

## **ARTICLE III. ZONING DISTRICTS AND MAP**

### **SECTION 300. DISTRICTS ESTABLISHED**

The City is hereby divided into the following zoning districts:

- R-1 Traditional Neighborhood District
- R-2 Multiple family residential district
- R-3 Manufacture Home Community District
- CBD Central Business District
- B-1 Service business district
- B-2 General business district
- IN Industrial district

### **SECTION 301. ZONING MAP**

1. The location and boundaries of the zoning districts established in the City shall be shown on the Zoning Map and said map, and any section, or portion thereof, together with all notations, dimensions and other data shown thereon, are hereby made a part of this Ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.
2. The Zoning Map may be amended from time to time to reflect changes in districts and the rezoning of a lot or lots shown thereon in the same manner as amendments may be made to the text of this Ordinance. Such changes shall be recorded to scale on duplicate copies of the Zoning Map and shall be accomplished by written legal descriptions in appropriate amendatory ordinances.

### **SECTION 302. DISTRICT BOUNDARIES INTERPRETED**

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as following railroad lines shall be construed to be the midline between the main tracks.
4. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

6. Where physical or natural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Zoning Board of Appeals shall interpret the district boundaries.
7. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

### **SECTION 303. ZONING OF VACATED AREAS**

If all or any portion of any public street, alley, right-of-way, easement or land shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of the regulations which apply within the district where located, or within the most restrictive of the immediately adjacent districts, if there be more than one.

### **SECTION 304. ZONING OF ANNEXED AREAS**

Any area annexed to the City of Bad Axe shall be immediately referred to the Planning Commission who shall recommend appropriate zoning for such area within three (3) months after the matter is referred to them. The City Council shall thereafter adopt the appropriate zoning for said area and the area and its designated zoning shall be added to the current Zoning Map.

### **SECTION 305. DISTRICT USES**

Each district provides for uses permitted by right and uses permitted by special approval. No structure or land shall be used and no structure shall be erected except in compliance with the terms and conditions of this Ordinance. Uses permitted by special approval shall not be allowed until the specific applicable conditions and limitations have been complied with, and, in addition, until approval has been obtained from the Planning Commission in accordance with ARTICLE XVII SITE PLAN AND/OR SPECIAL APPROVAL USE REVIEW.

### **SECTION 306. DISTRICT REQUIREMENTS**

In addition to any other requirement, all structures and/or uses shall also be subject to the provisions of ARTICLE XI AREA, DENSITY, BULK, HEIGHT AND YARD REQUIREMENTS and ARTICLE XII GENERAL PROVISIONS. More restrictive requirements applicable to a specific land, structure, and/or use, however, shall supersede these general requirements.

## **ARTICLE IV. R-1 TRADITIONAL NEIGHBORHOOD DISTRICT**

### **SECTION 400. STATEMENT OF PURPOSE**

This district classification is designed to recognize, maintain, and enhance the traditional neighborhood districts of the City. These areas are characterized by existing platted lots that are generally between 9,000 and 10,000 square feet and 60 to 70 feet wide. Front yard setbacks also vary within the traditional neighborhood ranging from 15 feet to 25 feet. Side yard setbacks have traditionally been determined by the minimum width for a driveway.

Homes in the traditional neighborhoods vary in architectural style, but are consistent in that high quality, natural building materials are predominant. Homes range from two story to one story and most have a detached garage located behind the home.

Although single family residential is the predominant land use in these traditional neighborhoods, there are also other, compatible uses including; churches, schools, senior facilities, day care homes, and some duplex residential units.

The intent of the R-1 Traditional Neighborhood District is to preserve the character of these neighborhoods by requiring new or in-fill development to be similar in character and quality as the existing development.

### **SECTION 401. USES PERMITTED BY RIGHT**

The following structures and/or uses shall be permitted by right:

1. One-family detached dwelling unit.
2. Church, temple or synagogue, together with accessory housing for religious personnel, subject to the following:
  - a. The lot shall be at least one (1) acre in size.
  - b. The lot shall be so located as to have at least one (1) property line on a major thoroughfare or collector street. All motor vehicle ingress and egress to the lot shall be directly onto said thoroughfare, street, or a marginal access service drive thereof.
  - c. No building shall be closer than forty (40) feet to any property or street line.
  - d. No more than thirty-five (35%) per cent of the lot area shall be covered by buildings.
3. Publicly owned and operated library, park, playground, or parkway.
4. Public, parochial, or private elementary school offering courses in general education, and not operated for profit.
5. State licensed residential facility providing services for six (6) or less people within the meaning of and in accordance with the provisions of 1976 PA 396, as amended.
6. Accessory building or use as long as not involving the conduct of business.

7. 7. Wireless Communications facilities and services subject to the provisions of Section 1218.

#### **SECTION 402. USES PERMITTED BY SPECIAL APPROVAL**

The following structures and/or uses shall be permitted, but only by special approval granted by the Planning Commission:

1. Two family dwelling unit, subject to the following:
  - a. a. All two family dwelling units, whether a two-flat (one unit up, one unit down) or a duplex (two units side-by-side) shall be designed to resemble a single family home similar in character with the surrounding homes within one half block in each direction.
  - b. Entrances shall be designed so that the presence of multiple entrances is minimized.
  - c. No more than two (2) accessory buildings shall be permitted on a lot with a two-family dwelling provided the area of the two accessory buildings shall not exceed the total permitted area for a single accessory building permitted on a lot with a single family home.
2. Bed and Breakfast residence.
3. Cemetery, public or private, subject to the following:
  - a. The lot shall be at least twenty (20) acres and shall be so designed as to provide motor vehicle ingress and egress directly onto or from a major thoroughfare.
  - b. No building shall be closer than fifty (50) feet to any property or street line.
  - c. A maximum of one (1) sign is permitted at the point of entrance which shall bear only the name of the cemetery and shall have a maximum area of eight (8) square feet.
4. College, university, or other institution of higher learning, public or private, offering courses in general, technical, or religious education and not operated for profit, subject to the following:
  - a. The lot shall be at least fifteen (15) acres in area.
  - b. The lot or any portion thereof shall not be part of a recorded subdivision plat.
  - c. No building shall be closer than forty (40) feet to any property or street line.
5. Essential services, subject to the following:
  - a. All buildings and equipment shall meet the minimum front and rear yard setback requirements and must be setback a minimum of 15 feet from each side property line.

- b. No more than twenty-five (25%) percent of the lot area may be covered by buildings.
  - c. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to any other buildings on the same site development.
  - d. Where mechanical equipment is located in the open air, it shall be screened from the surrounding area by an obscuring wall, fence, or planting area and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.
6. Golf course, not including a miniature golf course or par-3 course, which may or may not be operated for profit, subject to the following:
- a. The site shall be at least fifty (50) acres in area.
  - b. Motor vehicle ingress and egress shall be onto a major thoroughfare.
  - c. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety. No structure shall be closer than fifty (50) feet to any property or street line.
  - d. Development features including structures shall be so located and related as to minimize the possibility of any adverse affects upon adjacent lots. This shall mean that all principal or accessory buildings shall be not less than one hundred (100) feet from any property line abutting a residential lot; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement. The lighting of a golf course so as to permit use after daylight is expressly prohibited.
7. Home occupation.
8. Hospital, public or private, providing general health care, subject to the following:
- a. The lot shall be at least five (5) acres in area.
  - b. The lot shall have at least one (1) property line abutting a major thoroughfare or collector street. All motor vehicle ingress and egress to the off-street parking area for guests, employees, and staff shall be directly from the thoroughfare or street.
  - c. All two (2) story structures shall be at least sixty (60) feet from any property or street line. Buildings less than two (2) stories shall be no closer than forty (40) feet to any property or street line. For buildings above two (2) stories, the building shall be set back from the initial sixty (60) feet set back an additional one (1) foot for each foot of additional height above two (2) stories.
  - d. No more than twenty-five (25%) percent of the lot may be covered by buildings.

- e. Ambulance and delivery areas shall be obscured from residential view by an obscuring wall, fence or planting area. Motor vehicle access to and from the delivery and ambulance area shall be directly from a major thoroughfare or collector street.
9. Nursery school, day nursery, or child care center (not including a dormitory), subject to the following:
- a. No more than one (1) dwelling unit shall be located on the lot.
  - b. No more than six (6) children, exclusive of the owner's children, shall be on the premises at one time.
  - c. In addition to the lot area requirement there shall be provided on the lot a usable outdoor play area at the rate of fifty (50) additional square feet for each child not a member of the owner's family, exclusive of required front yard, required side yard along a street, and of driveways and parking areas. The play area shall be fenced for safety and shall be screened from any adjoining residential lot by an obscuring wall, fence, or planting area.
10. Nursing home, convalescent home, adult foster care home, or housing for the elderly or orphans or wards of the probate court where the number of persons served thereby is six (6) or less.
11. Public or private noncommercial recreational area and/or facility; institutional or community recreation center; or nonprofit swimming pool club; all subject to the following:
- a. The lot for any of such uses which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one (1) property line abutting a major thoroughfare.
  - b. Front, side and rear yards shall be at least eighty (80) feet.
12. Public, parochial, or private intermediate and/or secondary school offering courses in general education, not operated for profit.
13. Accessory building or use.
14. Any structure or use which, in the opinion of the Planning Commission, is similar to a structure or use permitted by right or by special approval of the Planning Commission in this zoning district.
15. Wireless Communications support structures subject to the provisions of Section 1218.

## **ARTICLE V. R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT**

### **SECTION 500. STATEMENT OF PURPOSE**

This district classification is designed to permit the greatest density of residential uses allowed within the City, which will generally serve as a zone of transition between nonresidential districts and any R-1 District, together with other residentially related facilities designed to service the inhabitants of the area.

### **SECTION 501. USES PERMITTED BY RIGHT**

The following structures and/or uses shall be permitted by right:

1. Multiple dwelling unit, including apartment building and town house, but excluding hotel and motel.
2. Two family dwelling units.
3. Bed and breakfast residence.
4. One-family detached dwelling unit subject to the area, density, bulk, height, and yard requirements of the R-1 district.
5. Boarding or lodging house containing not more than six (6) separate units.
6. Cemetery, public, or private, subject to the following:
  - a. The lot shall be at least twenty (20) acres and shall be so designed as to provide motor vehicle ingress and egress directly onto or from a major thoroughfare.
  - b. No building shall be closer than fifty (50) feet to any property or street line.
  - c. A maximum of one (1) sign is permitted at the point of entrance which shall bear only the name of the cemetery and shall have a maximum area of eight (8) square feet.
7. Church, temple, or synagogue, together with accessory housing for religious personnel, subject to the following:
  - a. The lot shall be at least one (1) acre in size.
  - b. The lot shall be so located as to have at least one (1) property line on a major thoroughfare, street, or collector street. All motor vehicle ingress and egress to the lot shall be directly onto said thoroughfare, street, or a marginal access service drive thereof.
  - c. No building shall be closer than forty (40) feet to any property or street line.
  - d. No more than thirty-five (35%) per cent of the lot area shall be covered by buildings.

8. College, university, or other institution of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, subject to the following:
  - a. The lot shall be at least fifteen (15) acres in area.
  - b. The lot or any portion thereof shall not be part of a recorded subdivision plat.
  - c. No building shall be closer than forty (40) feet to any property or street line.
9. Hospital, public or private, providing general health care, subject to the following:
  - a. The lot shall be at least five (5) acres in area.
  - b. The lot shall have at least one (1) property line abutting a major thoroughfare or collector street. All motor vehicle ingress and egress to the off-street parking area for guests, employees, and staff shall be directly from the thoroughfare or street.
  - c. All two (2) story structures shall be at least sixty (60) feet from any property or street line. Buildings less than two (2) stories shall be no closer than forty (40) feet to any property or street line. For buildings above two (2) stories, the building shall be set back from the initial sixty (60) feet set back an additional one (1) foot for each foot of additional height above two (2) stories.
  - d. No more than twenty-five (25%) percent of the lot may be covered by buildings.
  - e. Ambulance and delivery areas shall be obscured from all residential view by an obscuring wall, fence or planting area. Motor vehicle access to and from the delivery and ambulance area shall be directly from a major thoroughfare or collector street.
10. Housing for the elderly when provided as a planned development having:
  - a. Cottage type and/or apartment type dwelling units.
  - b. Common services containing, but not limited to: central dining rooms, recreational rooms and central lounge.
11. Publicly owned and operated library, park, playground or parkway.
12. One model dwelling unit for each project or subdivision.
13. Nursery school, day nursery, or child care center (not including a dormitory), subject to the following:
  - a. No more than one (1) dwelling unit shall be located on the lot.



- b. No more than six (6) children, exclusive of the owner's children, shall be on the premises at one time.
  - c. In addition to the lot area requirement, there shall be provided on the lot a usable outdoor play area at the rate of fifty (50) additional square feet for each child not a member of the owner's family, exclusive of required front yard, required side yard along a street, and of driveways and parking areas. The play area shall be fenced for safety and shall be screened from any adjoining residential lot by an obscuring wall, fence, or planting area.
- 14. Nursing home, convalescent home, adult foster care home, or housing for the elderly or orphans or wards of the probate court where the number of persons served thereby is six (6) or less.
  - 15. Private office for a doctor or dentist, or similar profession, provided such office is part of a dwelling unit occupied by such doctor or dentist, or similar profession, and not more than one such doctor or dentist, or similar professional, practices in any such office.
  - 16. Public or private noncommercial recreational area and/or facility, institutional or community recreation center, nonprofit swimming pool club, all subject to the following:
    - a. The lot for any of such uses which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one (1) property line abutting a major thoroughfare.
    - b. Front, side and rear yards shall be at least eighty (80) feet wide.
  - 17. State licensed residential facility providing services for six (6) or less people within the meaning of and in accordance with the provisions of 1976 PA 396, as amended.
  - 18. Public, parochial, or private elementary school offering courses in general education, and not operated for profit.
  - 19. Public, parochial, or private intermediate and/or secondary school offering courses in general education, not operated for profit.
  - 20. Accessory building or use.
  - 21. Wireless Communications facilities and services subject to the provisions of Section 1218.

#### **SECTION 502. USES PERMITTED BY SPECIAL APPROVAL**

The following structures and/or uses shall be permitted, but only by special approval granted by the Planning Commission:

- 1. Private club, fraternity, or lodge except one the chief activity of which is a service customarily carried on as a business.

2. Utility and public service facilities and uses, excluding storage yards, when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity, subject to the following:
  - a. No building shall be closer than forty (40) feet to any property or street line.
  - b. No more than twenty-five (25%) percent of the lot area may be covered by buildings.
  - c. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to any other buildings on the same site development.
  - d. Where mechanical equipment is located in the open air, it shall be screened from the surrounding area by an obscuring wall, fence, or planting area and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.
3. Golf course, not including a miniature golf course or par-3 course, which may or may not be operated for profit, subject to the following:
  - a. The site shall be at least fifty (50) acres in area.
  - b. Motor vehicle ingress and egress shall be onto a major thoroughfare.
  - c. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety. No structure shall be closer than (50) feet to any street line.
  - d. Development features including structures shall be so located and related as to minimize the possibility of any adverse affects upon adjacent lots. This shall mean that any principal or accessory buildings shall be not less than one hundred (100) feet from any property line abutting a residential lot; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement. The lighting of a golf course so as to permit use after daylight hours is expressly prohibited.
4. Home occupation.
5. Retail sale of any products, produce or flowers grown on the premises, subject to the following:
  - a. Sale shall be made only from the premises where the product, produce or flowers were grown.

- b. No permanent structure shall be erected in connection with such sale and all temporary structures shall be removed when such products, produce or flowers have been disposed of.
6. Accessory building or use.
7. Any structure or use which, in the opinion of the Planning Commission, is similar to a structure or use permitted by right or by special approval of the Planning Commission in this zoning district.
8. Wireless Communications support structures subject to the provisions of Section 1218.
9. Essential services, subject to the following:
  - a. All buildings and equipment shall meet the minimum front and rear yard setback requirements and must be setback a minimum of 15 feet from each side property line.
  - b. No more than twenty-five (25%) percent of the lot area may be covered by buildings.
  - c. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to any other buildings on the same site development.
  - d. Where mechanical equipment is located in the open air, it shall be screened from the surrounding area by an obscuring wall, fence, or planting area and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.