

ALGONAC ZONING ORDINANCE
ARTICLE IX – CBD CENTRAL BUSINESS DISTRICT
ZONING ORDINANCE AMENDMENT 2015-01
AS APPROVED CITY COUNCIL 4/21/15

Preamble

The CBD, Central Business District is designed to provide for a mix of uses in a compact setting to continue the character that has been established in this area. Single and mixed-use developments containing retail, office, residential, and/or public uses are permitted in this district, which also provide for a pedestrian orientation, a reduction in automobile trips where possible, and a unique coastal town setting. The Central Business District provides the major focus of retail, government and business services facilities for the entire community.

Section 900. Principal Uses Permitted:

In a Central Business District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: groceries, meats, dry goods, clothing, furniture, and hardware.
2. Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radios, televisions, shoes, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers and dry cleaners.
3. Restaurants and taverns where the patrons are served within a building, or walk-up service, occupied by such establishments and wherein such establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in. Drive-thru services are permitted.
4. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
5. Offices and medical offices, including clinics.
6. Banks, credit unions, savings and loan associations and similar uses, with drive-thru facilities permitted when said drive-thru facilities are incidental to the principal function.
7. Municipal buildings and post offices.

8. Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to the following: dance schools, music and voice schools and art studios.
9. Newspaper and publisher offices-
10. Warehouse and storage facilities when incident to and physically connected with any principal use permitted, provided that such facility is within the confines of the building or part thereof occupied by such establishment.
11. Hotels and motels.
12. Off street parking lots or structures.
13. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations with service yards, but without storage yards.
14. Veterinary offices and clinics, excluding kennels.
15. Funeral homes and mortuaries, not including crematoriums.
16. Churches.
17. Clubs, lodge halls, rental or catering halls, and similar uses.
18. Gift/Specialty retail (florist, party supplies, cosmetics, hobby supplies, bakery supplies, jewelry, trophy shops, art gallery, sporting goods, pets, fabrics, computers, music instruments, tourist souvenirs, among others)
19. Health clubs and fitness centers.
20. Bed and breakfast inns.
21. Accessory structures and uses customarily incident to the above permitted uses provided such structures and uses are located on the same zoning lot as a permitted use.
22. Other uses which are similar to the above and subject to the following restrictions:
 - a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from the premises where produced.
 - b. All business, servicing or processing, except for offstreet parking or loading, shall be conducted within completely enclosed buildings.
 - c. Outdoor storage of commodities shall be expressly prohibited

Section 901. Uses Subject to Special Conditions:

The following uses shall be permitted after a public hearing held in accordance with Section 1805 by the Planning Commission if the Commission, upon review of the plans, finds that the plans meet the conditions herein required, together with such other conditions as may be imposed to carry out the purposes of this Ordinance, subject to the conditions hereinafter imposed for each use.

1. High-rise multiple-family dwellings in buildings of four (4) stories or more on a site of at least three (3) acres in area, subject to the dimensional requirements for the RM-2 District in the Schedule of Regulations.
2. Business uses shall be permitted on a high-rise multiple-family dwelling site when developed as retail and/or service uses clearly accessory to the main use within the walls of the main structure, with access from the interior only. Such businesses and/or services shall be prohibited on all floors above the first floor, or grade level, except that a restaurant or restaurant-lounge may be permitted on the uppermost story.
3. Sidewalk or outdoor cafes: Outdoor cafes or restaurants subject to the following conditions:

In the interest of promoting business by increasing activity and improving the general business climate, the City Manager or his/her designee may issue revocable permits to businesses that apply for a permit to operate a sidewalk café or an outdoor café as an extension of or compatible with, the existing business on a portion of a City Sidewalk adjacent to the business or on private property adjacent to the business. The permit may be issued under the following terms and conditions:

- a. Sidewalk or outdoor café permits shall be issued if the City Manager or his/her designee determines the occupancy will not:
 - (1) Interfere with the use of the street for pedestrian or vehicular travel.
 - (2) Unreasonably interfere with the view of, access to or use of property adjacent to said street.
 - (3) Reduce any sidewalk width to less than five feet (5').
 - (4) Interfere with street cleaning or snow removal activities.
 - (5) Cause damage to the street or to sidewalks, trees, benches, landscaping or other objects lawfully located therein.
 - (6) Cause a violation of any state or local laws.
 - (7) Be principally used for off-premises advertising.
 - (8) Be attached to or reduce the effectiveness of or access to any utility pole, sign or other traffic control device.
 - (9) Cause increased risk of theft or vandalism.
 - (10) Be in or adjacent to property zoned exclusively for residential purposes.
- b. All business selling food or beverages to be consumed in a public sidewalk area or outdoor area adjacent to the business shall enclose the area with a temporary structure

approved by the Building Inspector. Prior to approval, written plans shall be submitted to the building inspector. All construction shall conform with existing building codes and regulations of the City and shall not be permanent. Such plans shall also include the location of adequate trash receptacles.

- c. Prior to the issuance of a sidewalk or outdoor café permit the applying business must provide the City with a certificate of liability insurance in an amount to be determined solely by the City. The certificate of insurance must be in effect for at least the period of the permit to be issued. In addition, the applying business shall, by written agreement with the City, indemnify and hold harmless the City from all claims or damages incident to the establishment and operation of a sidewalk café.
 - d. Prior to the issuance of a permit, a fee as specified from time to time by resolution of the City Council shall be paid by the requesting business for the period of the permit. The period of a sidewalk or outdoor café permit shall not exceed one hundred eighty (180) days. The date and duration shall be specified on the permit. The permit shall be subject to immediate revocation for failure to properly maintain the area being used as a sidewalk or outdoor café, or for any other violation of this Ordinance.
4. Dwellings above Stores. To encourage and provide for the economic vitality of the Central Business District, residential occupancy shall be permitted in buildings of two stories in height or greater subject to the following:
- a. No dwelling unit shall occupy any portion of the building at ground level or below ground level. Businesses may occupy any number of total rooms.
 - b. Such dwellings shall meet all applicable codes and ordinances of the City, County or State.
 - c. Floor plans drawn to scale of all floors to be utilized for dwelling purposes shall be submitted to the Building Department.
 - d. Approved smoke detectors shall be provided in each dwelling unit and in common hallways and shall be provided as required in the Building Code.
 - e. Emergency egress lighting shall be provided to assure continued illumination for a duration of not less than one (1) hour in case of emergency or primary power loss in common hallway areas as may be required in the Building Department.
 - f. An approved fire extinguisher shall be provided in the common hallway accessible to all occupants as may be required by the Building Code.
 - g. In those instances where residential uses are proposed to occupy the same floor as a business use the Planning Commission shall review such mixed use and may approve such mixed use based on findings that compatibility of the business with residential occupancy will occur. Such findings may include but are not limited to:
 - (1) Compatible hours of operation.
 - (2) Noise of operation or occupancy that would be detrimental to the business operation or vice-versa.
 - (3) Excessive foot traffic.

5. Live/Work Units: A live/work unit is an integrated residence and work space (located on the ground floor), occupied and utilized by a single household in an array of at least three (3) such structures, or a structure with at least three (3) units arranged side by side along the primary frontage, that has been designed or structurally modified to accommodate joint residential occupancy and work activity.
 - a. Primary Residence: The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately. The unit shall be the primary residence of the business owner or principal manager.
 - b. Permitted commercial components: The commercial component of live/work units are intended for use by the following occupations: accountants; architects; artists and artisans; attorneys; computer software and multimedia-related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; home-based office workers; insurance, real estate, and travel agents; one-on-one instructors; photographers; and similar occupations as determined by the building inspector.
 - c. Access Standards:
 - (1) The main entrance to the ground floor work space shall be accessed directly from and face the street.
 - (2) The upstairs dwelling shall be accessed by a separate entrance, and by a stair and/or elevator.
 - (3) Accessibility should be accommodated between a pair of units and not in the front yard to the degree possible.
 - d. Service Standards:
 - (1) The commercial use shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors.
 - (2) Services (including all utility access, aboveground equipment, and trash containers) shall be located on an alley when present, or in the rear of the lot for those lots without alley access.
 - (3) No explosive, toxic, combustible or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises.
 - e. Frontage Standards: Each live/work unit shall be designed so that social areas (e.g. living room, family room, dining room, etc.), rather than sleeping and service rooms, are oriented toward the fronting street.
 - f. Building Size and Massing Standards:
 - (1) The maximum height of live/work structures in the CBD shall be subject to the review and approval of the Planning Commission; however, at no time shall the height of a live/work structure exceed three (3) stories.
 - (2) Buildings on corner lots shall be designed with two front facades.
 - g. Prohibited Commercial Uses in Live/Work Units:
 - (1) Entertainment, drinking, and public eating establishments.
 - (2) Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale.

- (3) Adult-oriented businesses, astrology palmistry, massage, head shops, and similar uses.
 - (4) Sales, repair or maintenance of vehicles, including automobiles, boats, motorcycles, aircraft, trucks, or recreational vehicles.
 - (5) Trade of Private Schools. This excluded private instruction of up to two (2) Students at any one time (e.g. music lessons, tutoring)

6. Public Outdoor Markets. In the interest of promoting business by increasing activity and improving the general business climate in the Central Business area, the City Manager or his/her designee may issue permits to operate public outdoor markets for the retail sale of farm produce and products and other items such as floral items, craft products, and antiques subject to the following conditions:
 - a. A sketch plan showing the boundaries of the market area and its relationship to nearby buildings, parking areas and public streets shall be submitted.
 - b. A public outdoor market may be permitted if the City Manager or his/her designee determines the use will not:
 - (1) Interfere with the use of the street or a parking area for pedestrian or vehicular travel.
 - (2) Unreasonably interfere with the view of, access to, or use of property in close proximity to the market.
 - (3) Cause damage to the street or to sidewalks, parking areas, trees, benches, landscaping or other objects located in the vicinity.
 - (4) Cause a violation of any state or local laws.
 - (5) If located on or adjacent to an existing parking lot, cause a reduction in parking which impacts negatively on the uses for which the parking lot serves.
 - c. All construction shall conform to existing building codes and regulations of the City and shall not be permanent.
 - d. Adequate trash receptacles shall be provided at convenient locations throughout the market area. All refuse, produce and materials shall be removed by each operator of a location in the market area prior to or at the close of the market each day.
 - e. The use of public areas such as street, parking lots, parks, etc. for a public outdoor market shall require the approval of the City Council. For the use of such areas the City may require liability insurance and property damage coverage naming the City of Algonac as an insured party.

7. Accessory structures and uses customarily incident to the above uses provided such structures and uses are located on the same zoning lot as a permitted use.

Section 902. Required Conditions:

1. Outdoor cafes or restaurants shall provide offstreet parking in keeping with the same standards as specified for similar indoor facilities in Section 1504.
2. See Article XIV, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

The foregoing is a true and complete copy of the City of Algonac Zoning Ordinance Amendment Number 2015-01 regarding Article IX Central Business District. This was formally adopted at the April 21, 2015 meeting of the Algonac City Council.

This ordinance will be effective on May 6, 2015.

Cynthia Greenia, Clerk
City of Algonac