

**ARTICLE VIII**

**C-1 LOCAL BUSINESS DISTRICT**

**SECTION 8.00 - INTENT**

The C-1 Local Business District is designated to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. Protection of nearby residential districts is considered of importance, thus businesses which might tend to be a nuisance to immediately surrounding residential areas are excluded, even though the goods sold or services offered might fall within the convenience classification.

**SECTION 8.01 - PRINCIPAL USES PERMITTED**

The following uses shall be permitted, provided that all business servicing or processing (except for off-street parking or loading) shall be conducted within a completely enclosed building; that all businesses shall be of a retail or service nature dealing directly with consumers; and that all goods produced on the premises be sold at retail on the same premises:

- (a) Retail businesses, including but not limited to such uses as markets selling groceries, meats, fruit, produce, dairy products and baked goods; stores selling drugs, dry goods, notions, shoes, clothing, hardware, books, jewelry, radios, televisions, and related items; variety stores; florist shops; antique shops.
- (b) Personal service shops, provided that each such shop occupies a total usable floor area of not more than 4,000 square feet, including but not limited to such uses as: frame shops, repair shops (watch, television, shoe repair, etc.), tailor and dressmaking shops, beauty parlors, barber shops, photographic studios, self-service Laundromats, and dry cleaning pick-up stations.
- (c) Offices, including executive, administrative, and professional offices, establishments which perform financial or personal or business services, including banks, savings and loan companies, insurance and real estate offices, small loan companies, and similar agencies, provided that accessory drive-through facilities shall be subject to Conditional Use Approval (see Section 8.02).
- (d) Medical and dental offices and clinics, and offices of other professionals offering services.

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- (e) Publicly-owned and operated libraries and museums.
- (f) Community centers.
- (g) Adult Foster Care Family Home with 6 or fewer clients.
- (h) Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, subject to the following condition: No building shall be closer than fifty (50) feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes.
- (i) Religious Institutions, subject to the following:
  - 1. Buildings of greater than the maximum height allowed in this district may be permitted provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
  - 2. At least one boundary of the lot upon which the church is to be constructed shall border a street designated as a collector thoroughfare having an existing and/or planned right-of-way of at least 86 feet in width.
- (j) Signs, as provided in Article XIV.
- (k) Art Galleries.
- (l) Attached wireless communications facilities, collocation of an attached wireless communications facility, and attached wireless communications facilities consisting of a utility pole, all subject to the standards in Section 15.28.
- (n) Uses similar to the above provided it is demonstrated that such uses are necessary to provide normal day-to-day needs for the population of the surrounding neighborhood.
- (o) State Licensed Residential Facilities, Adult Foster Care, Small Group Home with 7-12 clients.

### **SECTION 8.02 - PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS**

The following uses shall be permitted, subject to the specific conditions hereinafter imposed for each use and subject further to permission of the City Council following review and recommendation by the Planning Commission:

- (a) Automobile service centers and quick oil change shops, subject to the following:
  - 1. Any such facility shall have a minimum of one hundred sixty (160) feet of frontage on the principal street serving the station.

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2. All buildings shall be set back not less than fifty (50) feet from all street right-of-way lines.
  3. Curbs, curb cuts, driveway widths, and acceleration and deceleration lanes shall meet the requirements of the agencies having jurisdiction thereof
  4. No structure shall be located closer than one hundred (100) feet to any residentially-zoned land.
  5. Gasoline storage tanks shall be located underground and no closer than 100 feet to any property line.
  6. Pump islands shall be located no closer than twenty-five (25) feet to any property line.
  7. All trash, waste, and discarded material shall be screened from view and confined so as to be completely contained within an enclosure with a gate.
- (b) Veterinary offices and clinics providing medical, surgical, and grooming facilities for small non-farm animals, subject to the following:
1. No such use shall be located closer than one hundred (100) feet to any residentially-zoned or used property.
  2. All such facilities shall be completely enclosed in a building in such a manner as to produce no offensive odor or audible sound beyond the lot line.
  3. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.
- (c) Utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations and switchboards, but excluding storage yards.
- (d) Bed-n-breakfast inns and tourist homes, subject to the requirements outlined in Section 4.02(e).
- (e) Carry-out restaurants, but not including drive-in, drive-through, or fast-food restaurants.
- (f) Private Service clubs, fraternal organizations, banquet halls, and meeting halls. Those establishments with hours of operation between 11 p.m. and 6 a.m. shall meet standards set forth in subsection (h) below.
- (g) Commercial establishments with hours of operation between 11 p.m. and 6 a.m. (excluding bars and lounges), subject to the following:
1. Parking areas shall be configured as to prevent vehicular headlights from shining into adjacent residentially zoned and used property, whenever possible. If this is not possible, parking areas configured such that vehicular headlights are directed toward public rights-of-way shall provide continuous screening at a minimum height of three (3) feet. The Planning Commission shall have the discretion to require an obscuring wall, fence, berm, landscape plantings, or a combination thereof.

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2. Ingress and egress drives and primary circulation lanes shall be located away from residential areas to minimize vehicular traffic and noise which may become a nuisance to adjacent residential areas, wherever practical.
  3. All building entrances to be utilized by patrons shall be located on the side(s) of the building which does not abut residentially zoned or used property, wherever possible, to minimize the potential for patrons to congregate outside of building entrances and create noise which may become a nuisance to adjacent residential areas.
  4. Screening not less than six (6) feet in height shall be provided along all property lines abutting residentially zoned or used areas. The Planning Commission shall have the discretion to require an obscuring wall, fence, berm, landscape plantings, or a combination thereof.
  5. All parking lot lighting shall be screened with shoebox-type metal halide light fixtures which are directed downward at all times.
  6. Neon, fluorescent, or similar decorative lighting located on the building, signs, or in other areas on the site shall not be visible from adjacent residential properties between 11 p.m. and 6 a.m.
  7. Deliveries or garbage pick-up shall not be permitted between the hours of 11 p.m. and 6 a.m.
- (h) Wireless communications support structures subject to the requirements specified in Section 15.28.
- (i) Standard restaurants
- (j) Restaurants serving alcohol.
- (k) Outdoor cafes and outdoor eating areas associated with an approved standard restaurant or approved restaurant serving alcohol.
1. Planters, posts with ropes, or other removable barriers must be used to contain the outdoor seating area.
  2. An outdoor eating area shall be located no closer than fifteen (15) feet from the edge of pavement of a public or private road that is constructed without curb and gutter and no closer than ten (10) feet from the edge of pavement of a public or private road that is constructed with curb and gutter.
  3. Such eating areas shall be separated from all vehicular parking and maneuvering areas by means of a landscaped buffer, wall, or architectural feature.
  4. A portion of the outdoor seating capacity, as determined by the Planning Commission, shall be considered along with the indoor seating for the purposes of determining compliance with required parking.

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5. An outdoor eating area shall be separated from all vehicular parking and maneuvering areas by means of a landscaped buffer, wall, or architectural feature.
6. The outdoor seating shall in no way impair the use and enjoyment of adjacent or nearby properties.
7. The nearest edge of the outdoor eating area shall not be located within fifty (50) feet of any properties zoned or used for residential purposes. The area shall be completely screened from view from all residential properties by an obscuring wall or landscaped buffer, unless the outdoor seating area is separated by a public road, in compliance with this Ordinance.
8. Outdoor seating shall be subject to applicable County and State requirements.
9. The site plan shall specify the plans for storage of tables, chairs, and equipment during the months when the outdoor seating is not in use.
10. The outdoor eating area shall be kept clean and void of litter at all times.
11. All vending machines and arcades shall be located within a completely enclosed building.
12. Outdoor eating areas shall not be operated between the hours of 11 p.m. and 6 a.m.
13. The capacity of the outdoor seating area shall be provided by the applicant and verified by the Building Official.
14. If the eating area is elevated above a parking area or pedestrian walkway, objects shall not be placed on a ledge or railing which may dislodge and endanger vehicles or pedestrians below.
15. Additional signs should not be permitted, beyond what is permitted for the existing restaurant.
16. Entertainment, music, speakers, or similar devices shall be prohibited in outdoor eating areas within 100 feet of any residential use.
17. Preparation of food and beverages shall be prohibited in this outdoor area. The sale and consumption of alcohol are governed by the Michigan Liquor Control Act and local ordinance.

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18. In addition to the standards listed above, outdoor sidewalk cafes shall also be subject to the following standards:

- a) To allow for pedestrian circulation, a minimum of five (5) feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances. If the sidewalk is not wide enough to allow for a five (5) foot wide clearance for circulation, the café should not be permitted.
  - b) Pedestrian circulation and access to store entrances should not be impaired. Thus, a boundary (maximum encroachment width and length) into the public sidewalk should be established, with an accessible aisle being maintained between this line and the curb, in accordance with the provisions of the national Americans with Disabilities Act (ADA) and Michigan barrier-free requirements.
  - c) The operators of the outdoor café should be responsible for a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor trash receptacles should be required. Written procedures for cleaning and trash containment and removal responsibilities of the café must be noted on the revised plan to the satisfaction of the City.
  - d) Tables, chairs, planters, trash receptacles, and other elements of street furniture should be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they should complement building colors.
  - e) Liability issues for use of the public sidewalk should be addressed and reviewed by the City Attorney. (Ord. 376, 10/18/2001)
- (l) State Licensed Residential Facilities, Adult Foster Care, Large Group Home with 13-20 clients.
- (m) State Licensed Residential Facilities, Adult Foster Care, Congregate Facility with 20 or more clients.

### **SECTION 8.03 - ACCESSORY USES PERMITTED**

Accessory buildings and uses customarily incidental to the principal permitted uses enumerated in 8.01 and 8.02 are permitted including home occupations accessory to

nonconforming residential uses subject to the provisions of section 15.29 Home Occupations. (Ord. 377, 11/15/2001)

### SECTION 8.04 - DEVELOPMENT STANDARDS

#### (a) Required Conditions

Except as otherwise noted for specific uses, buildings and uses in the Local Business District shall comply with the following required conditions:

1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced and services performed on the premises shall be sold at retail on the premises produced.
2. All business, servicing, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building.
3. There shall be no outside storage of goods, inventory, or equipment.
4. All uses permitted subject to special conditions shall be required to submit a Traffic Impact Analysis which shall, at minimum, include: trip generation estimates, the volume of existing traffic on roads adjacent to the site, the peak hour volume of traffic on roads adjacent to the site, the peak hour volume of traffic expected to be generated by the proposed development, estimates of the directional distribution of trips generated by the development, projected assignment of vehicle trip volumes to the roadway network, analysis of anticipated turning movements and required left-or right-turn controls, and recommendations to mitigate the impact of the development on the transportation system. If deemed necessary by the City Planner following review of the site plan a Traffic Impact Analysis may also be required in conjunction with development of a Principal Permitted Use.
5. The site and building layout for all business establishments shall be designed to accommodate safe pedestrian access for passersby and for patrons of the business. Accordingly, sidewalks shall be provided along all street frontages, as specified in Section 16.08(f).

#### (b) Site Plan Review

Site plan review shall be required for all uses in the Local Business District in accordance with Section 16.08.

#### (c) Area, Height, Bulk, and Placement Requirements

Buildings and uses in the Local Business District are subject to the area, height, bulk, and placement requirements in Article XXIV, Schedule of Regulations.

#### (d) General Development Standards

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Buildings and uses in the Local Business District shall be subject to all applicable standards and requirements set forth in this Ordinance, including off-street parking and loading requirements in Article XIII, and Landscaping and Screening requirements in Section 15.23.

### SECTION 8.04 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

#### Development Standards

##### *Lot Minimums*

Area (sq/ft)----

Width (feet)----

##### *Maximum Building*

Stories1

Height (feet)20

##### *Maximum Lot Coverage*

All Buildings (%)----

##### *Minimum Setback (Measured from Lot Line in feet)<sup>1</sup>*

Front Open Space<sup>(2)</sup>25

Least One<sup>(3)</sup>20

Total of Two40

Rear Open Space25

##### *Minimum Useable Floor Area*

Per Unit (sq/ft)----

#### Notes to Development Standards



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- (1) Properties abutting water shall also comply with Section 15.15, Waterfront Land Setbacks.
- (2) Front yard setbacks are measured from the edge of the existing and/or planned right-of-way, said planned right-of-way as shown on the officially adopted Master Plan. Where a parcel or lot is at an intersection, the setback shall be measured from the maximum requirement for the district considering each side as a front yard area.
- (3) No side yards are required along interior lot lines, except as required by the Building Code, provided that walls so located shall be solid and shall not contain any windows, doors, or any other openings. On exterior lot lines the minimum setbacks shall be maintained.

Type	SF RES (NR)	RES (R-T)	MFR (R-M) (R-ME)	MOB HOME (R-MH)	COM
Adult Foster Care, Family Home (6 or less adults)	P	P	P	P	P
Adult Foster Care, Small Group Home (7-12 adults)	SLU	SLU	SLU	SLU	P
Adult Foster Care, Large Group Home (13-20 adults)	SLU	SLU	SLU	SLU	SLU
Adult Foster Care, Congregate Facility (20 or more adults)					SLU
Day Care, Family Home (6 or less children)	P	P	P	P	
Day Care, Group Home (7-12 children)	SLU	SLU	SLU	SLU	
Day Care Center					P
Key: P = Permitted; SLU = Special Land Use					