

VILLAGE OF SARANAC, COUNTY OF IONIA, STATE OF MICHIGAN

ORDINANCE NO. 105

An Ordinance to Amend the Zoning Ordinance of the Village of Saranac to Create a New Article 15A, Adaptive Re-Use Planned Unit Development, and to Allow for this as a Special Land Use in the MDR-1 and MDR-2 Zoning Districts.

*As Recommended by the Saranac Planning Commission
To the Village Council following a Public Hearing
On December 4, 2019*

THE VILLAGE OF SARANAC ORDAINS:

SECTION 1. The Village of Saranac Zoning Ordinance is hereby amended to add Article 15A, Adaptive Re-Use Planned Unit Development, to read as follows:

Sec. 30.15A.00 Description and Purpose

The Adaptive Re-Use Planned Unit Development land use is a recommendation of the 2019 Village Master Plan as well as the 2012 Master Plan. This land use category and its regulations are intended to allow for the re-use of older landmark buildings in the Village so they may be preserved to enhance the social, historical, and architectural fabric of the Village.

The AR regulations are deliberately flexible as a recognition that the strict requirements of the underlying zoning district are not applicable to the unique characteristics of these existing buildings. The requirements, however, are designed to minimize the impact on the surrounding neighborhood while allowing these buildings to be used for a variety of contemporary uses including residential, retail, services, recreational, offices, restaurants, senior housing and any combination of these uses. Other uses not listed in these regulations may also be suitable and the language of this Article allows for such uses to be approved based on compliance with certain criteria.

The Master Plan has recommended the AR-PUD category for the former Jean K. Harker Middle School on Vosper Street located in the MDR-1 Zoning District. The AR-PUD classification, however, would also apply to the former school building at Vosper and Church Streets and perhaps to other similar landmark type buildings in the Village.

Sec. 30.15A.01 Eligibility Criteria

Adaptive Re-Use Planned Unit Developments (AR-PUD) are permitted in the MDR-1 and MDR-2 zoning districts as a Special Land Use within existing buildings along with any new buildings constructed in conjunction with the adaptive re-use of the existing building on the same parcel subject to compliance with the requirements of this Article 15A and the requirements of Article 16 and Article 20 herein.

To be eligible for consideration for an AR-PUD the applicant must present information which demonstrates the following:

A. Unified Control. The proposed development shall be under unified ownership or control such that there is one person, group of persons or legal entity having responsibility for the completion and ongoing maintenance of the development in compliance with this chapter. This requirement for unified ownership or control shall not prohibit a transfer of ownership or control, so long as the development is constructed and operated in compliance with the approved Special Land Use and site plan.

B. Minimum Parcel Size. An AR-PUD may be approved on a parcel of any size or for an individual building.

C. Utilities. The site shall be served by public water and sanitary sewer.

Sec. 30.15A.02 Permitted Uses

The following uses are permitted within an existing building or any expansion of the building on the property subject to approval by the Planning Commission. The following uses shall not be subject to the requirements of Section 30.20.12 herein.

A. Multi-family dwelling units either renter or owner occupied.

B. Assisted living facilities /Adult Foster Care Small and Large Group Homes licensed under Michigan Public Act 218 of 1979.

C. Nursing homes and homes for the aged licensed under article 17 of the public health code, 1978 PA 368 as amended.

D. Child care centers as defined herein.

E. Restaurants, coffee shops, bakeries and similar retail food establishments. Outdoor dining is permitted subject to specific approval by the Planning Commission

F. Indoor commercial recreation facilities including but not limited to theaters, community swimming pool, fitness center, boxing and martial arts, bowling alleys, skating rinks, rock climbing, tennis, basketball and handball courts. Indoor firearm and archery ranges are specifically prohibited.

G. Banquet & event facilities. The serving of alcohol is subject to specific approval by the Planning Commission.

H. Any combination of the above uses.

I. As part of its review of an existing building for an AR-PUD Special Land Use, the Planning Commission may also approve the construction of new buildings or structures on the same property as the existing building provided that the new building(s) will be occupied by the Permitted Uses listed herein.

J. Accessory uses and structures which are customarily incidental to any of the permitted principal uses and structures.

K. Commercial schools including art, music, dance, business, professional and trade.

L. Personal service establishments that perform services on the premises within a completely enclosed building, such as but not limited to repair shops for small personal items such as electronics, watches, phones, shoes and similar items, tailor shops, hair and nail salons, and barbershops. Limited retail sales of items customarily incidental to the principal use may be permitted subject to approval by the Planning Commission.

M. Professional offices for doctors, lawyers, architects, dentists, engineers, planners, chiropractors, insurance sales, mortgages and loans, general consulting, and general office businesses. Limited retail sales of items customarily incidental to the principal use may be permitted subject to approval by the Planning Commission.

N. The Planning Commission may approve additional uses not specifically listed in Section 30.154A.02 provided the Commission finds that the proposed use meets all or most of the following criteria:

1. The proposed use is similar to Permitted and Special Land Uses allowed in the MDR-1 and MDR-2 Zones.
2. The proposed use would be compatible with adjacent residential uses and Saranac High School as it would have operational characteristics (hours of operation, noise, traffic, pedestrian activities) which are similar to those of the former middle school.
3. The traffic generated by the proposed use would not create a conflict with existing nearby school traffic and would not generate any large truck traffic.
4. The proposed use would not have any outdoor activities that would be a visual and noise nuisance to nearby neighbors at any hour of the day.
5. The proposed use would not have outdoor storage of equipment.
6. The proposed use would be compatible with the adjacent practice field operated by the Saranac School District.

Sec. 30.15A.03 Density The density for multi-family dwellings shall not exceed 15 dwelling units per acre. The density shall be based on the acreage of the parcel excluding any right of way. Assisted living facilities, which do not contain dwelling units as defined herein, shall not be subject to any density limitations.

The Planning Commission, however, may choose to approve fewer dwelling units if, in their opinion, a reduction in the number of dwelling units would better achieve the intent and purposes of the Village Master Plan for an AR-PUD and would be more compatible with the approval standards for Special Land Uses contained in Article 30.20.10 herein.

Sec. 30.15A.04 Specific Development Standards

A. Modification of Standards. The following requirements of this Section 30.15A.04 shall be met except that the Planning Commission may modify these requirements as may be requested by the applicant, or the Commission may increase these requirements, in order to achieve the objectives of this chapter. Other criteria which shall be used in making these determinations shall include the following:

1. Whether the modifications requested will result in a project, which better satisfies the intent and objectives of this chapter.
2. The modification shall be compatible with adjacent existing and future land uses and shall not significantly adversely affect the use and enjoyment of nearby property.

3. The modification will result in the preservation of existing vegetation or other natural features on site.
4. The modification is necessary due to topography, natural features, or other unusual aspects of the site.
5. The modification will improve or not impede emergency vehicle and personnel access.
6. The modification will improve or not impede adequate pedestrian circulation.
7. The modification shall not result in traffic or other safety hazards; shall not result in visual blight, distraction, or clutter, and shall not otherwise result in a detriment to the public health, safety, or general welfare.

B. Setbacks. All buildings shall have the following minimum setbacks:

1. 25 feet from all street rights-of-way.
2. 25 feet from a rear lot line.
3. 40 from side lot lines.

C. Maximum Building Lot Coverage: 50%

D. Maximum Building Height: 40 feet.

E. Lighting: Lighting fixtures shall not exceed 20 feet in height and shall be designed to achieve total luminary cutoff above 60 degrees. Lighting fixtures used to illuminate off-street parking areas and buildings shall be so arranged as to deflect the light away from any adjoining properties or streets and highways and are subject to all the provisions of Section 30.18.07.

F. Parking:

1. Parking within an AR-PUD shall comply with the requirements of Article 18 of this Ordinance according to the uses or uses proposed unless specifically modified by the Planning Commission as permitted by this Section.
2. All off-street parking areas, shall be set back a minimum of 10 feet from the rear and side lot lines, and a minimum of 25 feet from the front lot line.
3. The Planning Commission may permit parking aisles or vehicle maneuvering areas to encroach within the required parking setback but may require additional screening or landscaping.

G. Landscaping: Landscaping shall be provided along all lot lines and within off street parking lots in accordance with the requirements of Section 30.18.40-44 herein unless specifically modified by the Planning Commission as permitted by this Section.

The Planning Commission may require fencing or berming along lot lines if it is determined that these will be a more effective buffer.

H. Minimum Floor Area: Each dwelling unit shall contain a minimum square footage as follows:

1. One bedroom or efficiency unit: 400 square feet.
2. Two or more bedrooms: 550 square feet plus 100 square feet for each bedroom above two.

I. Signs: Signs for an AR-PUD Special Land use shall comply with the requirements of Section 30.18.20 -27 herein. In addition, signs shall be subject to the requirements of Section 30.18.29 herein unless specifically modified by the Planning Commission as permitted by this Section.

Sec. 30.15A.05 General Development Standards

A. Except as specified in Section 30.15A.04 B-H herein, the ordinance requirements applicable to the zoning district encompassing the proposed use shall apply unless specifically waived or modified by the Planning Commission based on the criteria in Section 30.15A.04.A herein.

B. In its review of a request for an AR-PUD in an existing building, the Commission may require that any exterior building or site defects including but not limited to cracked, chipped or peeling siding or paint, broken windows, cracked sidewalk, broken fencing, holes or cracks in the parking lot or sidewalk surface be replaced or repaired.

C. The Commission may also require that existing conditions on the site which do not comply with current Zoning Ordinance requirements be corrected in order to meet the intent of these current requirements. Such existing conditions include but are not limited to:

1. Stormwater drainage provisions that are inadequate to protect nearby streams or creeks from runoff contaminants or to prevent drainage onto adjoining properties and do not substantially comply with the Ionia County Stormwater Management Ordinance;
2. Existing driveways that may result in hazardous vehicle movements;
3. Additional plantings are needed in order to comply with the intent of the Village landscape regulations;
4. Improved lighting conditions are needed to reduce or eliminate nuisance lighting situations for drivers and nearby properties;
5. Screening of dumpsters is needed to improve the appearance of a site and reduce the likelihood of windblown trash;
6. Sidewalks are needed to improve pedestrian safety.

D. In determining how to apply the site plan review standards to address the above deficiencies found on a site, the Planning Commission shall be guided by the following criteria:

1. Whether or not compliance would ensure safer on-site conditions, protect the natural environment, improve traffic circulation, achieve compatibility with adjacent land uses, promote the use of the land in a socially and economically desirable manner and generally accomplish the purposes of site plan review as described in this Article.
2. The practicality of requiring complete compliance with the applicable regulations of this Ordinance based on the existing design, layout, and operation of the existing use and size of the site or if only partial compliance would be more practical.

SECTION 2. Section 30.05.02.Q which contains the list of Special Land Uses in the MDR-1 Zoning District is hereby added to the Village of Saranac Zoning Ordinance to read as follows:

30.05.02.Q. Adaptive Re-use Planned Unit Development.

SECTION 3. Section 30.06.02.Q which contains the list of Special Land Uses in the MDR-2 Zoning District is hereby added to the Village of Saranac Zoning Ordinance to read as follows:

30.06.02.Q. Adaptive Re-use Planned Unit Development.

SECTION 4. Severability. Should any portion of this Ordinance /ordinance amendment be declared by a court of competent jurisdiction to be invalid or unconstitutional, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

SECTION 5 Effective Date. This Ordinance amendment shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

The aforesaid Ordinance was considered by the Saranac Village Council on December 9, 2019 and a vote held thereon.

YEAS: Doll, Hooper, Klutman, Mulnix, Simmons, Wharley, Darby

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Shan L Darby

Village President

Becky Straubel

Village Treasurer/Deputy Clerk

CERTIFICATION

I, Becky Straubel, being the Treasurer/Deputy Clerk of the Village of Saranac do hereby certify that the foregoing is a true and correct copy of the Village of Saranac Ordinance NO. 105, passed on the 9th day of December, 2019

Further, I certify I caused the same to be published in the Sentinel-Standard, Ionia, Michigan, within 15 days after adoption by the Village Council of the Village of Saranac, pursuant to the Village of Saranac Charter.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9th day of December, 2019.

Date: 12/9/19

Becky Straubel

Village Treasurer/Deputy Clerk