

CHAPTER IX

B-2, AGRICULTURAL/BUSINESS TRANSITIONAL DISTRICT

SECTION 9.01 DESCRIPTION AND PURPOSE

This district is intended for future commercial development while recognizing the general agricultural and residential use currently in place. It is intended to allow for future growth of commercial activity within the Township as a transitional use while not prohibiting or eliminating the current utilization of the property within the district. It is the intent of this district to provide, through proper planning, a harmonious transition which will enable this district to become the future commercial growth center within the Township.

SECTION 9.02 PERMITTED USE

In the B-2, Agricultural/Business Transitional District, land and buildings may be used for the following purposes only:

(a) All uses permitted under the B-1, General Business District shall be permitted in the B-2, Agricultural/Business Transitional District, under the same terms and conditions as they are permitted in the B-1, General Business zoned district.

(b) Uses by Special Use Permit

1. The B-2, Agricultural/Business Transitional District allows farm and garden markets as a transition use, provided that all of the conditions, restrictions, and requirements included in the Agricultural District regulating farm markets and garden markets are met and a special use permit is granted by the Planning Commission. Any special use permit issued for a farm market or garden market shall be limited to a five (5) year period. Any extension of the five (5) year limit is subject to the issuance of a new special use permit.

The terms and conditions of approval of a special use permit granting a farm or garden market shall be in accord with the provisions of Chapter XIX and, at a minimum, meet the conditions imposed by Sections 6.02(e) and 6.02(f), respectively.

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2. Multiple Family Dwellings may be permitted as a transitional use separating existing or future business uses from other nearby less-intensive uses; if the Planning Commission determines that multiple family dwellings would be more compatible with the existing pattern of development than permitted business uses; or, when the proposed use is designed and included as part of a development that extends onto adjacent land which is zoned for high-density residential development. As a minimum, all approved developments shall satisfy the requirements of Section 7.03(b), except that all building setbacks shall satisfy the requirements of Section 8.03(a) 1 and 2.

3. Adult Foster Care Congregate Facilities, Convalescent Homes, Homes for the Aged and Nursing Homes may be permitted as a transitional use separating existing or future business uses from other nearby less-intensive uses or if the Planning Commission determines that the proposed use would be more compatible with the exiting pattern of development that permitted business uses. As a minimum, all developments shall have a minimum site size of two (2) acres, shall have a minimum of two hundred (200) feet of frontage on a public street, shall have a minimum side and rear yards of seventy-five (75) feet, and all building setbacks shall satisfy the requirements of Section 8.03(a) 1 and 2.

4. Child Care Centers may be permitted as a transitional use separating existing or future business uses from other nearby less-intensive uses or if the Planning Commission determines that the proposed Child Care

Center would be more compatible with the existing pattern of development than permitted business uses. As a minimum, all Child Care Centers shall have a minimum site size of one (1) acre, shall have a minimum of one hundred and fifty (150) feet of frontage on a public street, shall have minimum side and rear yards of fifty (50) feet, and the building setback shall satisfy the requirements of Section 8.03(a) 1 and 2 and all of the minimum standards called for herein. Any outside play area shall be located in the rear yard and shall be enclosed with a fence with a minimum height of four (4) feet.

5. Single Family Dwellings provided all requirements for a single family dwelling in Section 7.01(a) are satisfied and the Planning Commission determines it is the best transitional use for the property within the zone classification.

6. Duplexes or Two-Family Dwellings as a transitional use provided all requirements for a two-family dwelling in Section 7.01(b) are satisfied and the Planning Commission determines this is the best and most appropriate use for this property in this zone classification.

SECTION 9.03 AREA REGULATIONS

The area regulations in the B-2, Agricultural/Business Transitional District shall be the same as established in the B-1, General Business District for all uses permitted under the B-1 District. The area regulations for farm markets within the B-2, Agricultural/Business Transitional District shall be the same as those required in Chapter VI, Section 6.02(e) for farm markets.

For garden markets, the area regulations shall be the same as those provided for in Chapter VI, Section 6.02(f), Garden Markets.

SECTION 9.04 HEIGHT REGULATIONS

There are no height limitations in this zone.

SECTION 9.05

LOT COVERAGE

The total area occupied by all buildings and structures shall not exceed twenty-five (25) percent of the total lot area.

SECTION 9.06

Required conditions within the B-2 District shall be the same as those required within the B-1 District, Chapter VIII, Section 8.06.

CHAPTER X

"B-3" HEAVY' COMMERCIAL DISTRICT

SECTION 10.01 DESCRIPTION & PURPOSE

- (a) Heavy Commercial Districts are similar to General Commercial Districts except that they provide for a somewhat broader range of business uses. Because of the nature of the specific type of use or various processes associated with such uses, they sometimes require additional regulation to protect adjoining properties from negative impacts or adverse conditions. In all other respects, the purpose of this district is the same as the "B-1" General Commercial District.
- (b) The following regulations shall apply In all "B-3" Districts and shall be subject further to provisions of Chapter III, General Provisions; Chapter XVI, Ingress and Egress Provisions; Chapter XVII, Landscape and Greenbelt Provisions; Chapter XVIII, Signs; and all other applicable provisions of this ordinance.

SECTION 10.02 PERMITTED PRINCIPAL USES

No building or land shall be used and no building shall be erected except for (1) one or more of the following specific uses unless otherwise provided in this ordinance.

- (a) Principal Uses Permitted by Right.
 - 1. Any principal use permitted by right in Chapter VIII, "B-1" District.
 - 2. Dry Cleaning Plants serving more than one (1) retail outlet.
 - 3. Blacksmith or welding shops.
- (b) Principal Uses Permitted subject to Special Conditions.

1. Any principal Use Permitted subject to Special Conditions in Chapter VIII, "B-1" District, provided that there is compliance with all applicable special conditions.
2. Mobile home, truck and farm implement sales and repair, provided any outdoor sales or rental area shall satisfy all of the requirements for an off-street parking lot within the "B-3" District.
3. Mini-storage rental structures, and warehousing and recreational vehicle or boat storage yards subject to the following:
 - a. All buildings and outside storage areas shall have a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street.
 - b. Any outside storage area or access drive shall be constructed in accordance with the provisions of Chapter XV for off-street parking lots.
 - c. There shall be a minimum distance of thirty (30) feet between buildings.
 - d. The entire site shall be enclosed with a six (6) foot high cyclone fence or other type approved by the Building Inspector.
 - e. Any outside storage area shall be visually screened from any public street right-of-way by the placement of a ten (10) foot wide greenbelt along the entire length of the street frontage.
 - f. There shall be no outdoor storage permitted within any front yard area.
4. Contractor storage yards and truck freight terminals and yards, provided that any outside storage areas shall comply with the following:

- a. There shall be no outside storage within any required front yard.
 - b. Except for the front yard, the entire site shall be enclosed with a six (6) foot high cyclone fence or other type approved by the Building Inspector.
 - c. Any building or storage area shall have a minimum setback of one-hundred (100) feet from any residential district.
 - d. The outside stacking or stockpiling of materials shall not exceed eight (8) feet above grade.
 - e. A ten (10) foot wide greenbelt shall be placed along any property or street right-of-way line that is adjacent to any residential district.
 - f. Any access drives and parking areas shall be constructed in accordance with the off-street parking requirements in Chapter XV, and any storage areas shall be graded, adequately drained, and surfaced or treated to control dust.
5. Temporary concrete and asphalt batch plants:
Temporary permits for concrete and asphalt batch plants may be issued provided that the operation does not involve the excavation and removal of natural resources from the premises and further provided that:
- a. No fixed machinery shall be erected or maintained within one hundred (100) feet of any adjacent property or street line. No stockpiling shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to prevent the mass movement of material onto surrounding property.
 - b. Where it is determined by the Township Board to be a public hazard, all uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent

trespassing and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.

- c. The Township Board shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. That portion of access roads within the area of operation shall be provided with a dustless surface.
- d. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling material upon the site, watering and paving.
- e. When processing operations are completed, all structures shall be removed and the affected area shall be reconditioned to support complete re-vegetation. No gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal-vertical). A layer of arable topsoil shall be spread over the affected area to a minimum depth of four (4) inches. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Building Inspector.
- f. In granting approval, the Township Board may require the posting of a letter of credit or certified check to insure compliance with this section.
- g. Upon approval of the application and approval of any required surety, the Building Inspector shall issue any necessary building permits and a temporary occupancy permit for a one (1) year period.
- i. An occupancy permit may be renewed for up to one (1) year at a time or for the duration of an accepted surety, whichever is less, upon a

finding by the Township Board that all conditions and plans are being complied with and no nuisance has been created by prior operations. Where any new area is to be considered or where any area not shown by the original site plan is to be included the procedures for a new application shall be followed.

- j. The Building Inspector shall revoke an occupancy permit where operations do not conform to approved plans or special conditions. All operations shall cease fourteen (14) days following notification by the Building Inspector of such violations unless such conditions are corrected. Reinstatement of a revoked permit shall require a new application and approval therefore.

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(c) USES BY SPECIAL USE PERMIT

1. Multiple Family Dwellings may be permitted as a transitional use separating existing or future business uses from other nearby less-intensive uses; if the Planning Commission determines that multiple family dwellings would be more compatible with the existing pattern of development than permitted business uses; or, when the proposed use is designed and included as part of a development that extends onto adjacent land which is zoned for high-density residential development. As a minimum, all approved developments shall satisfy the requirements of Section 7.03(b), except that all building setbacks shall satisfy the requirements of Section 8.03(a) 1 and 2.
2. Adult Foster Care Congregate Facilities, Convalescent Homes, Homes for the Aged and Nursing Homes may be permitted as a transitional use separating existing or

future business uses from other nearby less-intensive uses or if the Planning Commission determines that the proposed use would be more compatible with the existing pattern of development than permitted business uses. As a minimum, all developments shall have a minimum site size of two (2) acres, shall have a minimum of two hundred (200) feet of frontage on a public street, shall have minimum side and rear yards of seventy-five (75) feet, and all building setbacks shall satisfy the requirements of Section 8.03(a) 1 and 2.

3. Child Care Centers may be permitted as a transitional use separating existing or future business uses from other nearby less-intensive uses or if the Planning Commission determines that the proposed Child Care Center would be more compatible with the existing pattern of development than permitted business uses. As a minimum, all Child Care Centers shall have a minimum site size of one (1) acre, shall have a minimum of one hundred and fifty (150) feet of frontage on a public street, shall have minimum side and rear yards of fifty (50) feet, and the building setback shall satisfy the requirements of Section 8.03(a) 1 and 2 and all of the minimum standards called for herein. Any outside play area shall be located in the rear yard and shall be enclosed with a fence with a minimum height of four (4) feet.
4. Single Family Dwellings provided all requirements for a single family dwelling in Section 7.01(a) are satisfied and the Planning Commission determines it is the best transitional use for the property within the zone classification.
5. Duplexes or Two-Family Dwellings as a transitional use provided all requirements for a two-family dwelling in Section 7.01(b) are satisfied and the Planning Commission determines this is the best and most appropriate use for this property in this zone classification.

No building or structure, nor the enlargement of any building or structure, shall hereafter be erected unless the following area regulations are provided and maintained in connection with such building, structure or enlargement.

(a) Building Setback

1. Setback adjacent to a Major Thoroughfare

The building setback from M-25, M-15, and Pine Street between Center and Youngsditch shall be at least one hundred (100) feet. Parking is permitted within the building setback area, provided that a twenty (20) foot wide greenstrip is maintained adjacent to the major thoroughfare right-of-way line in accordance with the requirements of Chapter XVII.

2. Setback adjacent to any other Public Street

The building setback from any other public street shall be at least sixty (60) feet. Parking is permitted within the building setback area, provided that a ten (10) foot wide greenstrip is maintained adjacent to the public street right-of-way line in accordance with the requirements of Chapter XVII.

3. Setback adjacent to a Private Drive or Service Road

The building setback from any private drive or service road shall be at least sixty (60) feet. Parking is permitted within the building setback area, provided that a ten (10) foot wide greenstrip is maintained adjacent to the private drive or service road right-of-way line in accordance with the requirements of Chapter XVII. Provided further, that the building setback can be reduced to a minimum of thirty-five (35) feet if the entire portion of the front yard extended from the building to the street right-of-way is landscaped and a minimum ten (10) foot wide greenstrip is provided adjacent to the street right-of-way line for the remainder of the front yard.

(b) Yard, Side

The minimum side yard within the "B-3" district is fifteen (15) feet except where a side yard is adjacent to any Residential District the minimum shall be twenty-five (25) feet and a ten (10) foot wide greenbelt shall be maintained along said abutting property line as provided in Chapter XVII.

(c) Yard, Rear

The minimum rear yard within the "B-3" District is twenty-five (25) feet. If a rear yard is adjacent to any Residential District a ten (10) foot wide greenbelt shall be maintained along said abutting property line as provided in Chapter XVII.

SECTION 10.04 HEIGHT REGULATIONS

There are no height regulations in this zoned district.

SECTION 10.05 LOT COVERAGE

The total area occupied by all buildings and structures shall not exceed twenty-five (25) percent of the total lot area.

SECTION 10.06 REQUIRED CONDITIONS

- (a) All business, servicing or processing, except for off-street parking and loading facilities and uses permitted with special conditions, shall be conducted within completely enclosed buildings.
- (b) Lighting shall be arranged to deflect any light away from other properties.
- (c) Where the Planning Commission determines that an excessive number of ingress or egress points may occur with relation to major thoroughfares, they may require service roads, and to assure adequate traffic circulation on the site, may require the development of parking so that contiguous lots

on abutting properties will allow traffic circulation from one (1) property to another without re-entering the major thoroughfare.

The service roads shall have a paved surface, minimum width of twenty-four (24) feet and shall be either dedicated as public right-of-way or shall be an easement permitting its use for traffic circulation from one property to another. Any easement shall be in a form acceptable to the Planning Commission and approved or denied as part of the required Site Plan Approval process. If an easement is granted, each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one (1) property to another. The easement shall be recorded with the Bay County Register of Deeds prior to the issuance of an occupancy permit.

The Site Plan shall indicate the proposed elevation of the service road at all property lines and shall conform to elevations established by the Planning Commission or, if not established, be not more than one (1) foot above or below the elevation of the adjoining property. Paving of the Service Road shall meet construction specifications set by the Township Board. If adjacent properties are not developed, the Planning Commission may defer the paving of the Service Road until such time as the adjacent properties become developed. If the paving is deferred, the Planning Commission may approve temporary entrances and exits onto a major thoroughfare until such time as the Service Road is completed. Further, the Planning Commission may require the escrow of funds, a performance bond, irrevocable bank letter of credit, or other means to assure the paving of the service roads and the elimination of temporary entrances and exits.

- (d) The outdoor storage of goods or materials shall be prohibited except where specifically permitted as a special condition.
- (e) More than one (1) principal or accessory building or structure can be located on a lot provided that all of the yard requirements are maintained, that there is a minimum distance between buildings or structures of sixty (60) feet, that adequate provisions for access to each building

is shown on the Site Plan and that all of the other requirements of the "B-3" District are satisfied for each building or structure.

CHAPTER XI

I-1, PLANNED ENTERPRISE DISTRICT

SECTION 11.01 DESCRIPTION & PURPOSE

- (a) It is the intent of the I-1, Planned Enterprise District to provide for the development of a variety of industrial and ancillary uses that are characterized by low density land coverage; the absence of objectionable external impacts; and top quality, attractive industrial architecture. The regulations contained in this Chapter will facilitate the continued development of new, high-quality industrial facilities in a well planned environment so as to protect the public health, safety, and general welfare; promote economic stability and growth; prevent encroachment of uses that are incompatible with the industrial character of the district; encourage variety in the design and type of structures constructed; and provide for efficient traffic movement.
- (b) The following regulations shall apply in all Planned Enterprise Districts and shall be subject further to provisions of Chapter XVI, Ingress & Egress Provisions, Chapter XV, Off-Street Parking and Loading Provisions, Chapter XVII, Landscape & Greenbelt Provisions, Chapter XVIII, Signs, and all other applicable provisions of this Ordinance.

SECTION 11.02 PRINCIPAL USES PERMITTED

No building, structure, or land shall be used and no building or structure erected in the Planned Enterprise District, except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Non-manufacturing research and development establishments, including accessory laboratories, offices and other related facilities.
2. Laboratories or technology centers.

3. The manufacturing, compounding, processing, packaging or treatment, or the assembling from previously prepared materials, of such items as:
 - a. Food products, limited to baked goods, confectionery, and beverages.
 - b. Pharmaceutical products, cosmetics, and toiletries.
 - c. Toys, jewelry, novelties, and athletic goods.
 - d. Furniture, fixtures, and office equipment.
 - e. Signs and displays.
 - f. Engineering, optical, medical, photographic, and similar instruments.
 - g. Electrical instruments or appliances.
 - h. Apparel and other finished products made from fabrics, leather, canvas, fur, or similar materials.
 - i. Paperboard containers, and printed, published or bound materials.
 - j. Plastic injection moldings.
4. Regional warehousing or distribution centers.
5. Wholesale establishments.

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6. Municipal buildings, including governmental administrative or service buildings and governmental support facilities for high density uses, public service buildings or public utility buildings, telephone exchange buildings and communication or relay facilities.

7. Indoor recreation centers and health or fitness centers, including indoor tennis or swim clubs, indoor hockey or ice skating rinks, and similar commercial recreational facilities completely within an enclosed building.
8. Medical, executive, administrative, professional, accounting or clerical office facilities and data processing centers.
9. Corporate office facilities.
10. Banks and financial institutions.
11. Restaurants or other places serving food or beverage but not including drive-in/fast food restaurants.
12. Business schools or colleges and private schools operated for a profit.
13. Tire, battery and automotive accessory and service facilities.
14. Machine shops/tool & die.
15. Other principal uses determined by the Planning Commission to be of a similar nature and subject to the issuance of a Special Use Permit in accordance with the provisions of Chapter XIX.

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16. A single-family residential home may be placed in this zoned district provided the lot and proposed home meet all requirements of a single-family residential home found in the R-1 Residential District and, further, only after issuance of a special use permit by the Planning Commission, in accordance with the provisions of Chapter XIX, after public hearing and a Planning Commission determination that the use or placement of a single-family residential home will not be contrary to the general purposes and intentions of this

ordinance nor a threat to public safety, health, and welfare.

SECTION 11.03 PERMITTED ACCESSORY USES

The following are permitted accessory uses in the I-1, Planned Enterprise District:

- (a) Any structural or mechanical use customarily incidental to the permitted principal use.
- (b) Dispensaries and clinics located on the premises of and clearly incidental to the permitted principal use.
- (c) Cafeteria facilities located on the premises of and for the employees of the permitted principal use.
- (d) Off-street parking to serve the permitted principal use as required by and subject to the regulations established in Chapter XV.
- (e) Signs for the principal use subject to the regulations established in Chapter XVIII.
- (f) Retail sales incidental to the permitted principal use.

SECTION 11.04 AREA REGULATIONS

No building or structure nor the enlargement of any building or structure shall hereafter be erected unless the following area regulations are provided and maintained in connection with such building, structure or enlargement.

(a) Building Setback

- 1. Setback adjacent to a major thoroughfare or collector street.

The building setback from any state highway or county primary road shall be at least one hundred (100) feet. Parking is permitted within the building setback area provided that a twenty (20) foot wide greenstrip is maintained adjacent to the street right-of-way line in accordance with the requirements of Section 17.03.

2. Setback adjacent to a local or interior street.

The building setback from any street that is not a state highway or county primary road shall be at least sixty (60) feet. Parking is permitted within the building setback area provided that a ten (10) foot wide greenstrip is maintained adjacent to the street right-of-way line in accordance with the requirements of Section 17.03.

3. Yard, Side

The minimum side yard is twenty (20) feet except where a side yard is adjacent to any Residential District the minimum shall be thirty-five (35) feet and a ten (10) foot wide greenbelt shall be maintained along said abutting property line in accordance with the requirements of Section 17.04.

4. Yard, Rear

The minimum rear yard is twenty-five (25) feet. If a rear yard is adjacent to any Residential District a ten (10) foot wide greenbelt shall be maintained along said abutting property line in accordance with the requirements of Section 17.04.

5. Lot Frontage

All lots in this district shall have a minimum frontage of one-hundred & fifty (150) feet at the building line.

6. Lot Area

The minimum lot area for any use in this district shall be one (1) acre.

SECTION 11.05 HEIGHT REGULATIONS

There are no height limitations in this zone.

SECTION 11.06

LOT COVERAGE

The total area occupied by all buildings and structures shall not exceed twenty (20) percent of the total lot area.

SECTION 11.07

REQUIRED CONDITIONS

- (a) All operations shall be conducted completely within the confines of a building. However, materials and equipment may be stored outdoors within the rear yard if screened from the view of any public street property by a solid uniformly finished wall or fence with solid gates. The wall or fence shall be at least as tall as the materials or equipment being stored. Chain link fencing with interwoven slates is prohibited as a screening wall or fence.
- (b) Heating ventilation or air conditioning (HVAC) units or similar electrical or mechanical appurtenances shall be properly screened. All roof-mounted heating, ventilation, or air conditioning units and similar electrical or mechanical appurtenances shall be screened from view from street level.
- (c) All exterior lighting shall be arranged to deflect any light away from other properties.
- (d) Where the Planning Commission determines that an excessive number of ingress or egress points may occur with relation to major thoroughfares, they may require the development of parking so that contiguous lots on abutting properties will allow traffic circulation from one property to another without re-entering the major thoroughfare.

Easements may be required in a form acceptable to the Planning Commission and approved or denied as part of the required Site Plan Approval process. If an easement is granted, each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one property to another. The easement shall be recorded with the Bay County Register of Deeds prior to the issuance of an occupancy permit.

The Site Plan shall indicate the proposed elevation of the easement at all property lines and shall conform to elevations established by the Planning Commission or, if not established, be not more than one (1) foot above or

below the elevation of the adjoining property. Paving of the easement shall meet construction specifications set by the Township Board. If adjacent properties are not developed, the Planning Commission may defer the paving of the easement until such time as the adjacent properties become developed. If the paving is deferred, the Planning Commission may approve temporary entrances and exits onto a major thoroughfare until such time as the easement is completed. Further, the Planning Commission may require the escrow of funds, a performance bond, irrevocable bank letter of credit or other means to assure the paving of the easements and the elimination of temporary entrances and exits.

- (e) More than one principal or accessory building or structure can be on a lot provided that all of the yard requirements are maintained, that there is a minimum distance between buildings or structures of sixty (60) feet, that adequate provisions for access to each building is shown on the Site Plan and that all of the other requirements of the PE District are satisfied for each building or structure.