

- (7) Indoor theaters.
 - (8) Banquet halls and/or conference centers.
 - (9) Health or exercise clubs.
 - (10) Wireless telecommunication facilities.
 - (11) Accessory buildings and accessory uses customarily incidental to the permitted uses in this section.
 - (12) Other uses similar to the uses in this section.
- (Ord. No. 200, § 950(10.00), 10-29-1986; Ord. No. 200-53, § 3; Ord. No. 200-66, § 6; Ord. No. 200-74, § 1; Ord. No. 200-93, § 2; Ord. No. 200-97, § 5; Ord. No. 200-98, § 2)

Sec. 138-568. Conditional uses.

The following uses may be permitted by the city council in B-3 shopping center business districts after the review and recommendation of the planning commission and after a site plan review and subject, further, to such other reasonable conditions which, in the opinion of the planning commission and city council, are necessary to provide adequate protection to the neighborhood and to abutting properties:

- (1) Open-air business uses when developed in a planned relationship with the B-3 district as follows:
 - a. Retail sales of plant material not grown on the site and sales of lawn furniture, playground equipment, and other garden supplies, provided, further, that such uses shall be located at the exterior of the B-3 district.
 - b. Recreational space providing children's or adults' amusement parks and other similar recreation when part of a planned development, provided, further, that such use shall be located at the exterior of a B-3 district. Such recreation space shall be fenced on all sides with a four-foot, six-inch-high fence or wall, and such use shall be located at least 200 feet from the intersection of any two streets.
- (2) Bowling alleys, when located at least 100 feet from any front, rear or side yard of any residential lot in an adjacent residential district.
- (3) Temporary buildings and uses for construction purposes for a period not to exceed one year.
- (4) Outdoor sales space for exclusive sale of secondhand automobiles, travel trailers, recreational vehicle sales or mobile homes subject to the following:
 - a. All lighting shall be shielded from adjacent residential districts.
 - b. Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
 - c. An obscuring wall or fence four feet six inches in height must be provided when abutting or adjacent districts are zoned for residential use.
 - d. No major repair or major refinishing shall be done on the lot.
- (5) Hotel, motel and residential inn subject to the following:
 - a. No guest shall rent a unit at a motel or hotel for more than 30 days within any 12 consecutive months. This subsection shall not apply to residential inns.
 - b. Each unit shall contain not less than 250 square feet of floor area.
 - c. When reviewing developments complying with the requirements in this subsection, consideration shall be given to the effect created by the proposed use on existing and potential development patterns within the area. The construction of a hotel/motel or residential inn shall not conflict with and/or disrupt reasonable vehicular, pedestrian, building and user patterns characteristic of a planned commercial area and the principal uses permitted in this division.

- (6) Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building.
- (7) Publicly owned buildings and public utility buildings.
- (8) Automotive service centers, only when physically attached and incidental to another permitted nonautomotive retail use that is part of a larger planned shopping center. Freestanding automotive service centers shall not be allowed in the B-3 zoning district.
- (9) Restaurants or other establishments serving food or beverage and having a drive-up or drive-through service facility where patrons are served in their vehicles, subject to the following requirements:
 - a. Minimum lot area of one acre, exclusive of existing public road right-of-way, and minimum lot width of 150 feet at a required building setback line shall be provided. When the restaurant or other establishment is not on a separately owned lot, but is part of a larger development, such as but not limited to a shopping center, the area to be developed for the restaurant or other establishment shall meet these requirements.
 - b. The site shall directly abut a major thoroughfare of 120 feet or greater as indicated on the city master thoroughfare plan.
 - c. The location and design of driveways providing vehicular ingress to and egress from the site shall promote safety and convenience of vehicular and pedestrian traffic both within the site and on adjoining streets.
 - d. On-site vehicle and pedestrian traffic circulation shall be provided in a manner that ensures safety and efficiency.
 - e. Vehicle queuing spaces 18 feet long and ten feet wide for drive-up facilities shall be provided as follows:
 - 1. A minimum of ten spaces shall be provided for the order station and the service station queuing lane.

- 2. The lane containing the queuing spaces shall be separate and distinct from other access drives and maneuvering lanes for parking spaces. The queuing space lane shall have a clear width of ten feet and shall be physically separated from access drives, maneuvering lanes and parking spaces with a landscaped area five feet wide with raised curbs on all sides.

- (10) Accessory buildings and accessory uses customarily incidental to the conditional uses in this section.
 - (11) Other uses similar to the uses in this section.
 - (12) Sale and service of food outdoors, provided such use is incidental to a similar principal use indoors and adjacent and adjoining to the principal use.
- (Ord. No. 200, § 951(10.01), 10-29-1986; Ord. No. 200-29; Ord. No. 200-53; Ord. No. 200-75, § 3)

Sec. 138-569. Required conditions.

In B-3 shopping center business districts, all uses shall be subject to the following conditions:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
 - (2) All business, servicing or processing, except for off-street parking and loading and outdoor dining, shall be conducted within a completely enclosed building.
 - (3) Outdoor storage according to the requirements of subsection 138-1068(3) pertaining to performance standards for open storage.
- (Ord. No. 200, § 952(10.02), 10-29-1986; Ord. No. 200-75, § 4)

Sec. 138-570. Area and bulk requirements.

For area and bulk requirements in B-3 shopping center business districts, see sections 138-

Sec. 138-1268. Off-street loading and unloading.

On the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading, in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- (1) All spaces in B-1, B-2, B-3, B-4, and B-5 districts shall be provided in the ratio required in section 138-1111 under minimum rear yards (footnote (m)).
- (2) All spaces in the I-1, I-2, and SP districts shall be laid out in the dimension of at least ten by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent durable and dustless surface. All spaces shall be provided in the following ratio of spaces of usable floor area:

| <i>Gross Floor Area (in square feet)</i> | <i>Loading and Unloading Space Required in Terms of Square Feet of Usable Floor Area</i> |
|--|--|
| 0—1,400 | None |
| 1,401—20,000 | One space |
| 20,001—100,000 | One space plus one for each 20,000 square feet in excess of 20,001 square feet |
| 100,001 and over | Five spaces plus one for each 40,000 square feet in excess of 100,001 square feet |

- (3) In the B-1, B-2, B-3, B-4, B-5, I-1 and I-2 districts, delivery vehicles and trailers loading or unloading on the premises shall load or unload or park only in designated loading/unloading zones as indicated on the approved site plan. Delivery vehicles and trailers shall not park or load or unload elsewhere on the premises. Under no circumstances shall a delivery vehicle or trailer park or be allowed to park in a designated loading/unloading zone for longer than 48 hours.

(Ord. No. 200, § 1806(21.06), 10-29-1986; Ord. No. 200-30)

Secs. 138-1269—138-1305. Reserved.

ARTICLE X. SPECIAL AND CONDITIONAL LAND USES*

DIVISION 1. GENERALLY

Sec. 138-1306. Special and conditional land uses; discretionary decisions.

(a) When the city council is required to make a discretionary decision on a special land use coming within the purview of section 4a of Public Act No. 207 of 1921 (MCL 125.584a, MSA 5.2934(1)), and particularly under sections 138-258, 138-318, 138-523, 138-568, 138-613, 138-658, 138-798, 138-843, 138-887, 138-933 and subsections 138-1038(f), 138-1112(b) and division 2 of this article, the planning commission, or the board of appeals if specifically indicated, shall hold a public hearing, make a record of the public comment, make a recommendation, and forward such record and recommendation to the city council, before the decision is made. The public hearing provided for in this subsection shall be held to comply with the requirements of section 4a of Public Act No. 207 of 1921 (MCL 125.584a, MSA 5.2934(1)). In addition, any person having an ownership interest in the property in question, or residing or owning property within 300 feet of the property in question, may request a public hearing before the city council by requesting it in writing, addressed to the city clerk before the decision is made. The notice of the public hearing provided for in this section shall state a public hearing before the city council may be requested by those persons indicated in the preceding sentence.

(b) Notice of any public hearing provided for in subsection (a) of this section shall be published once in a newspaper of general circulation in the city and sent by mail or personal delivery to the owners of property for which approval is being considered to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet. The notice shall be

*State law reference—Special land uses, MCL 125.584a, MSA 5.2934(1).

given not less than five nor more than 15 days before the date of the public hearing. 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 of each unit or spatial area shall receive notice. In the case of a single structure containing more than four 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.

(c) In each case when a decision on a special land use referred to in subsection (a) of this section is to be made, the body or official making the decision may deny, approve or approve with conditions. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision, and any conditions imposed.

(d) For decisions on special land uses referred to in subsection (a) of this section and in all other instances in this chapter where discretionary decisions must be made by a board, commission or official, including decisions on site plans, the requirements and standards as particularly set forth in this chapter concerning the matter for decision shall be followed, and such discretionary decision shall also be based upon the findings that the special land use will:

- (1) Promote the intent and purpose of this chapter.
- (2) Be designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use, and the community as a whole.

- (3) Be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainageways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.
- (4) Not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.
- (5) Not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

The city council shall grant the requested approval only upon determination of compliance with the standards in this subsection. In granting the requested approval, the city council shall impose such requirements or conditions as it deems necessary to protect the public interest of the city and the surrounding property and to achieve the objectives of this chapter.
(Ord. No. 200, § 2017(23.17), 10-29-1986)

Secs. 138-1307—138-1335. Reserved.

DIVISION 2. SPECIFIC STANDARDS

Sec. 138-1336. Scope of division.

- (a) Because the uses referred to in this division possess unique characteristics, making it impractical to include them in a specific use district classification, they may be permitted by the city council, unless otherwise specified after review and recommendation by the planning commission, under the conditions specified, and after public hearing pursuant to section 138-1306 pertaining to special and conditional land uses, unless otherwise specified.
- (b) These uses require special consideration since they service an area larger than the city, contain unusual features, or require sizable land