



CITY COUNCIL ACTION REPORT

DATE: March 17, 2009

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Public Hearing – Zoning Ordinance Text Amendment (File Number: ZOTA 234) –
Article 28 – Automobile Repair in M-1

Background:

- The Planning Commission held a public hearing for this item at the February 10, 2009 Regular meeting and recommended approval of ZOTA 234.
- The proposed amendment permits parcels that front on major thoroughfares or abut I-75 to be utilized for automobile repair. This improves the potential for reuse for vacant industrial buildings in the City of Troy.
- The proposed amendment permits automobile repair facilities without outdoor storage by right in M-1. Presently, these facilities are permitted by Special Use Approval.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- City Council has the authority to amend the Zoning Ordinance.

Policy Considerations:

- The application is consistent with the following “Outcome Statements” as established at the July 1, 2008 special Council meeting:
 - II. Troy adds value to properties through maintenance or upgrades of infrastructure and quality of life venues.
 - III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve, deny or modify the proposed text amendment.

Approved as to form and legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Draft ZOTA 234 City Council Public Hearing Draft.
2. Article 28, City of Troy Zoning Ordinance.
3. Minutes from February 10, 2009 Planning Commission Regular meeting.

Prepared by RBS/MFM

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
CITY COUNCIL PUBLIC HEARING DRAFT
ZOTA 234

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2. Amendment to Article III of Chapter 39

Article XXVIII of Chapter 39 of the Code of the City of Troy is amended to permit automobile repair and service facilities by Conditional Use in the M-1 District, to read as follows:

28.00.00 ARTICLE XXVIII M-1 LIGHT INDUSTRIAL DISTRICT

28.25.00 Conditional Uses Permitted:

The following uses shall be permitted in M-1 Districts, subject to the conditions imposed for each use:

28.25.08 Automobile repair and service facilities, including engine, electrical, and mechanical repair, vehicle body repair, painting, rust-proofing, and auto glass work, subject to the following conditions:

A. Outside storage or display of vehicles, parts or equipment shall be prohibited unless the applicant receives Special Use Approval per the provisions of Section 28.30.04.

28.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

~~28.30.07 Automobile Repair and Service Facilities, Including Engine, Electrical, and Mechanical Repair, Vehicle Body Repair, Painting, Rust-Proofing, and Auto Glass Work, Subject to the Following Conditions:~~

~~A. Such sites shall be within the interior of industrially zoned areas. They shall have their frontage on and access only to secondary or interior streets, and no frontage on or access to Major Thoroughfares or Freeways as established by the Master Thoroughfare Plan.~~

~~B. Outside storage or display of parts or equipment shall be prohibited.~~

~~C. Retail sales shall be limited to those items necessary to carry out the vehicle service activities occurring on the site.~~

~~The uses permitted by this Section shall not include Automobile Service Stations, as provided for in Section 23.30.02 of this Chapter.~~

~~(Rev. 12-05-94)~~

28.30.78 Commercial Kennels, subject to the following conditions:

- A. The site shall be no closer than three hundred (300) feet from any residentially zoned or used property. This distance provision shall not apply to residentially zoned land which is developed or committed for uses other than the construction of residential dwellings.
- B. A Commercial Kennel establishment may include ancillary uses such as pet grooming and pet obedience training.

(Rev. 02-05-01)

28.30.089 Indoor commercial recreation facilities, subject to the following conditions:

- A. Off-street parking requirements shall be determined based on the Zoning Ordinance requirements.

28.30.940 Retail uses, subject to the following:

- A. The retail use shall not exceed twenty-five percent (25%) of the gross floor area of a building that is used for industrial purposes.
- B. There shall be a functional relationship between the retail use and the industrial use, as determined by one of the following:
 - i. The retail use sells only products, or products directly accessory thereto, that are manufactured or fabricated in the industrial portion of the building.
 - ii. The retail use sells only products, or products directly accessory thereto, that are stored in the industrial portion of the building.
- C. For application B. ii. above, the industrial and retail uses shall have common ownership.
- D. For application B. ii. above, the building shall front on a major thoroughfare as classified on the City of Troy Transportation Plan.

(Renumbered: 04-17-06)

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2009.

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

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28.00.00 ARTICLE XXVIII M-1 LIGHT INDUSTRIAL DISTRICT

28.10.00 INTENT:

The M-1 (Light Industrial) Districts are designed to primarily accommodate wholesale, warehouse, distribution and service activities, research and engineering processes, and industrial operations whose external physical effects are restricted to the are of the Districts and are not detrimental to any of the surrounding Districts. The M-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. It is the intent of this section that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, shall not be permitted. The following regulations shall apply to all "M-1" Districts and no building, structure, or premises, except as otherwise provided in this Chapter, shall be erected, altered, or used except for one or more of the following uses.

Uses established within this District shall be permitted on the basis that they functionally require location in the M-1 District, and would thus not be appropriate in or compatible with uses in non-industrial Districts.

28.10.01 Persons seeking to rezone property to the Zoning District governed by this Article shall conform to the requirements of Section 03.20.00.

28.20.00 Principal Uses Permitted:

Any of the following uses when the manufacturing, compounding, or processing, or other indicated activity is conducted wholly within a completely enclosed building.

28.20.01 The manufacture, compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.

28.20.02 The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metal or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.

28.20.03 The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

28.20.04 Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small moulded rubber products.

28.20.05 Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

28.20.06 Laboratories - experimental, film or testing, and industrial photograph facilities.

28.20.07 Manufacture and repair of electric and neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

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- 28.20.08 Warehouse and wholesale establishments and truck terminal facilities.
- 28.20.09 Distribution, service, and processing centers for commercial and service uses whose basic operations or business functions occur in other non-residential Districts. Such facilities shall not provide passer-by or retail type services or trade. These provisions shall not be construed to permit uses which are not otherwise permitted in this District.
- 28.20.10 Industrial research, engineering, design, and pilot or experimental product development or manufacturing process development.
- 28.20.11 Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail.
- 28.20.12 Public utility facilities, buildings, storage yards, and other related uses, including, but not limited to, those which by their nature require location in the M-1 District.
- A. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, collocation, or the provision of more than one utility facility at a single location, may be required by the Planning Commission as a part of the Site Plan Review process.
 - 1. Applications for the placement of freestanding tower structures and antennas under this Section, which do not involve collocation, shall be considered only in conjunction with a report from an independent qualified and licensed professional engineer, indicating reasons why collocation is physically or technically not feasible.
 - B. The setback for a freestanding communications antenna tower structure, from an abutting residentially zoned or used parcel, shall be at least five (5) times the height of the structure. This setback requirement shall not apply to sites on which antenna tower structures were constructed prior to July 1, 1998.
 - C. Actions to approve the placement of freestanding tower structures and antennas under this Section shall be conditioned upon submittal, by the applicant, of financial assurances in a form acceptable to the City Manager, in order to assure that the subject facilities will be removed from the site within one (1) year of the date that their use ceases.
- (Rev. 10-05-98)
- 28.20.13 Trade or industrial schools.
- 28.20.14 Accessory structures and uses customarily incident to the above permitted uses.
- (Rev. 06-24-96)
- 28.20.15 Other uses similar to the above permitted uses.

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28.25.00 Conditional Uses Permitted:

The following uses shall be permitted in M-1 Districts, subject to the conditions imposed for each use:

28.25.01 Accessory or related uses which, by themselves, would not be permitted in the M-1 District. these uses shall be included in the manufacturing, warehouse, or other principal structures, or shall be attached to such structures by means of a fully-enclosed structural attachment, and therefore shall not be permitted as freestanding uses.

A. Accessory service, parts, or incidental retail sales facilities, directly related to the principal use or function within the subject building, may be permitted subject to the following conditions:

1. The total customer area devoted to such accessory uses shall not exceed three (3) percent of the total gross floor area of the subject building, up to a maximum of five hundred (500) square feet.
2. The subject location shall not be advertised in any fashion as a "retail sales" location.

(06-24-96)

28.25.02 Outside storage facilities for materials or equipment necessary for the manufacturing, compounding, or processing activities referred to in Section 28.20.00, and thus clearly accessory to such activities. Outside storage is prohibited in conjunction with warehouse and wholesale establishments. Permitted storage areas shall further be subject to the following conditions:

1. Storage areas shall be totally obscured by a masonry wall on those sides abutting any other Zoning District, and on any yard abutting a public thoroughfare. The extent of such walls may be determined by the Planning Commission based upon the specific use, in conjunction with Site Plan Review. Such walls shall further conform to the standards established in Section 28.30.04, and shall meet all the requirements of Article XXXIX (Environmental Provisions), Section 39.10.00. The height of the items stored shall not exceed the height of the screening walls.
2. Outside storage areas established under this Section shall not include required parking or loading areas, nor shall they restrict or impede access to or through the site.
3. All outside storage areas shall be subject to the approval of the Fire Department as to their location and the nature of the items to be stored.

(Rev. 06-24-96)

28.25.03 The Director of Building and Zoning, by resolution may grant temporary permission for retail sales as an accessory to a wholesale or service facility within an M-1 District. Such permission may be granted for periods not to exceed three (3) days in length within any six (6) month period.

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In conjunction with approving such short-term accessory retail sales activities, the Director of Building and Zoning shall find that:

- A. Adequate parking is available on and immediately adjacent to the subject site.
- B. The proposed temporary use will have no negative impacts on adjacent properties.

Any appeals from these provisions may be considered by the City Council, and shall be subject to the procedures and the fees as established by the City Council for Zoning Variances.

(Rev. 01-08-01)

- 28.25.04 Metal Plating, Buffing and Polishing, subject to appropriate measures as determined by the Chief Building Inspector and other applicable governmental agencies, as necessary to control the types of processes in order to prevent noxious results and/or nuisances.

(Rev. 06-24-96)

- 28.25.05 Machinery Assembly Plants, Painting and Varnishing Shops, Lumber and Planing Mills, subject to appropriate measures as determined by the Chief Building Inspector in order to limit noise, dust, odors and other potential nuisances.

(Rev. 06-24-96)

- 28.25.06 Veterinary hospitals, subject to the following conditions:

- A. All activities shall be conducted within a totally enclosed main building. No outdoor dog run areas will be permitted.
- B. A veterinary hospital may include ancillary uses such as overnight boarding, pet grooming and pet obedience training

(02-28-05)

- 28.25.07 Antique or Classic Automobile Sales Agencies for antique or classic automobiles shall be permitted subject to the following:

- A. There shall be no outdoor storage of materials or vehicles.
- B. No automobile repair or service shall be permitted, unless special use approval is granted by the City.
- C. Sales of automobiles on site shall be exclusively limited to antique or classic automobiles; no sales of new or conventional used cars shall be permitted.
- D. Antique or classic automobiles located on site and offered for sale shall be in operable condition.

(04-17-06)

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- 28.25.07 Ambulance facilities, subject to the following conditions:
- A. There shall be a minimum distance of 300 feet between the ambulance facility property and any residential-zoned property.
 - B. Incidental uses such as administrative offices, vehicle maintenance and sleeping quarters shall be permitted within the ambulance facility.
- (11-13-06)
- 28.25.07 Automobile rental establishments, including trucks, trailers or recreational vehicles.
- A. There shall be a minimum distance of 300 feet between the automobile rental establishment and any residential-zoned property.
 - B. Vehicle maintenance and automobile washing shall occur within fully enclosed buildings.
- (05-14-07)
- 28.30.00 USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:
The following uses may be permitted in M-1 Districts, subject to the conditions hereinafter imposed for each use. Each proposed use is subject to review and approval by the Planning Commission, or the City Council, where indicated. Before approving any such uses, the Planning Commission or the City Council shall find that:
- A. The land use activity being proposed is of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and is compatible with the orderly development or use of adjacent land or Districts.
 - B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.
- 28.30.01 Persons seeking Special Use Approval for specified uses governed by this Article shall conform to the requirements of section 03.30.00.
- 28.30.02 Mini-Warehouse or Self-Storage Developments, wherein indoor storage areas are made available to the general public, subject to the following conditions:
- A. The Planning Commission shall determine that the site driveway system is designed in a manner which will ensure safe and easy access to all building elements.
 - B. Outside storage of materials or vehicles shall be prohibited, except as otherwise provided in this Section.
 - C. See Article 40.20.00 for off-street parking requirements. (Rev. 08/23/04)
 - D. Commercial and recreational vehicle storage shall be permitted, subject to the following conditions:

1. Outdoor storage spaces shall be provided on the site for all such vehicles, over and above the parking required by Article 40.20.00.
2. The vehicular storage area shall be enclosed within a building or by a masonry obscuring wall on those sides abutting any other Zoning District, and on any yard abutting a public thoroughfare or freeway. The extent of such walls may be determined by the Planning Commission on the basis of usage. Such walls shall not be less than six (6) feet in height and may, depending upon the nature of the storage, be required to be eight (8) feet in height, and shall be subject further to the requirements of Article XXXIX, Section 39.10.00, "Environmental Provisions". In instances where the grade of the freeway is more than four (4) feet above the grade of the property, the Planning Commission may permit a landscaped berm at least five (5) feet, in height, in lieu of the above wall. The top of the berm shall be landscaped with a minimum of a double row, ten (1) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center. The Planning Commission has the authority under Article 03.31.06 to modify the buffering requirements based on the specific characteristics of the proposed use and the abutting uses.
3. The number of vehicles stored on site shall not exceed one vehicle per one-hundred square feet of interior warehouse space. A vehicle stored on a trailer shall constitute one vehicle for the purpose of applying this formula.
4. Special Use Approval is required in order to permit vehicular storage within an established Mini-Warehouse development.

(08-23-04)

- E. When outside areas are to be used for the storage of vehicles, no repair work or servicing shall be permitted other than that minor repair or servicing necessary to prepare the vehicles for storage or to bring them out of storage. Such storage areas shall meet at least the following minimum standards:
1. A durable dustless surface, consisting of concrete, asphalt, gravel, or crushed stone, designed and drained to meet City Engineering Standards.
 2. Storage spaces having minimum dimensions of 10 feet by 20 feet.
 3. Driveways shall be designed to provide direct access to all storage spaces and to assure fire safety.
 4. The configuration of the storage area and the items to be stored shall be subject to the approval of the Fire Department.

(08-23-04)

F. Rental of trucks or vans for the purpose of transfer of items stored or to be stored within the Mini-Warehouse development may be permitted, subject to the following conditions:

1. Parking spaces shall be provided on the site for all such trucks or vans, over and above the parking required by Article 40.20.00.

(Rev. 08-23-04)

2. The number of trucks or vans available for lease on the site shall not exceed one (1) for each ten thousand (10,000) square feet of gross warehouse building area.

3. No vehicle repair or servicing shall occur on the site.

4. Separate Special Use Approval action by the Planning Commission is required in order to permit a truck or van rental use within an established Mini-Warehouse development.

G. Rental of trailers and vehicles other than trucks or vans shall be prohibited.

H. A manager's apartment may be permitted in order to enable 24-hour surveillance of the development.

(Rev. 01-17-94)

28.30.03 Canning factories (but not including slaughtering or rendering).

28.30.04 Storage facilities for building materials, sand, gravel, stone, lumber, construction contractor's equipment and supplies, vehicles, and recreational vehicles and equipment, provided such is enclosed within a building or within a masonry obscuring wall on those sides abutting any other Zoning District, and on any yard abutting a public thoroughfare or freeway. The extend of such walls may be determined by the Planning Commission on the basis of usage. Such walls shall not be less than six (6) feet in height and may, depending upon the nature of the storage, be required to be eight (8) feet in height, and shall be subject further to the requirements of Article XXXIX, Section 39.10.00, "Environmental Provisions". In instances where the grade of the freeway is more than four (4) feet above the grade of the property, the Planning Commission may permit a landscaped berm at least five (5) feet, in height, in lieu of the above wall. The top of the berm shall be landscaped with a minimum of a double row, ten (1) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center. Such storage may be permitted when such is a secondary or accessory use in relation to the primary or principal use of the subject property.

Outside storage areas for items as indicated in the previous paragraph may be permitted as the sole or principal use of an industrial site, subject to the obscuring wall or screening provisions of the previous paragraph, and further subject to the following provisions:

- A. Such sites shall be within the interior of industrially-zoned areas, in the sense that they shall have their frontage on and access only to secondary or interior streets, and no frontage on or direct access to major thoroughfares as established by the Master Thoroughfare Plan, and no frontage on a freeway.
- B. Such storage areas shall be set back a minimum of one hundred (100) feet from any public street, so as to place such areas in line with the rear yards of adjacent industrial sites.

This minimum setback area shall be treated in the same manner as conventional M-1 District front yards.

- C. Driveways providing access to such storage areas from their frontage streets shall be paved in the same manner as off-street parking areas, in accordance with Section 40.25.10 of this Chapter.

When outside areas are to be used for the storage of vehicles, no repair work or servicing shall be permitted other than that minor repair or servicing necessary to prepare the vehicles for storage or to bring them out of storage. Such storage areas shall meet at least the following minimum standards:

- A. A durable dustless surface, consisting of concrete, asphalt, gravel, or crushed stone, designed and drained to meet City Engineering Standards.
- B. Storage spaces having minimum dimensions of 10 feet by 20 feet.
- C. Driveways to provide direct access to all storage spaces and to assure fire safety. Junkyards may be permitted, subject to the provisions of this section related to independent storage uses. Such yards shall further be entirely enclosed within a masonry obscuring wall of at least six (6) feet in height and may, depending upon the nature and scale of the storage, be required to be eight (8) feet in height. Said wall shall be constructed around all sides of the junkyard area, and shall be of sufficient strength to serve as a retaining wall.

The configuration of the storage area and the items to be stored shall be subject to the approval of the Fire Department.

(Rev. 05-17-93)

28.30.05

New car sales agencies when such agencies are developed as a planned center or complex specializing in new car sales and consisting of more than two individual franchised new car agencies subject further to the following conditions:

- A. The minimum lot area shall be fifteen (15) acres and so arranged that ample space is available for motor vehicles which are required to wait or be stored or parked.
- C. Uses normally accessory to new car sales establishments such as major engine repair or rebuilding, body repair, painting, and undercoating shall be permitted provided such uses are clearly subordinate and incidental to the principal use and provided further that such cases shall be conducted within a completely enclosed building.

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- C. Outdoor sales space for used motor vehicles shall be permitted as an accessory use to the principal use of new car sales subject to the requirements of Sub-Section 22.30.01, (B), (C), (D), and (F).

Establishments principally or solely for the sale of used vehicles shall be prohibited.

- D. A site plan drawn to scale indicating the proposed layout of the planned automobile center and showing at least the location of all buildings, roads, access driveways, use areas, and any buildings existing on adjacent property shall be submitted to the Planning Commission for review. No building permit shall be issued until a site plan has been approved by the Planning Commission.

- E. A planned automobile center is a group of more than two individual franchised new car agencies which have coordinated site design and layout and function as a part of the total planned center. The planned automobile center site must include a physical improvement such as a common service roadway (other than the public thoroughfare providing access to the site), a parkway, common pedestrian mall, or patio area which will unify the individual establishments.

Planning Commission shall review the total planned center and not the individual establishments. Two or more automobile dealerships which fail to have coordinated site design and at least one of these elements is not a planned automobile center.

Planning Commission shall only review the total planned center, not individual establishments.

- F. Signs within planned automobile centers shall be in accordance with Chapter 78 of the Troy City Code, the City of Troy Sign Ordinance.

(Rev. 12-05-94)

28.30.06 Greenhouse facilities for the growth and production of plant materials, subject to the following conditions:

- A. The site shall have a minimum area of one (1) acre.
- B. No retail sales shall be permitted on the site.
- C. The building coverage provisions of Section 30.20.09 shall not apply to this use.

(Rev. 12-05-94)

28.30.07 Automobile Repair and Service Facilities, Including Engine, Electrical, and Mechanical Repair, Vehicle Body Repair, Painting, Rust-Proofing, and Auto Glass Work, Subject to the Following Conditions:

- A. Such sites shall be within the interior of industrially zoned areas. They shall have their frontage on and access only to secondary or interior streets, and no frontage on or access to Major Thoroughfares or Freeways as established by the Master Thoroughfare Plan.

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- B. Outside storage or display of parts or equipment shall be prohibited.
- C. Retail sales shall be limited to those items necessary to carry out the vehicle service activities occurring on the site.

The uses permitted by this Section shall not include Automobile Service Stations, as provided for in Section 23.30.02 of this Chapter.

(Rev. 12-05-94)

28.30.08 Commercial Kennels, subject to the following conditions:

- A. The site shall be no closer than three hundred (300) feet from any residentially zoned or used property. This distance provision shall not apply to residentially zoned land which is developed or committed for uses other than the construction of residential dwellings.
- B. A Commercial Kennel establishment may include ancillary uses such as pet grooming and pet obedience training.

(Rev. 02-05-01)

28.30.09 Indoor commercial recreation facilities, subject to the following conditions:

- A. Off-street parking requirements shall be determined based on the Zoning Ordinance requirements.

28.30.10 Retail uses, subject to the following:

- A. The retail use shall not exceed twenty-five percent (25%) of the gross floor area of a building that is used for industrial purposes.
- B. There shall be a functional relationship between the retail use and the industrial use, as determined by one of the following:
 - i. The retail use sells only products, or products directly accessory thereto, that are manufactured or fabricated in the industrial portion of the building.
 - ii. The retail use sells only products, or products directly accessory thereto, that are stored in the industrial portion of the building.
- C. For application B. ii. above, the industrial and retail uses shall have common ownership.
- D. For application B. ii. above, the building shall front on a major thoroughfare as classified on the City of Troy Transportation Plan.

(Renumbered: 04-17-06)

28.30.10 Other uses of a similar character to those permitted above, and which will not be injurious or have an adverse effect on adjacent areas, and may therefore be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare.

(Renumbered 10-24-05)

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- 28.30.11 Restaurants, including outdoor seating, subject to the following:
- A. Outside seating areas shall be enclosed by masonry walls, or decorative fencing elements, or shall otherwise be physically delineated and limited in a manner acceptable to the Planning Commission.
 - B. Access to the outdoor seating area shall be from the interior of the restaurant only.
 - C. Drive through windows shall be prohibited.

(08-06-07)

28.50.00 DEVELOPMENT STANDARDS:
Any use established in the M-1 District after the effective date of this Chapter shall be operated so as to comply with the performance standards set forth hereinafter in Article XXXIX, "Environmental Provisions".

28.50.01 See Section 40.20.00 for parking requirements.

28.50.02 See Section 39.95.00 of the General Provisions for the Standards and regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

28.60.00 ENVIRONMENTAL STANDARDS:
See Article XXXIX, "Environmental Provisions", for requirements pertaining to walls, landscaping, performance standards, and signs.

28.80.00 SITE PLAN REVIEW:
All Site plans for the Development of property in this District shall be subject to the review and approval of the Planning Commission. Site Plans for the expansion of such developments, which also involve the expansion of off-street parking and driveway facilities, shall also be subject to the approval of the Planning Commission. In their review, the Planning Commission shall determine that all development features are located so as to minimize the possibility of adverse effects upon adjacent properties, and so as to relate properly to traffic safety.

28.80.01 Persons seeking Site Planning Approval for the development of property governed by this Article shall conform to the requirements of Section 03.40.00.

28.90.00 AREA AND BULK REQUIREMENTS:
See Article XXX, "Schedule of Regulations", limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ZONING ORDINANCE TEXT AMENDMENTS

8. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 234) – Article 28.30.07, Automobile Repair and Service Facilities in the Light Industrial District**

Mr. Miller gave a brief summary of the proposed zoning ordinance text amendment. He indicated a representative of the Building Department gave a thumbs-up relative to the intent and enforceability of the proposed amendment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2009-02-017**

Moved by: Vleck
Seconded by: Maxwell

RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 28, M-1 LIGHT INDUSTRIAL DISTRICT, pertaining to automobile repair and service facilities, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (9)

MOTION CARRIED