

Chapter 9: C GENERAL BUSINESS DISTRICT

Section 9.01 DESCRIPTION AND PURPOSE

It is the intent of this Ordinance to designate certain portions of the township for the retailing and wholesaling of goods as well as allowing neighborhood convenience shopping, including retail businesses or service establishments which supply commodities or perform services which meet the daily needs of a neighborhood or surrounding area. When any of these types of enterprises are permitted, they are to be regulated in the manner that will protect any abutting residential districts.

Section 9.02 PERMITTED USES

In the C District, no land or building shall be used, and no buildings or structures shall be erected or converted for any use or under any condition other than the following:

- (a) Those nonresidential uses which are permitted in the Residential Zoning Districts, subject to the same conditions, restrictions, and requirements as are provided in the Residential Zoning Districts, except as specifically provided otherwise in this Section.
- (b) Adult day care facilities, and other similar facilities.
- (c) Adult foster care congregate facilities, and other similar residential hospitals, infirmaries, and institutions
- (d) Animal hospitals
- (e) Antique sales and service but excluding commercial vat dipping and stripping
- (f) Automobile repair shop or garage limited to minor repairs as defined in Section 2.13
- (g) Automobile, truck and tractor sales, new or used, and service and rentals
- (h) Bank, land and finance offices including drive-in branches
- (i) Barber or beauty shop
- (j) Bicycle and motorcycle sales, service and rentals
- (k) Bowling alley, including bars and restaurant
- (l) Campgrounds and travel trailer parks in accordance with the provisions of Section 5.03(l)
- (m) Car wash
- (n) Clinics - dental and medical, including laboratory
- (o) Contractor (plumbing, heating, electrical, etc.) provided operations and storage are completely enclosed in a building
- (p) Crating and packing service
- (q) Department stores

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- (r) Electrical appliances and supplies including retail sales and service, wholesale outlets and storage
- (s) Factory and mill supply and sales but excluding bulk chemical supplies
- (t) Florist and gift shop, including nursery stock for retail sale
- (u) Funeral home, mortuaries and ambulance service
- (v) Food stores and grocery stores, including catering services, wholesale grocers and food storage operations
- (w) Furniture and household wares, new and used, including repair and reupholstering
- (x) Gasoline service stations
- (y) Greenhouses
- (z) Hardware store
- (aa) Hospitals, veterans' facilities and similar uses
- (bb) Hotels, motels and motor courts
- (cc) Laundromats, dry cleaning establishments, and other similar uses
- (dd) Liquor store
- (ee) Lodge hall, private clubs, veterans' clubs, fraternal organization
- (ff) Nursery school and day nurseries
- (gg) Offices - professional and business including sample rooms but not warehouses
- (hh) Pet shop
- (ii) Pharmacy
- (jj) Plumbing and heating shop (retail), provided all operations and storage are completely enclosed in a building
- (kk) Printing and publishing, including processes related thereto
- (ll) Professional studio
- (mm) Radio and television stores, sales and repair services, or broadcasting studios but not including towers
- (nn) Restaurants, cafeterias and other eating establishments
- (oo) Retail stores
- (pp) Sign painting and servicing shops, provided all operations and storage are completely enclosed in a building
- (qq) Signs as regulated in Chapter 15
- (rr) Theater
- (ss) Trade schools and other similar uses
- (tt) Transportation maintenance and servicing facilities, including truck, taxi cab, and bus terminals

Section 9.03 USES PERMITTED WITH SPECIAL LAND USE APPROVAL

- (a) Automobile repair shop or garage including major repair operations as defined in Section 2.12
- (b) Residences and mixed-use buildings. In considering such authorization, the Planning Commission shall consider the provisions of Section 3.32. In order to receive special land use approval under the provision of this Section the applicant shall meet the following requirements:

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- (1) All dimensional requirements as set forth in this and other Township codes, including, but not limited to, parking, loading, height, setbacks and lot coverage are met.
 - (2) All landscape, screening, site lighting and other ordinance requirements are met.
 - (3) Compatible businesses in C General Business District may be permitted. Such uses shall be located on the grade level. Uses shall be determined by the Planning Commission to pose no health or safety risk to residents in that structure.
 - (4) Certain uses by the nature of their operation, have a pronounced tendency to be incompatible with residential uses. Therefore, the following uses shall not be permitted with residential uses: Automobile, truck, tractor sales, service or rentals; automobile repair shops (major and minor); motorcycle sales, service or rentals; car wash; dry cleaning and laundry; exterminator services; laboratory, medical or dental; Laundromats; paint and wallpaper store; service stations; sign painting shops; and other similar uses deemed incompatible by Planning Commission.
 - (5) Residential apartments meet the minimum space requirements as established by Zoning and Building Codes.
 - (6) The use will not depress the value of nearby properties or adversely impact planned development patterns.
 - (7) Residential uses without a commercial component must be located in a structure originally designed and constructed to be used as a residence.
 - (8) Mixed residential and commercial uses must be designated to safely accommodate mixed residential and commercial uses. Floor plans and a use statement will be required for Planning Commission review.
 - (9) Sites with multiple units shall obtain a legal address for each unit on the property.
 - (10) A statement indicating that trash collection will be handled in the same manner as all commercial properties is included on the site plan.
- (c) Theater, drive-in. In considering such authorization, the Planning Commission shall consider the provisions of Section 3.32. Drive-in theaters granted a special land use permit under the provision of this Section shall meet the following requirements:
- (1) The site shall be at least ten (10) acres in area.

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- (2) The area of public assembly shall be enclosed with height (8) foot uniformly painted solid fence or wall.
 - (3) Any structure shall be at least one hundred (100) feet from all property lines and the required one hundred (100) foot area landscaped with lawn, trees and shrubs, unless enclosed inside the required fence.
 - (4) In order to provide reasonable traffic access, the ticket booth shall be at least two hundred (200) feet from the street right-of-way from which access is gained.
 - (5) The Planning Commission may attach other reasonable requirements and conditions which it deems are necessary for the protection of the public health, safety and welfare.
- (d) Self-Storage Facility, Without Distribution, subject to the following provisions:
- (1) Lot Size – The minimum lot or parcel size shall be at least one (1) acre.
 - (2) Prohibited Items. – No storage of perishable, combustible or flammable material, explosives, or toxic materials shall be allowed on the premises.
 - (3) Prohibited Activities. – Activities on the premises shall not include for the servicing, repair, auction, sales, or distribution or transfer of goods. No commercial, wholesale, retail, industrial, or other business use on, or operated from the site shall be allowed. The Planning Commission may require the submittal of a use statement to ensure that no distribution activities will take place on site.
 - (4) Security Provisions. – Cameras and lighting shall provide adequate security on the site, and an emergency access number and no loitering signs shall be clearly posted. Description of the security measures to be installed on site is required.
 - (5) Waste Removal. – Any waste shall be promptly removed from the site. If tenants need to dispose of large items, arrangements shall be made with the owners to remove the items without storing them outdoors for an extended period of time. Planning commission may require a waste disposal onsite or that a contract for waste removal be maintained by the owner with contact information printed on the site plan.
 - (6) Outdoor Storage. – Large items such as recreational vehicles may be stored outside of the enclosed storage units, provided that the outdoor storage areas are adequately screened from the view of the surrounding properties. Recreational vehicles and equipment shall be operable.
 - (7) Exterior Appearance. – Exterior appearance of self-storage facilities shall be of finished quality and design, subject to Planning Commission

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approval. Such buildings shall have pitched roofs and gables and overhead doors shall not face the right-of-way unless screened from public view.

- (8) Screening. – All storage facilities shall be screened from adjacent residential uses and public view by landscaping, fencing, or a combination of landscaping and fencing. A greenbelt is required in accordance with Section 3.40(a)(1) to screen the site from the right-of-way, and to screen any outdoor storage areas.
 - (9) Access. – Directed ingress and egress shall be from a paved public road with drive way dimensions that permit safe access by a 28-foot moving truck. All storage units' must be accessible by safe circular drives clearly marked to distinguish traffic flow direction and separate from parking lanes. Parking lanes in front of storage unites must be (10) feet. One way travel lanes must be (16) feet. Two-way travel ways must be (20) feet.
 - (10) Parking. – Adequate parking shall be provided based on parking requirements for warehousing. The Planning Commission may modify parking standards based on a parking study.
 - (11) Employees or Caretakers. – Onsite employees or a caretaker is required. Planning commission may approve sites without onsite employees provided, site access is security controlled, 24-hour emergency access information is posted in a prominent location, and a security plan is approved by Township Fire and Sheriff's Department.
 - (12) Waiver. – Where Planning Commission determines that compliance with all the above standards are unreasonable, the standards shall be applied to the maximum extent possible. In such a situation, the Planning Commission may accept suitable alternatives that substantially achieve the purpose of the review standards, provided the following findings can be made:
 - a) The architectural or structural integrity and quality are not undermined.
 - b) That any deviations from the above standards will still provide for harmonious development and serve to minimize any possible impacts on adjacent properties and residences.
- (e) Warehouse, Without Distribution, subject to the following provisions:
- (1) Lot Size. – The minimum lot or parcel size shall be at least one (1) acre.
 - (2) Indoor Storage. – All storage shall be inside an enclosed building; no outdoor storage shall be permitted.

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- (3) Loading. – Truck parking shall not be permitted outside of designated loading spaces.
- (4) Traffic Impact. – Planning Commission may require a traffic impact study and a traffic management plan.
- (f) Any other retail business and service establishment determined to be of the same general character as the above permitted uses or which supply services or conveniences or perform services when authorized by the Planning Commission which shall consider the following standards:
 - (1) The size, nature and character of the proposed area;
 - (2) The proximity of the proposed use to the adjoining properties;
 - (3) The parking facilities provided for the proposed use;
 - (4) Any traffic congestion or hazard which will be created by the proposed use;
 - (5) How well the proposed use harmonizes, blends with, and enhances adjoining properties in the surrounding neighborhoods.
 - (6) The need or necessity for the proposed use to serve the needs of the surrounding neighborhood;
 - (7) The effect of the proposed use on adjoining properties in the surrounding neighborhoods; and
 - (8) The probability that the proposed use will be objectionable by reason of emission or odors, soot, dust, noise, gas, fumes, vibration, or glare.
- (g) Medical Marihuana Facilities, limited to safety compliance facilities and secure transporters and according to the applicable standards listed in Section 10.03 (f).

Section 9.04 HEIGHT REGULATIONS

No building or structure shall exceed thirty-five (35) feet in height.

Section 9.05 AREA REGULATIONS

No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements:

- (a) Front Yard – Where all the frontage on the same side of a street between two intersecting streets is located in a C Zoning District and where a setback has been established that setback shall determine the required front yard. In all other cases, there shall be a front yard of no less than forty (40) feet. Parking shall be

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permitted within the required front yard subject to the provisions of Section 14.09(a).

- (b) Side Yard –
 - (1) Where the side of a lot in a C Zoning District abuts upon the side of a lot in any AG or R Zoning District, each side yard shall be no less than twenty-five (25) feet.
 - (2) There shall be a side yard of no less than forty (40) feet on the street side of a corner lot.
 - (3) A fifteen (15) foot side yard is required when a lot in a C zone abuts upon a C or I zone.
- (c) Rear Yard –
 - (1) Where the rear of a lot in a C Zoning District abuts upon the side yard or rear of a lot in any AG or R Zoning District, there shall be a rear yard of no less than twenty-five (25) feet.
 - (2) In all other cases, there shall be a rear yard of no less than ten (10) feet.
 - (3) No accessory building shall be allowed closer than (5) feet from the rear lot line.
- (d) Screening - Side yards and rear yards adjoining any lot in an R Zoning District shall be screened (1) by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height after one growing season; or (2) a solid wall or tight board fence six (6) feet in height. Side yards adjoining any lot in an AG Zoning District shall be screened (1) by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height after one growing season; or (2) a solid wall or tight board fence six (6) feet in height within 100 feet of the right-of-way; on a corner lot only one side shall be screened. Planning Commission may defer screening if there are no current uses that will be impacted by the proposed site development. Deferred screening must be shown on the site plan and Planning Commission may, at any time following approval, require screening to be installed if adjacent site conditions are impacted by the site development.
- (e) Lot Area - The minimum lot area shall be fifteen thousand (15,000) square feet; provided, however, that all private sewage disposal systems not connected to a public sewer must be approved by the Bay County Health Department and the Township Engineer.
- (f) Lot Width - The minimum lot width shall be one hundred (100) feet.

Section 9.06 PARKING

Off-street parking and loading shall be provided in accordance with the regulations of Chapter 14.

Section 9.07 ADDITIONAL REGULATIONS

- (a) No private oxidation pond or private lagoon type sewage disposal system or sanitary landfill is permitted in the C District.
- (b) The storage of all materials, objects, equipment, machinery and inoperable motor vehicles shall be wholly within a completely enclosed building or screened from public view. Planning Commission may require storage containers to be screened from public view.