the previous approval has occurred;
  - d. Pollution, impairment or destruction of the environment or to another legally protected public interest would occur if the project were to constructed as previously approved.
- (6) Thirty days prior to expiration of an approved site plan pursuant to Subsection, above, an applicant may make application for a one year extension of the site plan at no fee. The applicant shall explain in writing why the development has not proceeded, what the current time frame is and why an extension should be granted. If the original approval of the site plan was by the Planning Commission, the applicant shall present his/her case in person or by representative at the next meeting of the Planning Commission.
- (7) Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner. The City Inspector shall also be notified to withhold any

building permit until the new site plan is approved.

- (8) Any subsequent resubmittal shall be processed as a new request with new fees, except for minor amendments pursuant to Section 30-249.

**Section 30-426. Standards for Granting Site Plan Approval.**

- (1) Each site plan shall conform to applicable provisions of this Zoning Ordinance and the standards listed below:

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

The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to public use.

There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen, consisting of structural or plant materials no less than six feet in height.

Exterior lighting shall be arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.

The arrangement of public or common ways for vehicular and pedestrian circulation

shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Comprehensive Plan.

All streets shall be developed in accordance with the Subdivision Control Ordinance and the County Road Commission specifications.

Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.

*(2) Conditional Approvals.*

The Planning Commission or Department of Neighborhood Services may condition approval of a site plan on conformance with the standards of another local, county or state agency, such as but not limited to a Water and Sewer Department, County Road Commission, or Natural Resources Department. They may do so when such conditions:

would insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity,

would protect the natural environment and conserve natural resources and energy,

would insure compatibility with adjacent uses of land, and

would promote the use of land in a socially and economically desirable manner.

The Planning Commission and Neighborhood Services Director may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements. When so doing, the following finding shall be made and documented as part of the review process:

that such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other properties in the area.

**Section 30-427. Conformity to Approved Site Plan Required.**

Following Final Approval of a site plan by the Department of Neighborhood Services the applicant shall construct the site plan improvements in complete conformity with the approved plan. Failure to do so is a violation of this ordinance and subject to the sanctions of Section 1-9.

### **Section 30-428. Planning Department Report on Every Site Plan.**

The Department of Neighborhood Services shall prepare a report of each and every site plan submitted in accordance with this section, containing a synopsis of the relevant facts contained in and related to this site plan, together with the Department of Neighborhood Service's proposed determination. At each regular meeting of the Planning Commission, a member of the Department of Neighborhood Services shall make a presentation of said reports with respect to those site plans to be acted upon prior to the next regularly scheduled Planning Commission meeting. Upon request of a majority of members of the Planning Commission present, any pending site plan shall be fully reviewed by, and a recommendation made thereon by the Planning Commission.

### **Section 30-429. Amendments to Approved Site Plans.**

Amendments to an approved site plan may be made by the Planning Commission or Department of Neighborhood Services provided that such changes conform to the Zoning Ordinance and the land owner agrees. Minor changes to an approved site plan may be approved by the Department of Neighborhood Services after construction has begun provided no such change results in any of the following:

A significant change in the use or character of the development.

An increase in overall coverage of structures.

A significant increase in the intensity of use.

A reduction in required open space.

A reduction in required off-street parking and loading.

A reduction in required pavement widths or utility pipe sizes.

A significant increase in traffic on public streets or an increase in the burden on public utilities or services.

No fees shall be required for the following minor amendments:

- a. Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved buildings(s). Relocation of building entrances or exits, or shortening of building canopies.
- b. Changing to a more restricted use provided there is no reduction in the amount of off-street parking as originally provided.

- c. Changing the angle of parking or aisle width provided there is no reduction in the amount of required off-street parking or in reduction of aisle width below ordinance requirements.
  - d. Moving of ingress and egress drives a distance of not more than 100 feet if required by the appropriate state, county or other local road authority with jurisdiction.
  - e. Substituting landscape plan species provided a nurseryman, landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effects.
  - f. Change type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
  - g. Increase peripheral yards.
  - h. Changing the location of an exterior building wall or location not more than 10 feet because of a natural impediment or hazard such as bedrock or muck soils, provided that in so doing no setback requirement of the Ordinance is violated and no significant reduction in safety or in the amount of open space is thereby affected.
- (3) If the Zoning Administrator finds that a proposed amendment to an approved site plan does not qualify as a minor change, he or she shall immediately notify the permit holder, the City Inspector, the Department of Neighborhood Services and the Planning Commission in writing that site plan approval has been suspended pending approval by the Department of Neighborhood Services or Planning Commission, as applicable, of the proposed amendment.

The permit holder's notice shall be delivered by certified mail. If construction has begun, a stop work order shall be issued by the City Inspector for the portion of the project which is not in compliance with the Ordinance. Once site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform with the Ordinance requirements, or of restarting the Site plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder, the Building Inspector, the Department of Neighborhood Services and the Planning Commission that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project, provided that each phase is developed in accordance with an approved site plan.

### **Section 30-430. Appeals of Final Site Plans**

Any person aggrieved by a decision of the Planning Commission or Department of Neighborhood Services in granting or denying approval of a final site plan may

appeal the decision to the Zoning Board of Appeals. The appeal must be filed within seven (7) days of the decision and shall state the factual basis for the appeal. An appeal shall stay action on the issuance of any permit pursuant to an approved site plan.

The Zoning Board of Appeals shall review the record of action taken on the final site plan and shall determine whether the record supports the action taken. No new evidence shall be presented. The Zoning Board of Appeals shall approve the final site plan if the requirements of this Section and other applicable ordinance requirements are met. The Zoning Board of Appeals shall make written findings in support of its opinion on the appeal.

## **DIVISION 9. LANDSCAPING AND SCREENING**

{Division 9 added by Ordinance #98-3.}

### **Section 30-431. Intent.**

Landscaping and screening and approval of all development plans listed below is required by the provisions of this Section. The impact of urban development on the form, function and environment of the community is significant. The intent of this section is to ensure a high level of quality and to secure a compatible relationship between land use activities and to improve the appearance of the community within developing residential, business and industrial areas. The following landscaping requirements shall be provided.

### **Section 30-432. General requirements.**

Landscaping and screening as provided in this section shall be required on the site in the following cases:

Whenever a building permit is required for the erection of a main building or structure except for a one-family residential dwelling or accessory building related to a one-family residential dwelling.

Whenever a building permit is required for a structural alteration, addition or repair to a building when the square footage of the addition, alteration, or repair exceeds fifty (50) percent of the square footage of the entire building or structure, exclusive of foundation, prior to its improvement (as determined by the Director of the Department of Neighborhood Services).

### **Section 30-433. Landscaping and screening of parking areas.**

Parking lots shall have the following perimeter landscaping and screening:

1. Parking lots, or parts thereof, that are adjacent and/or visible from a public right-of-way, must include the following perimeter landscaping between the parking lot and the right-of-way (applies to public alleys only when a residential use or zone is located across from a public alley):
  - a. A landscaped greenstrip at least ten (10) feet in width.
  - b. A hedge forming a continuous screen at least thirty-six (36) inches above the street grade, or a berm, wall or combination thereof forming a continuous screen at least thirty-six (36) inches above the street grade, and located to provide maximum screening of the parking lot. Relocation of the hedge, berm, wall or combination thereof may be allowed to prevent traffic hazards, vision obstruction or other public safety dangers. The building may also be used to screen the parking lot.

2. Parking areas of greater than ten thousand (10,000) square feet, in addition to Section 30-433(1)(A) and (B) above, must meet the following interior landscaping requirements:

Within the interior of the parking lots there shall be one square foot of landscaped area for each fifteen (15) square feet of parking lot. In computing the lot area for this requirement, the paved area within twenty (20) feet of the perimeter may be excluded.

Each interior landscaped area shall have at least one hundred fifty (150) square feet.

The interior landscaped areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot.

**Section 30-434. Landscaping and screening of conflicting land uses.**

1. Neighboring residential and park properties shall be shielded from any adverse external effects and negative impacts of nonresidential development. A screen required by this section shall limit visual contact between uses and to create a strong impression of spatial separation. Such screen must be opaque in all seasons of the year. Unless otherwise indicated, the screen shall be composed of hedge, fence, landscaped earth berm, wall, planted vegetation or existing vegetation or a combination thereof which is opaque from the ground to the height of at least six (6) feet. Separation screening is required for the following abutting land uses:
  - a. Except as provided in subsection (B) below, a parking lot, office, business use or any combination thereof abutting to a public park or land principally used or zone for residential purposes must be separated by screening between it and all abutting areas of such park or residential land or use.
  - b. An industrial or research park or combination thereof use abutting a public park facility or land principally used or zoned for residential purposes must have a separation screening with a minimum height of eight (8) feet.
2. For purposes of (a) and (b) above, the Planning Commission may approve screening consisting of existing vegetation, planted vegetation and topographical characteristics of the land or a combination thereof if it satisfies the intent of purpose of the section concerning opaque screening. The Planning Commission shall consider the characteristics of the land and vegetation present, the adequacy of the screening proposed, and other factors which impact upon adjoining residential and park uses. The Planning Commission, in approving the use of existing topographical characteristics of the land or existing and/or planted vegetation, may condition such approval on the planting of new vegetation in the number, size, and type to satisfy the intent and purpose of this section.

3. The Planning Commission may increase or decrease the height of the separation screening and/or require additional landscaping as part of the site plan review under Section 30-420 through 30-430 if the minimum requirements of this section would not adequately protect existing or future abutting residential uses. In deciding whether the requirements of this section protect abutting residential uses the Planning Commission may consider factors which include, but are not limited to, the topography of the land, the type(s) of use(s) involved, the materials and vegetation utilized and the distance between structures and uses.

**Section 30-435. Landscaping and screening of refuse containers.**

Refuse containers for other than single and two-family uses shall be screened from view of any public right-of way or adjacent residential use or residential zone. Screening shall consist of a solid wall or fence or live landscape material at least six (6) feet high.

**Section 30-436. Materials standards.**

Materials used to comply with this section must meet the following standards:

No artificial plants or trees may be used. All plant material must be maintained in a healthy and growing condition. All fences and walls must be maintained so as to ensure the continuity of the fence and/or wall. Diseased, dying, dead and/or damaged materials must be replaced to ensure the continuity of the required buffer.

Where plant material is used for screening, it shall be composed of at least fifty (50) percent evergreens. Plant materials shall be of a size, quantity and spacing to achieve seventy (70) percent year round opacity within three (3) years.

Where a wall or fence is used in conjunction with landscaping, with the exception of walls abutting a public right-of-way, the fence or wall shall be set adjacent to and within one foot of the property line except where natural features prevent the use of the property line or where underground utilities interfere.

Where a wall is used in conjunction with landscaping, such wall shall be an opaque masonry structure with a footing depth of forty-two (42) inches. If concrete blocks are used for walls, they must be decorative or brick-faced.

Where a fence is used in conjunction with landscaping, such fence shall be an opaque structure with a footing depth of forty-two (42) inches with the footings comprised of pressure-treated or decay resistant wood. Vertical and horizontal members that support the fence shall be concealed within the fence or be exposed only on the nonresidential side of such fence.

Perimeter landscaped areas adjacent to a public right-of-way shall be covered with grass or ground cover. When grass or ground cover is used, it shall be planted and maintained to present a finished landscaped appearance within one growing season.

Interior landscaped areas shall be covered with grass, ground cover, adequately prepared and weed retardant stone beds or bark or wood chip mulch.

When required by this section, evergreen trees shall be a minimum of five (5) feet in height with a minimum spread of three (3) feet, and a burlap ball size of at least ten (10) times the caliper size.

Existing vegetation on the property may be used to meet the requirements of this section if it meets the size and opacity requirements.

Berms shall have slopes no greater than one (1) vertical foot for each three (3) horizontal feet and shall have at least two (2) feet of flat area on top and shall have adequate protection for prevent erosion.

Landscaping areas within the interior of the parking lot shall be protected by concrete or bituminous curbing.

**Section 30-437. Landscaping plan.**

A landscaping plan must be submitted to the Department of Neighborhood Services showing the location, type and size of all screening and landscaping in sufficient detail for a determination that the landscaping and screening conforms with this section. If it conforms to the requirements of this section, it shall be approved by the Director or his appointed representative. Rearrangement of landscaping may be required to prevent traffic hazards, vision obstructions or other dangers to public safety. The landscaping plan may be made part of the site plan required by Section 30-420 through 30-430 but the landscaping plan shall not be subject to the Planning Commission approval unless landscaping requirements of this section are deemed inadequate to protect neighboring residential property or parks from the proposed use.

## **DIVISION 10. TELECOMMUNICATION TOWERS AND ANTENNAS.**

{Division 10 added by Ordinance #99-03.}

### **Section 30-440 Intent**

It is the general purpose and intent of this Division to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this Ordinance are to:

- (a) Protect residential areas and the Central Business District from the potential adverse impact of towers and antennas;
- (b) Encourage the location of towers in nonresidential areas;
- (c) Minimize the negative visual impact of towers throughout the community;
- (d) Strongly encourage the joint use of new and existing tower sites rather than construction of additional single-use towers;
- (e) Require the disclosure of information about plans for wireless communication facilities so as to permit the City to effectively plan for the location of such facilities, and
- (f) Minimize the adverse affect of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

In furtherance of these goals, the City of Albion shall give due consideration to the City of Albion's comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

### **Section 30-441 Definitions**

As used in this Division the following terms shall have the meanings set forth below:

- (a) "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.
- (b) "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structures and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.
- (c) "Backhual network" means the lines connecting a telecommunication provider's tower site and antennas to one or more cellular telephone switching offices, and/or long distance telephone providers, or the publicly switched telephone network.

- (d) "City" means the City of Albion.
- (e) "FAA" means the Federal Aviation Administration.
- (f) "FCC" means the Federal Communication Commission.
- (g) "Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- (h) "Lot" means a parcel of land consisting of a lot of record and any contiguous lots of record or contiguous portions of lots of record held in single or common ownership.
- (i) "Pre-existing towers" and "pre-existing antennas" means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and unexpired.
- (j) "Tower" or "Communication Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice or skeleton towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereof.

**Section 30-442            Applicability**

All towers or antennas erected in the City after the adoption of this Ordinance shall be subject to the provisions of this Chapter except as otherwise provided herein.

**Section 30-443            Exceptions**

- (a) This ordinance shall not govern any tower, or the installation of any antenna, that is under fifty (50) feet in height or extends no more than fifteen (15) feet above the roof line of the structure upon which it is placed, whichever is lesser, and is either wholly owned and used by a federally licensed amateur radio station operator, or is used exclusively for receive only antennas.
- (b) Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this Ordinance other than to conform with FAA, FCC and applicable State construction, building and electrical codes.
- (c) For the purpose of this Ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting

antenna, shall be considered one tower. Measurement for setbacks and separation distance shall be measure from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

**Section 30-444            General Requirements**

- (a) Uses. Antennas and towers may be considered either principle or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (b) Lot Size. For purposes of determining whether the installation of a tower or antenna complies with zoning district regulation, including but not limited to setback requirements, lot coverage requirements, land division requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (c) Inventory of Sites.
  - (1) Each applicant for an antenna and/or tower shall provide to the Planning Department an inventory of its existing towers, antennas or sites approved for towers or antennas that are either within the City or within one (1) mile of the corporate limits thereof, including specific information about the location, height and design, including the capacity for co-location of additional antennas, of each tower.
  - (2) The Planning Department may share such information with other applicants applying for administrative approvals or special use permits under this Ordinance or other organizations seeking to locate antennas within the City. However, the Planning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for co-location.
- (d) Franchise or Permit Required. Owners and/or operators of towers or antennas shall certify that any franchise or permit required by law for the construction and/or operation of a wireless communication system in the City has been obtained and shall file a copy of same with the City Clerk.
- (e) Multiple Use Desired. The City encourages users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites.

**Section 30-445          General Standards**

Towers and antennas shall meet the following aesthetic requirements:

- (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - (2) At a tower site the design of the buildings and related structures shall, to the extent possible, use the material, colors, textures, screening and landscaping that will blend them into the natural settings and surrounding buildings.
  - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color as identical or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (b) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required the lighting alternatives and design chosen must cause the least disturbance to surrounding views.
- (c) All towers must meet or exceed current standards and regulations of the FAA, FCC and any other agency of the State of Michigan or Federal Government with authority to regulate towers and antennas. Should such standards and regulations be changed, then the owners of the towers and antennas governed by this ordinance shall bring their towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective dates of such revised standards and regulations unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds of nonconformance with the Zoning Code and the removal of the tower or antenna at the owner's expense.
- (d) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with the standards contained in State and local construction, building, property maintenance, and electrical codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If upon inspection the City concludes that a tower fails to comply with such codes and standards, and constitutes a danger to persons or property, then upon notice provided to the owner, the tower shall be brought into compliance with such standards within 30 days following notice. Failure to bring the tower into compliance within 30 days shall constitute grounds for nonconformance with the Zoning Code and the removal of the tower or antenna at the owner's expense.
- (e) No advertising or identification signs visible from off-site shall be allowed or permitted on an antenna or tower.

- (f) Buildings and support equipment associated with antennas or towers shall comply with the requirements set forth in this Chapter.

**Section 30-446 Permitted Uses**

The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or special use permits:

- (a) Antennas or towers located on property owned, leased or otherwise controlled by the City provided a license or lease authorizing such antenna or tower has been approved by the City Council.
- (b) Receive-only antennas less than 50 feet in height or extends less than fifteen (15) feet above the roof line of the structure upon which it is placed, whichever is lesser.
- (c) Antennas and towers less than 50 feet in height or extends less than fifteen (15) feet above the roof line of the structure upon which it is placed, whichever is lesser, when wholly owned and used by a federally licensed amateur radio operator.

**Section 30-447 Administratively Approved Uses**

- (a) The following uses may be approved by the Planning Department after conducting an administrative review:
  - (1) Locating an antenna on existing structures other than a tower may be approved by the Planning Department as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units provided that:
    - (i) The antenna does not extend more than 30 feet above the highest point of the structure;
    - (ii) The antenna complies with all applicable FCC and FAA regulations;
    - (iii) The antenna complies with all applicable building codes; and
    - (iv) The antenna is not located in or within one hundred (100) feet of the B-2 Central Business District.
  - (2) Locating an antenna on an existing tower may be approved by the Planning Department and, to minimize adverse visual impact associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such co-locations is accomplished in a manner consistent with the following:

- (i) Modifications. A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower unless the Planning Department allows reconstruction as a monopole.
  - (ii) Height. An existing tower may be modified or rebuilt to a taller height not to exceed thirty (30) feet over the tower's existing height only to accommodate the co-location of an additional antenna. The height change permitted by this section may only occur one time per communication tower. The additional height permitted by this section shall not require an additional distance separation as set forth elsewhere in this Division. The tower's pre-modification height shall be used to calculate such distance separations.
  - (iii) On-site Relocation. A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved on a lot within fifty (50) feet of its existing location. After such tower is rebuilt to accommodate, only one tower may remain on the lot. A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to other provisions of this Division. The on-site relocation of a tower under this section shall not be deemed to be a violation of those provisions of this Division regarding separation of distances between towers. However, the on-site relocation of a tower which comes within the separation distances to off-site uses and designated areas as set forth at Section 30-451 shall be permitted only when a variance has been approved by the Zoning Board of Appeals.
- (3) Installing a cable micro cell network through the use of multiple low powered transmitters/receivers attached to existing wire line systems such as conventional cable or telephone wires, or utility poles or similar technology that does not require the use of towers.
- (b) The following procedures shall govern the issuance of administrative approvals for towers and antennas:
- (1) Each applicant for administrative approval shall submit the following information, along with a nonrefundable fee as established by resolution of the City Council to reimburse the costs to the City for reviewing the application:
    - (i) A scaled site plan clearly indicating the location, type and height of the structure or existing or relocated on-site tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, setbacks for property lines, elevation drawings of the structure or existing or relocated on-site tower and any other proposed structures, and topography of the lot.
    - (ii) A legal description of the lot and the leased parcel as applicable.

- (iii) Evidence of the tower or structure owner's consent to place the proposed antenna.
  - (iv) The set back distances between the existing or relocated on-site tower and the nearest residential unit, platted residential zoned property, the Central Business District, and any unplatted residentially zoned property.
  - (v) The separation distance from other towers described in the inventory of existing sites set forth at Section 30-444(c) of this Division.
  - (vi) A landscaped plan showing specific landscaped materials.
  - (vii) Method of fencing and finish color and, if applicable, the method of camouflage and illumination.
  - (viii) A signed and notarized statement of the applicants as to whether the co-location of the proposed antenna will accommodate co-location of additional antennas for future users.
  - (ix) Identification of the entities providing the backhaul network for the tower and antennas.
- (2) The Planning Department shall review the application for administrative approval and determine if the proposed use complies with the general standards set forth at Section 30-445, as well as the setback and separation distance established by Sections 30-450 and 30-451.
  - (3) In connection with any administrative approval, the Planning Department may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
  - (4) The Planning Department shall respond to each application within sixty-three (63) days after its receipt by approving with or without modification or denying the application. If the Planning Department fails to respond to the applicant within sixty-three (63) days, the application shall be deemed approved.
  - (5) If an administrative approval is denied, the applicant shall be required to file an application for special use permit pursuant to this Chapter prior to filing any appeal that may be available under the City Zoning Code.

**Section 30-448            Special Use Permits**

- (a) General. The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission.

- (1) If a tower or antenna is not permitted under Sections 30-446 or 30-447, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
  - (2) Applications for special use permits under this section shall be subject to the procedures and requirements of [Article II, Division 5](#) of this Chapter, as modified by this Division. In granting a special use permit the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effects of the proposed tower on adjoining properties.
  - (3) Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.
  - (4) An applicant for a special use permit shall submit the information described in this section accompanied by a nonrefundable fee as established by resolution of the City Council to reimburse the City for the costs of reviewing the special use permit.
- (b) Information Required. In addition to any information required for applications for special use permits pursuant to [Article II, Division 5](#), applicants for a special use permit for a tower shall submit the following additional information:
- (1) A scaled site plan clearly showing the location, type and height of the proposed tower, on-site land uses, adjacent land uses and zoning, master plan classification of the site, adjacent roadways, setbacks from property lines, elevation drawings of the proposed tower and any other structures, and the topography of the parcel.
  - (2) A legal description of the parent lot and leased parcel, if applicable.
  - (3) Evidence of the lot's owner's consent to place the proposed tower.
  - (4) The set-back distance between the proposed tower and the nearest residential unit, platted residentially, zoned property, the Central Business District, and unplatted residentially zoned property.
  - (5) The separation distance from other towers described in the inventory of existing tower sites set forth at Section 30-444.
  - (6) A landscape plan showing specific landscape materials.
  - (7) The method of fencing and finished color and, if applicable, the method of camouflage and illumination.
  - (8) Certification of compliance with all applicable Federal, State, and local laws.

- (9) A sworn statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
- (10) Other tower and antenna sites owned, or leased or operated by the applicant.
- (11) Identification of the entities providing the backhaul network for the proposed tower.
- (12) A description of the suitability for the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.
- (13) A description of feasible locations of future towers or antenna within the City based upon existing physical engineering technological or geographical limitations in the event the proposed tower is approved.
- (14) A statement by the applicant that the proposed tower is needed:
  - (i) Because proximity to an interstate or Michigan highway, or its proximity to areas of population concentration or commercial, business or industrial centers; or
  - (ii) Because there are areas where signal interference occurs due to tall buildings, masses of trees, or other obstructions; and
  - (iii) Because the proposed antenna is needed to complete a communication grid as it relates to the needs of the City and surrounding areas, and
  - (iv) The telecommunications provider is not able to co-locate its antenna on another tower.

**Section 30-449 Factors to be Considered in Granting Special Use Permits**

In addition to any standards for consideration of special use permit applications pursuant to [Article II, Division 5](#), the Planning Commission shall also consider the following factors in determining whether to issue a special use permit for a tower. The Planning Commission is empowered to waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of the Ordinance are better served thereby. The factors to be considered are:

Height of the proposed tower;

Whether the height of the proposed tower does not exceed that which is minimally required to function in accordance with federal requirements and permit the co-

location of additional antennas;

Proximity of the tower to residential structures structure located in the Central Business District and to residential and Central Business District boundaries;

Nature of uses on adjacent and nearby properties;

Surrounding topography;

Surrounding tree coverage and foliage;

Design of the antenna or tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

Proposed ingress and egress;

Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures; and

A willingness to permit other communication service providers to co-locate antenna on the tower, upon agreement to reasonable terms and conditions. This factor does not require the tower owner to permit access where doing so will interfere with owner's ability to provide or receive signals.

No new tower shall be permitted unless the applicant can demonstrate by a preponderance of the evidence submitted on the record to the Planning Commission that no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. The applicant shall submit information to the Planning Commission relating to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (1) No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
- (2) Existing towers or structure are not of sufficient height to meet applicants engineering requirements.
- (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- (5) The fees, costs, or other contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (6) The applicant demonstrates there are other limiting factors that render existing towers and structures unsuitable.
- (7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as cable micro cell network using multiple low powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that would exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

**Section 30-450          Setbacks**

- (a) The following setback requirements shall apply to all towers for which either administrative approval or a special use permit is required.
- (b) Towers must be set back at a distance equal to the fall zone for the tower proposed, or at a distance of at least 75% of the height of the tower, whichever is greater, from any adjoining lot line, and
- (c) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

**Section 30-451          Separation**

- (a) The following separation requirements shall apply to all towers for which either administrative approval or a special use permit is required.
- (b) Separation from off-site uses and designated areas.
  - (1) Tower separation shall be measured from the base of the tower to the lot line at the off-site use designated area.
  - (2) A tower shall be located two hundred (200) feet or three times the height of the tower, whichever is greater, from the Central Business District and from any single family residential units or vacant single family residentially zoned land which is platted or had received preliminary subdivision plan approval which is not expired.
  - (3) A tower shall be located one hundred (100) feet or two times the height of the tower, whichever is greater, from any vacant unplatted residentially zoned land or existing multi-family residential units.

- (4) A tower shall comply with the setback distance set forth at Section 30-450 for any nonresidentially zoned land or nonresidential use.
- (c) Separation of distances between towers.
- (1) Separation distances between towers shall be measured between the proposed tower and preexisting tower, separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base as indicated on the Site Plan of the proposed tower.
- (2) Separation distances between towers shall be based upon their construction as follows:
- (i) The distance between a proposed lattice or guyed tower and existing lattice or guyed tower shall be 5,000 feet; between the proposed lattice or guyed tower and an existing monopole 75 or more feet in height shall be 1500 feet, and for a monopole less than 75 feet in height, 750 feet.
- (ii) The distance between a proposed monopole 75 or more feet in height and an existing lattice or guyed tower or monopole 75 or more feet in height shall be 1500 feet, and an existing monopole less than 75 feet in height shall be 750 feet.
- (iii) For a proposed monopole less than 75 feet in height, its distance from any existing tower shall be 750 feet.

**Section 30-452            Fencing, Landscaping, and Equipment**

- (a) The tower shall be enclosed by security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device, provided, however, that the Planning Commission may waive such requirements if it deems appropriate.
- (b) The tower facility shall be landscaped with a buffer of plant material that effectively screens the view of the tower compound from property used for residences. The buffer shall consist, at a minimum, of a landscaped strip four (4) feet wide outside the perimeter of the tower compound. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible so as to permit any natural growth surrounding or on the site to provide a sufficient buffer. In locations where the visual impact of a tower would be minimal, the landscaping requirements set forth herein may be reduced or waived by the Planning Commission.
- (c) Any unmanned equipment structure associated with a communication tower shall not exceed 600 square feet and be located on the lot in accordance with the height, yard, building coverage requirements for the applicable zoning district classification of the parcel.

**Section 30-453                    Removal of Abandoned Antennas and Towers**

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna or tower shall removed such within ninety (90) days after receipt of notice from the City notifying the owner of such abandonment. Failure to removed an abandoned tower or antenna within ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not be effective until all owners cease using the tower.

**Section 30-454                    Nonconforming Uses**

- (a) Towers that are constructed and antennas that are installed in accordance with provisions of this Ordinance shall not be deemed to constitute the expansion of the nonconforming use or structure.
- (b) Towers existing on the date of adoption of this Division shall be allowed to continue their use as they presently exist. Routine maintenance, including replacement with a new tower of like construction and height, shall be permitted on pre-existing towers. New construction, other than routine maintenance on a pre-existing tower, shall comply with the requirements of this Chapter.
- (c) Notwithstanding Section 30-453, nonconforming towers or antennas that are damaged or destroyed shall be subject to the requirements of Section 30-100. If damaged or destroyed towers are eligible under Section 30-100 to be rebuilt, zoning and building permits to rebuild the facility shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or said permit expires, the tower and antenna shall be deemed abandoned as specified by this Division.