

PLANNING COMMISSION MEETING AGENDA SPECIAL/STUDY MEETING

500 W. Big Beaver
Troy, MI 48084
(248) 524-3364
www.troymi.gov
planning@troymi.gov

Michael W. Hutson, Chair, and Mark Maxwell, Vice Chair
Donald Edmunds, Philip Sanzica, Robert Schultz, Thomas Strat
John J. Tagle, Lon M. Ullmann and Mark J. Vleck

November 23, 2010

7:30 P.M.

Council Board Room

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MINUTES – November 9, 2010 Regular Meeting
4. PUBLIC COMMENTS – For Items Not on the Agenda
5. BOARD OF ZONING APPEALS (BZA) REPORT
6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT
7. PLANNING AND ZONING REPORT

SPECIAL USE REQUEST

8. SPECIAL USE APPROVAL AND PRELIMINARY SITE PLAN REVIEW (File Number SU 315-B) – Proposed Pro Car Wash West, West side of Rochester and South of Wattles (3785 Rochester), Section 22, Currently Zoned H-S (Highway Service) District

STUDY ITEM

9. COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) – Discussion with Representatives from Carlisle/Wortman Associates, Inc. - Article 4 District Regulations, Article 8 Specific Use Standards and Article 2 Definitions

OTHER BUSINESS

10. PUBLIC COMMENTS – Items on Current Agenda
11. PLANNING COMMISSION COMMENTS

ADJOURN

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@troymi.gov or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Hutson at 7:30 p.m. on November 9, 2010, in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Michael W. Hutson
Robert Schultz
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Absent:

Mark Maxwell
Philip Sanzica
Thomas Strat

Also Present:

R. Brent Savidant, Acting Planning Director
Allan Motzny, Assistant City Attorney
Zachary Branigan, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2010-11-073

Moved by: Schultz
Seconded by: Edmunds

RESOLVED, To approve the Agenda as prepared.

Yes: All present (6)
Absent: Maxwell, Sanzica, Strat

MOTION CARRIED

3. APPROVAL OF MINUTES

There was no action taken on the October 26, 2010 Special/Study meeting minutes. Mr. Ullmann would like to include some discussion comments, of which he will forward in writing to the Planning Department.

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUEST

5. **PUBLIC HEARING – SPECIAL USE APPROVAL AND PRELIMINARY SITE PLAN REVIEW (File Number SU 384)** – Proposed LA Fitness, 1501 Maple Lane, South of Maple and West of Coolidge, Section 31, Currently Zoned M-1 (Light Industrial) District

Mr. Branigan presented a summary of the proposed Special Use and Preliminary Site Plan application for LA Fitness. He specifically addressed parking. Two traffic studies that were prepared, one by the petitioner's traffic consultant and the other by the City's traffic consultant, identified there is sufficient parking on site to accommodate the proposed use. Mr. Branigan expressed support for the proposed parking deviation.

Mr. Branigan addressed the site access and circulation. He indicated the petitioner would be required to obtain a cross access easement to the proposed connection to Doyle Drive. Mr. Branigan addressed a conflict between the two traffic studies with respect to whether a taper right turn lane should be required.

Mr. Branigan expressed support of the proposal as submitted. He recommended the Planning Commission grant the required parking modification, preliminary site plan and special use application with two conditions; one, the applicant provide documentation of a cross access easement to Doyle Drive prior to Final Site Plan approval; and two, resolve traffic analysis concerns in a manner acceptable to the City Engineer.

There was a short discussion on the potential of the warehouse becoming a part of the health club in the future and the effect it would have on parking. It was determined that such a significant change in the Special Use approval would require the applicant to come back before the Planning Commission.

Victor Saroki of Victor Saroki and Associates, 430 N. Old Woodward, Birmingham, was present to represent the petitioner. Mr. Saroki addressed the proposed building footprint, site circulation, landscaping and parking.

Also present were Linden Nelson, property owner, and James Butler and Michael Labadie of Professional Engineering Associates.

Mr. Schultz asked if the proposed tree islands would be irrigated.

Mr. Butler replied in the affirmative.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2010-11-074**

Moved by: Schultz

Seconded by: Tagle

RESOLVED, The Planning Commission hereby approves a reduction in the number of required parking spaces for the proposed LA Fitness and warehouse space to 419 when a total of 970 spaces are required on the site based on off-street parking space requirements, as per Article XL. This 551-space reduction is justified through a comparison of parking spaces provided for similar uses in the area, as outlined in the Parking Analysis prepared by PEA and a report prepared by OHM.

BE IT FURTHER RESOLVED, That Special Use Approval and Preliminary Site Plan Approval for the LA Fitness indoor commercial recreation facility, located on the south side of Maple and west of Coolidge (1501 Maple Lane), Section 31, within the M-1 zoning district, be granted, subject to the following:

1. Provide documentation of cross access easement to Doyle Drive prior to Final Site Plan Approval.
2. Resolve traffic analysis concerns in a manner that is acceptable to the City of Troy Engineer.

Yes: All present (6)

Absent: Maxwell, Sanzica, Strat

MOTION CARRIED

Mr. Saroki said they would like the primary entry off of Maple should they not be able to obtain a cross access easement to Doyle Drive.

Mr. Motzny said it depends on the difficulty the petitioner might have obtaining a cross access easement whether the matter can be handled administratively, or if the petitioner would be required to come back before this Board. He said it would be best to determine if and what the problem is, and then schedule a meeting to address the issue.

Mr. Nelson stated he would like to strike the condition requiring a cross access easement from the Site Plan approval. He said it is his first choice, as well as the tenant's, to obtain a cross access easement. Mr. Nelson expressed concern with losing LA Fitness as a tenant should they not be able to obtain the cross access easement to Doyle Drive.

Chair Hutson acknowledged the uniqueness of the situation relating to the ownership of Doyle Drive. He assured Mr. Nelson that the City would do everything it can to facilitate going forward with the proposal.

PRELIMINARY SITE PLAN REVIEW

6. PRELIMINARY SITE PLAN REVIEW (File Number SP 965) – Proposed Alpha Dental Center, 405 E. Maple Road, Northeast Corner of Maple and Kirkton, Section 27, Currently Zoned O-1 (Office Building) District

Mr. Branigan presented a summary of the proposed Preliminary Site Plan application for Alpha Dental Center. He addressed the variances relating to the nonconforming setbacks that the petitioner is required to obtain prior to Preliminary Site Plan approval. Mr. Branigan noted the photometric plan appears to exceed the minimum lighting limitation. He indicated the concern could be addressed prior to Final Site Plan approval, or the petitioner might address it prior to coming back before the Planning Commission.

Mr. Branigan expressed support for the proposed project. He recommended the Planning Commission take no action on the site plan this evening, to allow the applicant to pursue the required setback variances.

There was a brief discussion on the building design and parking layout with respect to the existing trees on site. Mr. Branigan said the design layout is the best possible, given the small property size. Mr. Branigan confirmed there would be no berm on the north side.

It was noted that the landscape plan appeared to have a label error on the types of trees provided.

The petitioner, Dr. Carmelia Sandulache, was present.

Chair Hutson stated the item would be scheduled on a Board of Zoning Appeals agenda.

OTHER BUSINESS

7. COMPREHENSIVE ZONING ORDINANCE RE-WRITE (ZOTA 236) – Discussion with Representatives from Carlisle/Wortman Associates, Inc. – Article 4 District Regulations

Mr. Branigan briefly followed up on a few items from last week's meeting:

- Tree Preservation / Woodlands Protection.
- Natural Features Protection Ordinance.
- Incentives (point system).

Mr. Branigan said the Planning Commission could consider addressing a Natural Features Protection Ordinance again, although he noted the task could potentially slow down the Zoning Ordinance re-write process. Mr. Branigan believes there are appropriate tools in the new Zoning Ordinance to address natural features concerns and is comfortable moving forward.

It was discussed whether a Natural Features Protection Ordinance and the Zoning Ordinance re-write could be worked on concurrently. It was determined that the creation of a 2011 to-do list would be more strategic. Items to study in the future are:

- Electronic LED lighting for signs.
- Stormwater management.
- Natural features.

Mr. Savidant noted that management determined it best not to include sign standards/regulations in the Zoning Ordinance. He said the Planning Commission would have the ability to review and determine if proposed signage at the time of Preliminary Site Plan approval meets City standards.

Mr. Branigan discussed Article 4 District Regulations and addressed the following:

- Housekeeping items.
- “Intent” sections revised and strengthened.
- Adjustments to Schedule of Regulations.
 - Height regulation increase (residential).
 - Based on marketing trends.
 - Height in relation to fire precaution/suppression.
 - Across the board for all residential districts (R1-A to R1-E).
 - Overall revisions (non-residential).
 - Use categories.
 - ‘Accessory’ use (revise term).

Mr. Branigan briefly reviewed the items for discussion at a future study meeting; i.e., definition section, specific use regulations, entertainment and service type uses, restaurants permitted in O-1 (Office Building) district by right.

Points to consider for allowing restaurants by right in the O-1 district:

- Where O-1 abuts or is adjacent to residential.
- Conformity of existing delicatessens in O-1.

8. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

9. PLANNING COMMISSION COMMENTS

Mr. Edmunds shared his experience in attending a training seminar offered through Michigan Municipal League, *Tracking and Retaining Entrepreneurs*.

There was further discussion on the petitioner's presentation and aesthetics of the recently approved cellular tower located at Troy Lanes, 1950 E. Square Lake.

There was discussion on Agenda item #5 on this evening's agenda, Special Use Approval and Preliminary Site Plan for LA Fitness (File Number SU 384), relating to reconsideration of the Resolution, with respect to the petitioner's comments after Site Plan approval.

Mr. Motzny said it could have been possible for the Board to propose a Resolution indicating the condition of approval is the cross access easement with the further condition that if there is difficulty obtaining that easement, the Board could allow administrative approval to waive that requirement. Mr. Motzny believes that absent such a provision in the Resolution, the matter would have to come back to the Planning Commission to remove that requirement.

Chair Hutson acknowledged the difficulty of the situation, stated he does not want to lose LA Fitness either and would like to see the petitioner attempt to get the cross access easement. If not, then the Board would revisit the matter.

The Regular Meeting of the Planning Commission adjourned at 8:48 p.m.

Respectfully submitted,

Michael W. Hutson, Chair

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2010 PC Minutes\Draft\11-09-10 Regular Meeting_Draft.doc

DATE: November 19, 2010

TO: Planning Commission

FROM: R. Brent Savidant, Acting Planning Director

SUBJECT: SPECIAL USE APPROVAL AND PRELIMINARY SITE PLAN REVIEW (File Number SU 315-B) – Proposed Pro Car Wash West, West side of Rochester and South of Wattles (3785 Rochester), Section 22, Currently Zoned H-S (Highway Service) District

The applicant proposes to renovate the existing automatic car wash building, including an addition to the west side of the building. Other site elements will be modified, although the existing pump islands and canopy will remain. The City recently acquired right-of-way from the owner for the ongoing Rochester Road construction project.

The attached report prepared by Carlisle/Wortman Associates, Inc. summarizes the project.

A Public Hearing was held for this item on October 12, 2010. No action was taken by the Planning Commission at that meeting, as the application required two variances:

1. A variance to provide a 68.4 foot rear yard setback, when a 75 foot rear yard setback is required.
2. A variance from the 10% landscaping requirement, permitting the applicant to provide 1,388 square feet of landscaping when 2,918 square feet is required.

The Board of Zoning Appeals granted both variances at the November 16, 2010 Regular meeting.

Please be prepared to discuss the application at the November 23, 2010 Planning Commission Regular meeting. Further, please bring the full size plans that were provided to you for the October 12, 2010 Regular meeting.

Attachments:

1. Maps.
2. Report prepared by CWA.
3. Draft minutes from November 16, 2010 BZA meeting (excerpt).

cc: Applicant
File/ SU 315-B

G:\SPECIAL USE\SU 315-B Pro Car Wash West Sec 22\SU-315-B PC Report 11 23 2010.docx



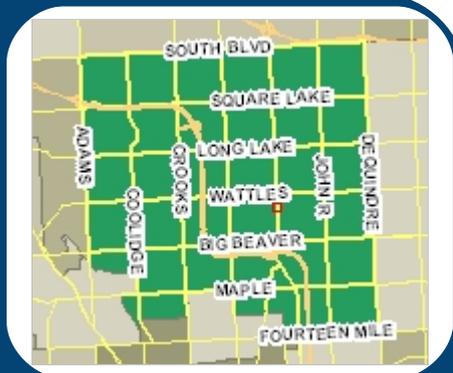
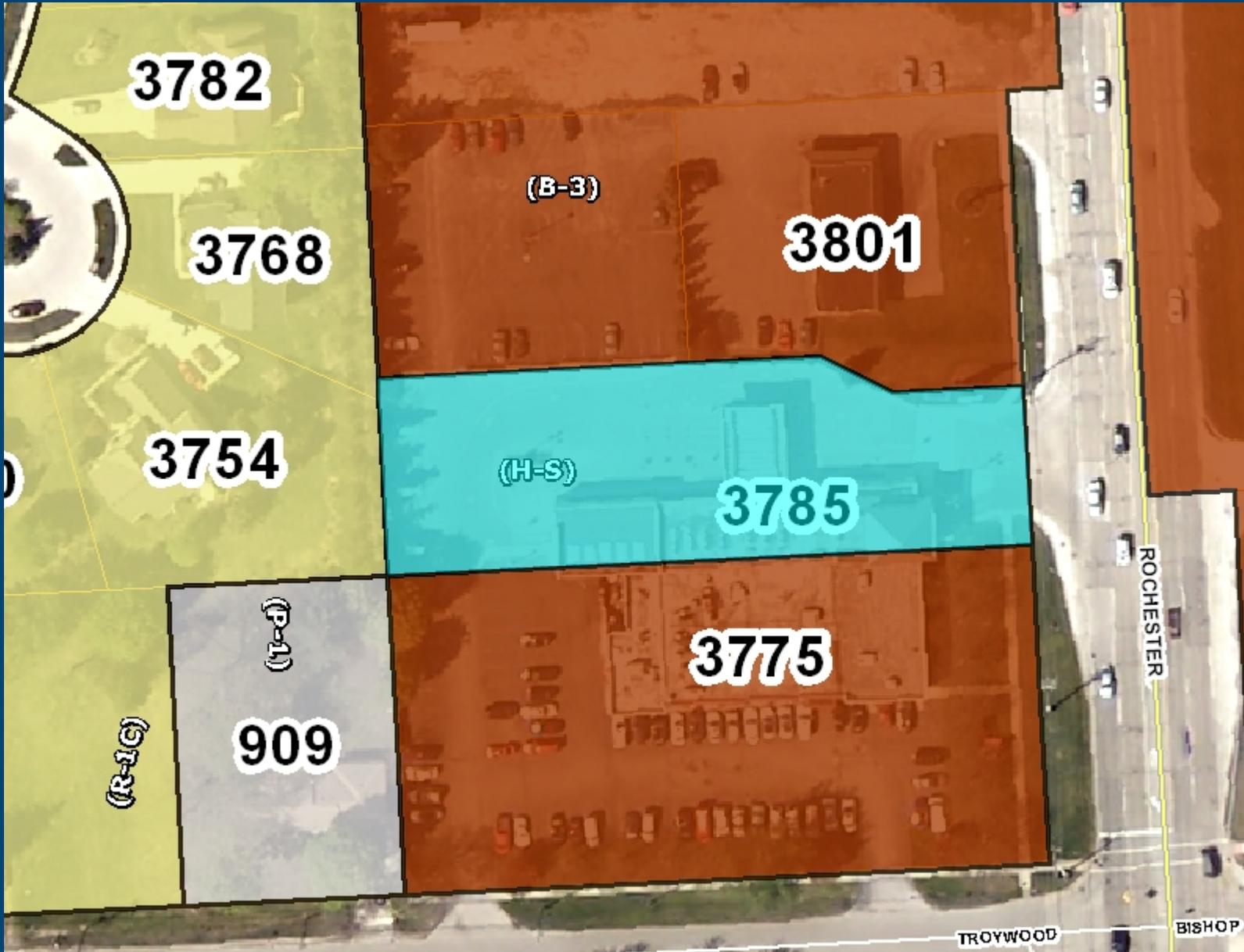
Legend

-  I-75
-  Road Centerline
 -  Major Road
 -  Industrial Road
 -  Local Road
-  Hydrography Poly
-  Hydrography Arc
-  Parcels
- Aerial Photos - 2008**
 -  Red: Band_1
 -  Green: Band_2
 -  Blue: Band_3

150 0 75 150Feet

Scale 1: 900





Legend

- I-75
- Road Centerline
 - Major Road
 - Industrial Road
 - Local Road
- Zoning**
 - (PUD) Planned Unit Development
 - (B-1) Local Business District
 - (B-2) Community Business District
 - (B-3) General Business District
 - (R-C) Research Center District
 - (C-F) Community Facilities District
 - (C-J) Consent Judgment
 - (E-P) Environmental Protection District
 - (R-EC) Residential Elder Care
 - (P-1) Vehicular Parking District
 - (H-S) Highway Service District
 - (M-1) Light Industrial District
 - (O-1) Office Building District
 - (O-M) Office Mid-Rise District
 - (OSC) Office Service Commercial District
 - (CR-1) One Family Residential Cluster District
 - (R-1A) One Family Residential District
 - (R-1B) One Family Residential District
 - (R-1C) One Family Residential District
 - (R-1D) One Family Residential District
 - (R-1E) One Family Residential District
 - (R-1T) One Family Attached Residential Distr
 - (R-2) Two Family Residential District
 - (R-M) Multiple Family Residential Medium De
 - (RM-1) Multiple Family Residential District Lc
 - (RM-2) Multiple Family Residential District (M
 - (RM-3) Multiple Family Residential District (Hi
- Hydrography Poly
- Hydrography Arc
- Parcels

Aerial Photos - 2008

- Red: Band_1
- Green: Band 2

Printed: 9/15/2010

150 0 75 150Feet

Scale 1: 900



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners /Landscape Architects

605 S. Main, Suite 1
Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

Date: October 6, 2010

Special Land Use Review For City of Troy, Michigan

Applicant: Robert Waldron on behalf of Martha Waldron

Project Name: Pro Car Wash West

Plan Date: September 14, 2010

Location: 3785 Rochester Road

Zoning: H-S, Highway Service

Action Requested: Preliminary Site Plan Approval

Required Information: Deficiencies noted

PROJECT AND SITE DESCRIPTION

We are in receipt of a special land use and preliminary site plan submittal for a building addition to an existing car wash facility. In addition, the east elevation will be modified and several site improvements are proposed.

Location of Subject Property:

The property is located near the corner of Troywood Drive and Rochester Road (3785 Rochester Road) in section 22.

Size of Subject Property:

The parcel is 0.67 acres in size.

Proposed Uses of Subject Parcel:

The applicant proposes to expand the existing building at the west end by fifteen (15) feet, adding 523 square feet of floor area. This addition accommodates an extended pre-wash tunnel for the existing car wash facility. Additionally, the applicant is proposing to remove and replace the east exterior wall of the car wash facility decreasing this portion of the building by 155 s.f. The new building configuration will encompass 6,872 s.f. of total space consisting of a car wash, store, and mechanical / storage / office facilities. A new car wash automated pay station is also proposed within the proposed landscaped area north of the barrier-free parking space at the west end of the site.

Current Use of Subject Property:

The property is currently used as an automatic car wash where engine fuels are sold as a significant part of the operation and features a store, cashier window, three vacuum stations, and four multiple product dispensing gasoline pump units.

Current Zoning:

The property is currently zoned H-S, Highway Service. Section 23.30.03 permits auto washes where engine fuels are sold as a significant part of the operation in the H-S District as a use permitted subject to special land use approval and to the provisions of Chapter 71 of the City Code.

Zoning Classification of Adjacent Parcels:

North: B-3 General Business District.
South: B-3 General Business District.
East: B-3 General Business District.
West: R-1C One-Family Residential.

Future Land Use Plan Designation:

The property is located in the Rochester Road Future Land Use Plan designation.

AREA, WIDTH, HEIGHT, SETBACKS

Required and Provided Dimensions:

Section 30.20.07 requires the following setbacks and height limits:

Setbacks from FUTURE R.O.W.	<u>Required:</u>	<u>Provided:</u>
Front (east)	40 feet (car wash) 25 feet (canopy edge) 35 feet (canopy support) 30 feet (pump island)	40.36 feet (car wash) 95 feet (canopy edge) 95 feet (canopy support) 94 feet (pump island)
Side (south)	0 feet (car wash) 10 feet (canopy edge) 20 feet (canopy support) 20 feet (pump island)	0 feet (car wash) 35 feet (canopy edge) 35 feet (canopy support) 42 feet (pump island)
Side (north)	10 feet (car wash) 10 feet (canopy edge) 20 feet (canopy support) 20 feet (pump island)	57 feet (car wash) 17 feet (canopy edge) 17 feet (canopy support) 22 feet (pump island)
Rear (west)	75 feet (car wash) 75 feet (canopy edge) 75 feet (canopy support) 75 feet (pump island)	68.4 feet (car wash) 148 feet (canopy edge) 148 feet (canopy support) 147 feet (pump island)
Building Height	40 feet (car wash) 40 feet (canopy)	28.7 feet (car wash) Unknown (canopy)

The proposed building addition encroaches upon the required rear yard setback by 6.6 feet. This will have to be addressed through altering the site plan or obtaining a variance from the Zoning Board of Appeals.

Items to be Addressed: Address rear yard setback deficiency.

PARKING, LOADING

Proposed Parking:

The site plan indicates that 59 spaces are proposed, including one handicapped space, the 8 pump island spaces, 39 stacking spaces for the car wash, and employee and customer spaces for the store.

Parking Calculations:

The parking calculations are as follows.

<u>Required</u>	
Pump Islands	1 per pump station = 8 spaces
Automobile Wash	5 Stacked cars/20 feet of wash line = $197/20 * 5 =$ 50 stacking spaces
Employees	1/employee = 4 spaces
Retail	1/200 sf. Of gross floor area = $1635 /200 =$ 8 spaces
Total Required	20 spaces + 50 stacking spaces = 70 spaces
Total Provided	12 regular parking spaces, 8 pump station spaces. The applicant also claims that 47 stacking spaces are provided; however we believe that several of these spaces are ineligible to be considered stacking spaces, and conflict with pump spaces that are not shown on the drawings.

Parking Deficiency:

The increased automatic car wash square footage results in an increase in required stacking spaces. The site plan proposes some stacking spaces which clearly conflict with the fuel pump parking, however. We calculate that the site plan only provides 33 spaces that can truly be considered stacking spaces for the car wash. The Zoning Ordinance requires stacking parking calculations to be based upon feet of wash line. Automobile wash stacking spaces must be provided at a rate of five spaces per 20 feet of wash line, or in this case, 50 spaces. Therefore, the site is deficient 15 automobile wash stacking spaces. However, 47 spaces are shown on the site plan, and were there to be no vehicles at the pump stations; it is conceivable that all 47 spaces shown could be occupied. Of course, access not only to the refueling stations, but also to the access and exit lanes would also be restricted if all 47 spaces were occupied.

We believe it is highly unlikely that over 40 vehicles would occupy the site for refueling simultaneously, and if they did, no customers would enter the site for refueling only. It is likely that customers who are entering the site would refuel and attain a car wash or patronize the store, which would also ease the burden on the stacking spaces by bringing the refueling spaces into play. That said, we do believe that the stacking spaces shown meet minimum requirements.

Two (2) parking spots are blocked by the car wash queue. This may not be a problem which can be solved on this restricted site. Also, this condition currently exists in many car wash facilities. The space near the car wash entrance, for instance, will likely be used by staff, and it is unlikely that such demand will exist in the site that the barrier-free space, which is located so as to provide access to the main building, will be blocked.

Items to be Addressed: None.

SITE ACCESS AND CIRCULATION

Proposed Circulation:

The site will be accessed from one existing curb cut on Rochester Road. An existing access point is also provided via a cross-access agreement with the property to the north.

Additional problems exist with the site access and circulation. They are as follows:

- The merging of the four lanes of car wash queued cars near the island on the east side of the property creates a conflict.
- A by-pass lane is identified for vehicles fueling to exit the property without entering the car wash queue. However, vehicles utilizing the southernmost fuel pumping stations nearest the building at busy times would be required to “cut” in line, and as such, could create conflicts.

Items to be Addressed: Address issues identified in bulleted list above.

NATURAL RESOURCES

The site is existing and devoid of natural features, with the exception of some existing landscaping and a few trees. Please refer to our analysis of site landscaping later in this review.

Items to be Addressed: None.

LANDSCAPING

A landscape plan has been provided identifying how Ordinance requirements are being met. The site does currently have required frontage trees, and the applicant has relocated several existing planters, reducing waste and the need for new plants. The revised site plan preserves only one tree, which does not qualify as a frontage tree. The required frontage trees must be provided, although we do recognize the limited area in which trees could be located near the right-of-way. This should be discussed with the Planning Commission.

The applicant has not provided sufficient open space. The landscape design and tree preservation standards specify that 10% of the site area be landscaped. For this site, that would equate to

2,918 square feet, but the plan only allocates 1,388 square feet. Thus, the site plan is deficient by 1,530 square feet of landscaped area.

Items to be addressed: 1.) Provide frontage trees. 2.) Obtain a variance from the Zoning Board of Appeals for landscaping deficiencies.

SPECIAL USE REVIEW

For any special land use, according to Section 03.31.04, the Planning Commission shall review the request, supplementary materials either in support or opposition thereto, as well as the Planning Department's report, at a Public Hearing established for that purpose, and shall either grant or deny the request, take action on the request, or grant the request subject to specific conditions.

Required Information

In the H-S District, an auto wash where engine fuels are sold as a significant part of the operation is a special land use, with the conditions that waiting and stacking spaces shall be provided in accordance with Section 40.21.44 and drives providing waiting or stacking spaces shall be set back at least twenty-five feet from any residential district as section 23.30.03 specifies. As such, a special land use permit must be issued to allow the project to move forward, in accordance with Section 03.31.00. Section 03.33.00 establishes the information required for a special land use application. All required information has been provided.

Standards of Approval

Section 03.31.05 states that before approving any requests for Special Use Approval, the Planning Commission, or the City Council, where indicated, shall find that:

- 1. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development or use of adjacent land and/or Districts.*
- 2. 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.*

We believe the use of this land use as proposed by the site plan (and as it exists today) is of such location and character as to be compatible with the orderly development or use of adjacent land and/or Districts. This site plan represents an improvement to the site made necessary by the revisions to Rochester Road.

The applicant will have to modify the proposed building addition or obtain a variance from the Zoning Board of Appeals in order to meet the required rear yard setback for a car wash facility in the H-S, Highway Service zoning district. The applicant will also be required to obtain a variance for landscaping area.

The site plan as designed largely mimics the existing uses that are present on the subject site, albeit in a slightly different configuration, with more floor area. The site's intensity is atypical

for a property of this size, but the changes made in the site plan do improve the condition over the existing facility. Therefore, we support special use approval.

Items to be addressed: Address site design issues.

RECOMMENDATIONS

With additional commercial square footage and a larger car wash building, there is a slight intensification of use and therefore parking and stacking requirements. Overall, the intensity of the site will be similar to what exists now, but may cause a few more vehicles moving throughout the site.

We are confident that the proposed alterations to the existing business will be an improvement to the site, if the rear setback requirement can be rectified. We recommend that Planning Commission postpone action on the application until such time as the applicant can obtain ZBA approval for the required variances, and to allow the applicant a chance to revise the site plan to address and other outstanding items noted herein.



CARLISLE/WORTMAN ASSOCIATES, INC.
Zachary G. Branigan, LEED AP, AICP
Associate

4. HEARING OF CASES

- A. **VARIANCE REQUEST, ROBERT WALDRON OF PRO ENTERPRISES INC., PRO CAR WASH WEST, 3785 ROCHESTER ROAD** – In order to modify the front of and construct an addition to the rear of the existing car wash, the following variances are requested: 1) A 1 foot variance to the required 40 foot front yard setback, 2) an 8 foot variance to the required 75 foot rear yard setback, 3) a variance from the requirement that two trees be provided along the front of the property, and 4) a 1,539 square foot variance to the requirement that 10% of the site area be landscaped (10% of the site area is 2,927 square feet).

ORDINANCE SECTIONS: 30.20.07, 30.20.07 (note G), 39.70.02 and 39.70.04

Mr. Evans gave a brief report on the proposed variances for Pro Car Wash West, 3785 Rochester Road, with respect to the Rochester Road right of way, setback requirements and landscape requirements.

Mr. Evans said there is an active Special Use and Preliminary Site Plan application before the Planning Commission. As a result of the Rochester Road widening, the petitioner is proposing to enlarge the existing car wash facility and is required to obtain Special Use approval.

Mr. Forsyth provided general background information on the Rochester Road widening project. He addressed the condemnation proceeding, the taking of approximately 35 feet of right of way, and its affect on the Pro Car Wash facility to which the petitioner is seeking the proposed variances.

Mr. Evans confirmed the proposed landscaping is just under 50% of the required landscaping.

The petitioner, Robert Waldron of Pro Car Wash West, 3785 Rochester Road, was present. Mr. Waldron said the Rochester Road widening is the principal reason he is in front of the Board requesting the four variances. He addressed the hardship imposed on the car wash facility with respect to the elimination of the acceleration lane, building layout for line production, conveyors and drying area, and limited property for landscaping. Mr. Waldron said they have always been short on landscaping.

Mr. Edmunds said there is a very attractive mature spruce tree as you enter the car wash facility. He addressed the similarity of the proposed variance request to the variance granted for the car wash facility on the east side of Rochester Road.

PUBLIC HEARING OPENED

No one was present to speak. Chair Lambert noted there is no written correspondence on file.

PUBLIC HEARING CLOSED

Resolution # BZA 2010-11-055

Moved by Bartnik

Seconded by Edmunds

MOVED, To grant the variances as requested.

Preliminary Findings:

- That the variances would not be contrary to the public interest.
- That the variances do not permit the establishment of a prohibited use within a zoning district.
- That the variances do not cause any adverse effect to properties in the immediate vicinity or immediate zoning district.
- That the variances relate only to the property described in the application.

Special Findings:

The petitioner has the following practical difficulties as disclosed in the record and the complete documentation provided, and is part of the record:

- No reasonable use can be made of the property as desired by the existing business without unnecessarily burdensome conformance.
- Practical difficulties result from the unusual characteristics as described in the petition and by the petitioner in his presentation this evening, relating to the size, location, narrowness of the lot and configuration.

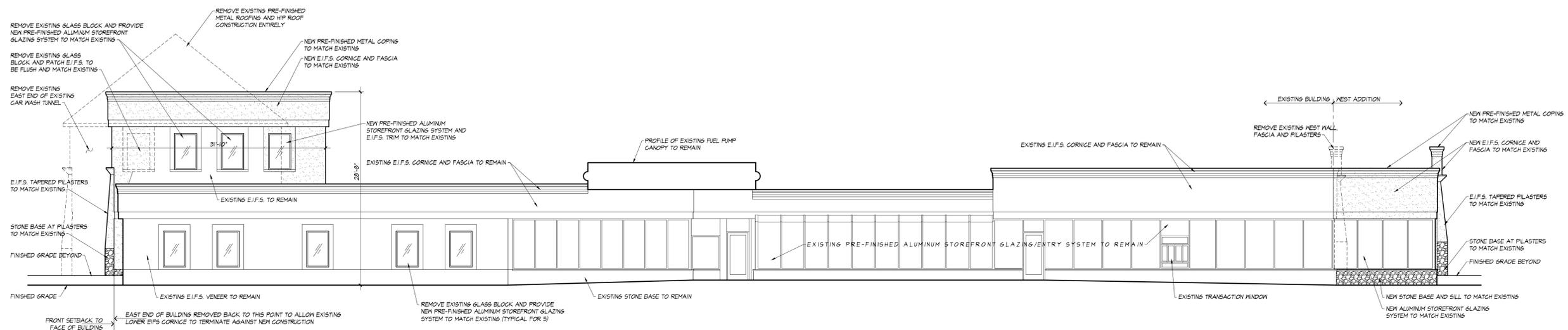
Discussion on the motion on the floor.

Chair Lambert said he is very sympathetic with the issues before the petitioner, and the City of Troy is happy the applicant is staying and operating his business in the City.

Vote on the motion on the floor.

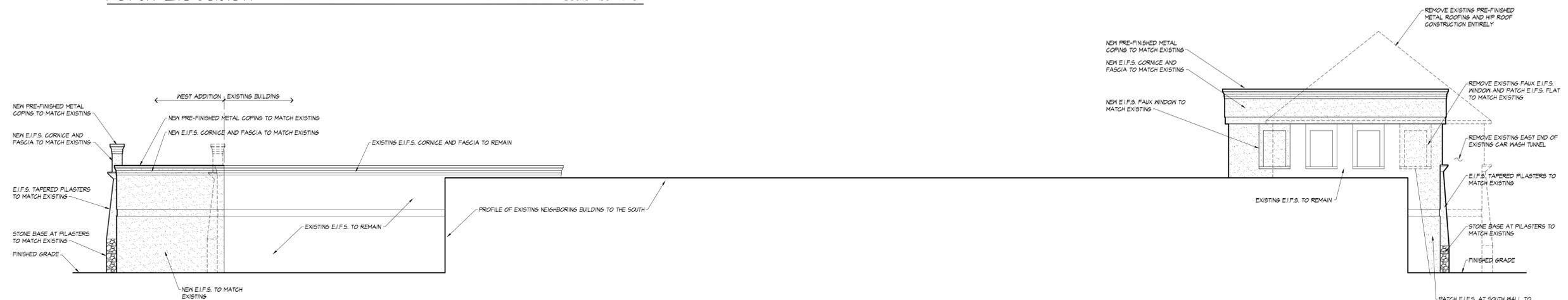
Yes: All present (7)

MOTION CARRIED



North Elevation

Scale: 1/8"=1'-0"



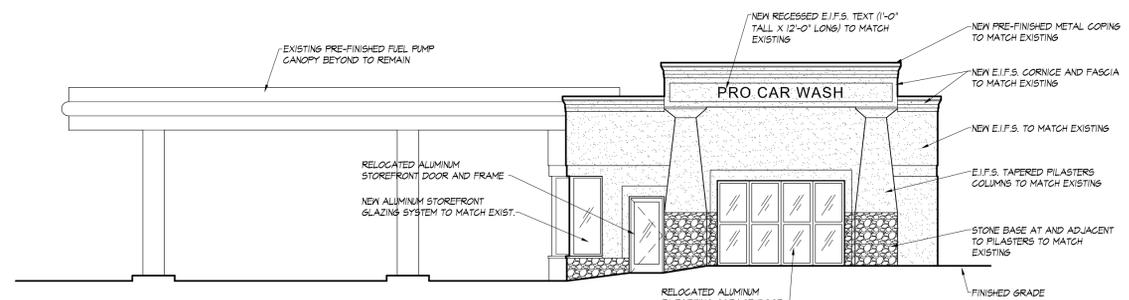
South Elevation

Scale: 1/8"=1'-0"



East Elevation

Scale: 1/8"=1'-0"



West Elevation

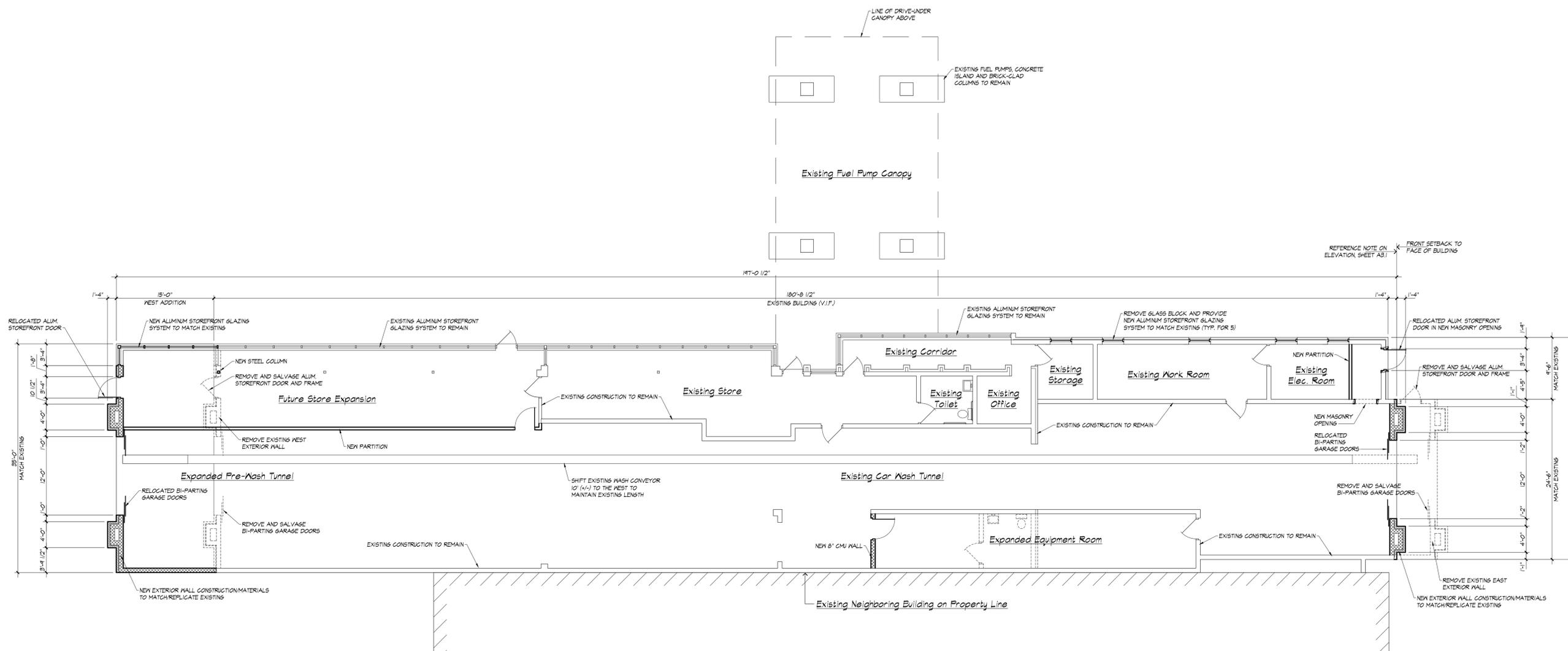
Scale: 1/8"=1'-0"



Pro Car Wash West

3785 Rochester Road
Troy, Michigan

Date	Issued For
09/01/10	AS BUILT
09/08/10	CLIENT REVIEW
09/14/10	SITE PLAN APPROVAL



Architectural Floor Plan

Scale: 1/8" = 1'-0"



Sheet Number

A2.1

Architectural Floor Plan

Project Number

10-124

Date: November 18, 2010

To: Planning Commission

From: R. Brent Savidant, Acting Planning Director

Subject: COMPREHENSIVE ZONING ORDINANCE REWRITE (ZOTA 236) – Discussion with Representatives from Carlisle/Wortman Associates, Inc. - Article 4 District Regulations, Article 8 Specific Use Standards and Article 2 Definitions

Representatives of Carlisle/Wortman Associates, Inc. (CWA) will attend the November 23, 2010 Special/Study meeting to discuss draft Article 4 District Regulations and draft Article 8 Specific Use Standards.

Draft Article 4 was discussed at previous meetings. Draft Article 8 is being introduced to the Planning Commission.

Article 2 Definitions is not complete at this time and will be handed out at the meeting.

Please be prepared to discuss these items at the November 23, 2010 Special/Study meeting.

Attachment:

1. Draft Articles 4 and 8.

cc: Richard Carlisle, Carlisle/Wortman Associates, Inc.

G:\ZOTAs\ZOTA 236 Zoning Ordinance Rewrite\PC Memo 11 23 2010.doc

ARTICLE 4

ZONING DISTRICTS AND MAP

5

SECTION 4.01 DISTRICTS

For the purpose of this Chapter, the City of Troy is hereby divided into the following Districts:

- 10 R-1A One-Family Residential District
- R-1B One-Family Residential District
- R-1C One-Family Residential District
- R-1D One-Family Residential District
- R-1E One-Family Residential District
- 15 RT One-Family Attached Residential District
- MR Multiple-Family Residential District
- UR Urban Residential District
- MHP Mobile Home Park District
- 20 CF Community Facilities District
- EP Environmental Protection District
- CB Community Business District
- 25 GB General Business District
- IB Integrated Industrial and Business District
- O Office District
- OM Office Mixed Use District
- 30 P Vehicular Parking District
- RC Research Center District

SECTION 4.02 MAP

35

The boundaries of the districts set forth in Section 4.01, Establishment of Districts are shown upon the map attached hereto and made a part of this Ordinance which map is designated as the Official Zoning Map of the City of Troy. The Zoning Map, along with all notations, references and other explanatory information, are available at the City of Troy offices.

40

SECTION 4.03 INTERPRETATION OF DISTRICT BOUNDARIES

45 Where uncertainty exists with respect to the boundaries of any district indicated on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow the centerlines.
- 5 B. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- 10 D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow the centerline.
- 15 F. Boundaries indicated as parallel to, or extensions of, features indicated in subsections A through E of this section shall be so construed.
- G. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
- 20 H. Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections A through G of this section, the Zoning Board of Appeals shall interpret the district boundaries.
- 25 I. Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that the district boundaries do extend to the center of any public right-of-way.
- 30

SECTION 4.04 ZONING OF VACATED AREAS

Whenever any street, alley or other public way within the City of Troy has been vacated by action of the City Council, and the land within the vacated area is attached to and becomes a part of adjoining property, such lands formerly within the vacated area automatically, and without further action of the City Council, are subject to the same zoning regulations as are applicable to adjoining property to which the vacated land has been attached.

SECTION 4.05 DISTRICT REQUIREMENTS

- A. The Districts set forth herein guide the establishment of district boundaries to further the objectives of the City of Troy Master Plan. The intent of each district defines interrelationships between conflicting and compatible land uses and between land uses and resources such as transportation, utilities, cultural and institutional facilities and the

natural environment.

B. Except as hereinafter provided, district regulations shall be applied in the following manner:

5

1. Permitted Uses. Permitted uses shall be permitted by right only if specifically listed as permitted uses in the various zoning districts or are similar to such listed uses.

10

2. Accessory Buildings, Structures, and Uses. Accessory buildings, structures, and uses are permitted only if such uses are clearly incidental to the permitted principal uses. Accessory buildings, structures, and uses are subject to the provisions of Section 5.03.

15

3. Special Uses. Special land uses are permitted as listed, subject to the procedures set forth in Article 7 and any specific standards applicable to a particular use.

C. If a proposed use is not explicitly listed, the Zoning Administrator shall make a determination as to which listed use the proposed use is most similar to and compatible with, and in which district(s) said use shall be permitted. In making this determination, the Zoning Administrator shall consider factors such as peak hourly and average daily traffic generation, noise, light, demands on public utility systems and potential environmental impacts. The Zoning Administrator may refer any proposed use to the Planning Commission for determination of the appropriate district(s) in which said use may be permitted.

25

SECTION 4.06 ONE-FAMILY RESIDENTIAL DISTRICTS R-1A THROUGH R-1E

30

A. **Intent.** The Master Plan recognizes that single-family residential neighborhoods are vital components of the City, and comprise the majority of the land area within the City. The intent of the R-1A through R-1E Districts is to provide areas for single-family dwellings with the primary distinction being a range of densities, implemented through varying lot sizes. The R-1A through R-1E Districts are further intended to preserve and improve upon the quality of residential neighborhoods while permitting a limited number of other compatible uses which support residential neighborhoods.

35

B. **Use Regulations.** Section 4.20 sets forth permitted, accessory, and special land uses within the R-1A through R-1E Districts.

40

C. **Dimensional Requirements.** The following dimensional requirements shall apply to the R-1A through R-1E Districts:

Minimum Lot Size Per Dwelling Unit			Maximum Height		Minimum Yard Setback (R) (Per Lot in Feet)			Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings	
Use District	Area in Sq. Ft.	Width In Ft.	In Stories	In Feet	Front	Sides				Rear
						Least One	Total Two			
R-1A			2½	30	40	15	30	45	1,400	30%
No Sewer	30,000	150								
Sewer	21,780	120	2½		40	15	30	45	1,400	30%
R-1B			2½	30	40	15	30	45	1,400	30%
No Sewer	21,780	110								
Sewer	15,000	100	2½		40	10	25	45	1,400	30%
R-1C			2	30	30	15	30	40	1,200	30%
No Sewer	21,780	110								
Sewer	10,500	85	2		30	10	20	40	1,200	30%
R-1D			2	30	25	15	30	40	1,000	30%
No Sewer	21,780	110								
Sewer	8,500	75	2		25	8	20	40	1,000	30%
R-1E			2	30	25	15	30	35	1,000	30%
No Sewer	21,780	110								
Sewer	7,500	60	2		25	5	15	35	1,000	30%

1. Setbacks from major thoroughfares: Whenever a lot or acreage parcel abuts a major thoroughfare as established by the Master Thoroughfare Plan adopted in accordance with Act 285, Public Acts of 1931, as amended, the yard setback abutting said major thoroughfare shall be at least fifty (50) feet from the existing or Master Thoroughfare Plan right-of-way line, whichever is greater. This ordinance does not prohibit expansion behind the fifty (50) foot setback. This requirement shall not apply to subdivisions for which Tentative Approval was granted prior to January 1, 1976.
2. The side yard abutting upon a street shall not be less than the greater of the side yards required for the District in which located when there is a common rear yard relationship in the block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard abutting a side yard or when a side yard is adjacent to a front yard across a common separating street, the side yard abutting a street shall not be less than the minimum front yard of the District in which located, and shall be considered as a front yard.

SECTION 4.07 RT ONE-FAMILY ATTACHED RESIDENTIAL DISTRICT

- A. **Intent.** The intent of the RT, One-Family Attached Residential District is to provide medium density residential areas in those areas which are served with public sewer and water, and where attached forms of residential development achieves the objectives of the Master Plan. The District is designed primarily to permit attached residential dwellings which may serve as a transition between high intensity or non-residential use areas, and

lower density residential land use areas. The RT District is further intended to provide medium density residential development in compact areas so as to encourage walkability.

5 B. **Use Regulations.** Section 4.20 sets forth permitted, accessory, and special land uses within the RT District.

C. **Dimensional Requirements.** The following dimensional requirements shall apply to the RT District:

Minimum Lot Size Per Dwelling Unit			Maximum Height		Minimum Yard Setback			Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings	
Area in Sq. Ft.	Width in Ft.	Frontage in Ft.	In Stories	In Feet	Front	Sides				Rear
						Least One	Total Two			
15,000	75	N/A	2½	30	25	10	20	35	1,000	30%
5,000	40	40								

10 1. Minimum lot width requirements shall apply to either a platted subdivision plan or site condominium. Minimum frontage requirements shall apply to a regular condominium project.

15 2. All units that abut a major thoroughfare shall have a rear or side yard relationship to said thoroughfare, and such yards shall not be less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan. The Planning Commission may modify the dwelling unit orientation, or relationship to a major thoroughfare, when they determine that the
20 parcel size and configuration are such that the rear or side yard relationship would be impractical or overly restrictive, and a more desirable residential environment can be created by permitting a front yard relationship to the thoroughfare.

25 3. All units that abut a freeway shall have a yard setback of not less than seventy-five (75) feet in depth as measured from the right-of-way line of the freeway. All units that abut a secondary thoroughfare shall have a yard setback of not less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan.

30 4. The side yard abutting upon a street shall not be less than the greater of the side yards required for the District in which located when there is a common rear yard relationship in the block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard abutting a side yard or when a side yard is adjacent to a front yard across a common separating
35 street, the side yard abutting a street shall not be less than the minimum front yard of the District in which located, and shall be considered as a front yard.

5. The minimum distance between any two (2) buildings shall be twenty (20) feet.

D. Supplemental District Standards.

5 1. Dwelling unit elevations and orientation may be required to be modified or varied in order to minimize the repetitive visibility of garage entrances from the street at the front of the units. This may include requiring rear entry for residential units.

10 **SECTION 4.08 MF MULTIPLE FAMILY RESIDENTIAL DISTRICT**

15 A. **Intent.** The intent of the MF, Multiple Family Residential District, is to provide for multiple family residential development located in areas which are compatible with single-family residential districts and are adequately served with public utilities and services. This District requires significant open space which will enhance the residential desirability and compatibility of the subject properties and adjacent low density residential areas. This District is also intended to allow higher-density projects which will complement and support mixed-use areas of the City, the form-based districts of the City, or one another.

20 Development in the MF District can offer an urban character while serving as transitional zones between areas of higher and lower intensity of development. The MF District is further provided to accommodate existing multiple-family areas of the City which were developed to serve the need for a variety of housing types in an otherwise predominantly low-density, single-family community.

25 B. **Use Regulations.** Section 4.20 sets forth permitted, accessory, and special land uses within the MF District.

30 C. **Dimensional Requirements.** The following dimensional requirements shall apply to the MF District:

Maximum Density	Maximum Height		Minimum Yard Setback				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
	In Stories	In Feet	Front	Rear	Sides	Between buildings		
24	8	100	equal to the height of the structure	equal to the height of the structure	equal to the height of the structure	30	Efficiency or 1-BR-600 2-BR-800 3-BR-1000 4-BR-1200	35%

D. Supplemental District Standards.

35 a. **Primary Entrance.** The primary building entrance to each building shall be clearly identifiable.

b. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the site. The pedestrian connection shall be fully paved and maintained surface not less than five (5) feet in width.

5

c. Off-Street Parking Location.

a. No more than fifty percent (50%) of the total site's frontage shall be occupied by parking lot.

10

b. For a corner lot, the cumulative total of both frontages occupied by parking shall be no more than fifty percent (50%) and the building shall be located in the corner of the lot adjacent to the intersection.

15

c. For a double frontage lot or a lot that has frontage on three (3) streets, the cumulative total of all frontages occupied by parking shall be no more than sixty percent (60%) of the total site's frontage.

20

d. Open Space. In MF Districts, the site area shall contain a minimum open space area (apart from buildings, parking and drives or loading areas) equivalent to four hundred and fifty (450) square feet of land area per dwelling unit within the development. Buildings and extensions of buildings shall be designed to form outdoor spaces such as balconies, arcades, terraces, decks, or courtyards, and to integrate development with the landscape to the extent reasonably feasible.

25

SECTION 4.09 UR URBAN RESIDENTIAL DISTRICT

A. **Intent.** The Troy Master Plan recognizes that certain areas of the City may be conducive to high-density residential dwellings, particularly when located in close proximity to more intense mixed use and non-residential development. The intent of the UR District is to provide high-density multiple-family housing which provides for an urban character, supports transit, and encourages walkability.

35 In addition to high-density residential dwellings, the UR District permits a limited number of non-residential uses which are compatible with and supportive of a residential environment.

B. **Use Regulations.** Section 4.20 sets forth permitted, accessory, and special land uses within the UR District.

C. **Dimensional Requirements.** For all developments in the UR District, the following dimensional requirements shall apply:

Maximum Density	Maximum Height		Minimum Yard Setback				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
	Units per Acre	In Stories	In Feet	<u>Front</u>	<u>Rear</u>	<u>Sides</u>		
35	No limit		0	0	0	30	Efficiency or 1-BR-600 2-BR-800 3-BR-1000 4-BR-1200	35%

D. Supplemental District Standards.

- 5 1. Primary Entrance. The primary building entrance to each building shall be clearly identifiable.
- 10 2. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the site. The pedestrian connection shall be fully paved and maintained surface not less than five (5) feet in width.
- 15 3. Off-Street Parking Location.
 - a. No more than fifty percent (50%) of the total site's frontage shall be occupied by parking lot.
 - 20 b. For a corner lot, the cumulative total of both frontages occupied by parking shall be no more than fifty percent (50%) and the building shall be located in the corner of the lot adjacent to the intersection.
 - c. For a double frontage lot or a lot that has frontage on three (3) streets, the cumulative total of all frontages occupied by parking shall be no more than sixty percent (60%) of the total site's frontage.
- 25 4. Open Space. In UR Districts, the site area shall contain a minimum open space area (apart from buildings, parking and drives or loading areas) equivalent to four hundred and fifty (450) square feet of land area per dwelling unit within the development. Buildings and extensions of buildings shall be designed to form outdoor spaces such as balconies, arcades, terraces, decks, or courtyards, and to
- 30 integrate development with the landscape to the extent reasonably feasible.

SECTION 4.10 MHP MANUFACTURED HOME PARK

5 A. **Intent.** The MHP, Manufactured Home Park district is intended to provide for
manufactured home parks and to require that such manufactured home parks be
developed with the character of residential neighborhoods. This Ordinance recognizes
that manufactured homes in manufactured home parks require locations, services, and
facilities similar to any other single-family and multiple-family dwelling units that are
developed at higher densities. It is further the intent of this Ordinance that various
10 supporting uses common to higher density residential areas, as well as those that are
unique to manufactured home communities, be permitted in this district.

B. **Use Regulations.** Section 4.20 sets forth permitted accessory and special land uses in the
MHP District.

15 C. **Dimensional Requirements.** Section 4.10.D sets forth dimensional requirements for the
MHP District.

D. **Supplemental District Standards.**

20 1. The Manufactured Housing Code, as established by the State of Michigan under
the authority of 1987 PA 96, as amended, regulates development of manufactured
housing parks. All manufactured housing parks must be constructed according to
the standards of the Code.

25 2. In addition to the rules and standards of the State of Michigan, the City imposes
the following conditions:

30 a. Manufactured housing parks shall be constructed, licensed, operated, and
managed in accordance with the provisions of the Mobile Home
Commission Act, Act 96, PA 1987, and subsequently adopted rules and
regulations governing mobile home parks.

35 b. Manufactured housing parks shall not be permitted on parcels less than
fifteen (15) acres in size.

40 c. Individual manufactured housing sites within a manufactured housing park
shall have a minimum lot size of five thousand five hundred (5,500)
square feet per mobile home being served. This five thousand five
hundred (5,500) square foot minimum may be reduced by twenty percent
(20%), provided that the individual site shall be equal to at least four
thousand four hundred (4,400) square feet. For each square foot of land
gained through this reduction of the site below five thousand five hundred
(5,500) square feet, an equal amount of land shall be dedicated as open
space. In no case shall the open space requirements be less than that
45 required under the Michigan Administrative Code governing manufactured
housing parks.

- d. The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on manufactured housing sites and in designated open space areas. The manufactured housing park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment.
- e. The minimum setback for manufactured housing parks shall be fifty (50) feet from a public right-of-way. Manufactured housing parks shall be landscaped as follows:
 - (1) If the manufactured housing park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
 - (2) If the park abuts a non-residential development, the park need not provide screening.
 - (3) In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
- f. Required landscaping shall consist of evergreen trees or shrubs of minimum three (3) feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing park as effectively as the required landscaping described above.
- g. Manufactured housing parks shall be subject to preliminary plan review requirements in accordance with 1987 PA 96, as amended.

SECTION 4.11 CF COMMUNITY FACILITIES DISTRICT

E. **Intent.** The CF, Community Facilities, District is intended to provide areas for those public, quasi-public, or private institutional and service uses necessary to serve the cultural, educational, and physical needs of the community. The unique nature and requirements of the uses contained within this District, and their need for a location within the residential portion of the community, warrant the establishment of a separate zoning classification which contains land use controls that will insure that such uses will be compatible with adjacent land uses and not contrary to the spirit and purpose of this ordinance.

F. **Use Regulations.** Section 4.20 sets forth permitted, accessory, and special land uses within the CF District.

G. **Dimensional Requirements.** The following dimensional requirements shall apply to the CF District:

Maximum Height		Minimum Yard Setback				Maximum % of Lot Area Covered by Buildings
In Stories	In Feet	Front	Rear	Sides	Between buildings	
2	25	50 or equal to that of the abutting single-family zoning district			30	30%

1. In CF Districts, parking shall not be permitted in the front yard.

5

SECTION 4.11 EP ENVIRONMENTAL PROTECTION DISTRICT

10 A. **Intent.** Natural features and open space areas constitute important physical, aesthetic, recreation and economic assets of the City. Therefore, the City of Troy has enacted a series of development options and Zoning Districts which have, as a portion of their intent, the conservation, preservation and provision of open space and natural resource areas. Areas such as flood plains also exist wherein the limitation or prohibition of alteration or development is essential to the public health, safety and welfare. The intent of the EP Environmental Protection District is to act in concert with these development options and Zoning Districts and to recognize other areas warranting preservation, conservation, or protection, in such a manner as to: protect for the protection, preservation, use, and maintenance of natural resource areas, minimizing disturbance to them, and to prevent damage resultant from their loss; protect these natural resource and open space areas for their economic support of property values when allowed to remain in an undisturbed natural state; provide for the paramount public concern for these natural resource areas in the interest of health, safety, and the general welfare of the residents of the City of Troy; and promote the public health, safety, and general welfare by preventing or minimizing loss or damage to property, and personal injury, due to flooding.

25 B. **Use Regulations.** Section 4.20 sets forth permitted, accessory, and special land uses within the EP District. No building or structure, either permanent or temporary, shall be erected on land zoned in the Environmental Protection classification, except as otherwise provided in this Article. Any existing structure or use existing at the time of establishment of the EP District, which is not in conformity with the provisions of the Article, may be continued subject to the general provisions for non-conforming uses or structures.

C. **Supplemental District Standards.**

35 1. **Location.** The EP Environmental Protection District may be applied to the following property:

a. Privately or publicly owned property containing significant natural assets or features.

b. Privately owned property consisting of those portions of a development area

which are or will be established as open space or natural preserves under the terms of development requirements contained herein or through private actions achieving the same purpose.

- 5 c. Flood plains or flood way areas designated or specified by related City, County or Federal standards or programs.
- d. Wetlands, determined by engineering and/or soil surveys, whose inherent conditions preclude development in a normal manner.
- 10 e. Privately owned property committed for use for non-commercial outdoor recreation purposes.

15 **2. District Standards.**

- a. Lands zoned in the EP, Environmental Protection classification, which are provided in conjunction with residential developments, shall be permitted to be used in the calculation of density for such projects, subject to applicable provisions of this Chapter. The conservation and protection of irreplaceable natural resource areas from pollution, impairment, or destruction shall remain a paramount factor in the design and implementation of such projects.
- 20 b. General maintenance of the lands and waters contained within this zoning classification shall be the responsibility of the titleholder, unless otherwise provided for by a recorded document acceptable to the City and the titleholder.
- 25 c. The City may make reasonable entry upon such areas included in this District for the purpose of making any survey, investigation or other study contemplated by this ordinance. Any investigation of any natural or artificial impairment or hazard may be made by the City, either on its own initiative, or on the written request of any three (3) titleholders of land having a real estate interest in the land wherein the impairment or potential hazard is located, or on the written request of a related property owner's association.
- 30 d. It is the intent of this section that trees, shrubs, undergrowth and the like, shall remain in their natural state, or shall be maintained in accordance with a plan as approved by the Zoning Administrator or his designated representative, and shall be cut or removed only when such is determined to be dangerous or diseased, or when removal is necessary to carry out normal maintenance or to implement a use approved under the provisions of this Ordinance. No permit shall be required for the removal of dead, diseased, and/or other damaged trees or woody vegetation, provided that such removal or trimming is accomplished through the use of standard forestry practices
- 35
- 40
- 45

and techniques.

- 5 e. Any plan proposing the removal of healthy plant materials or alteration, grading, filling or utility installation shall be subject to the approval of the Zoning Administrator or his designated representative. The plant material removal and site alteration actions referred to herein are not intended to include normal placement, maintenance and removal of landscape materials. The provisions of this section are not intended to preclude grading or site alterations necessary to eliminate drainage problems or other problems or nuisance site conditions. In their consideration of such proposals or site alterations, the approving authority specified herein shall make every effort to minimize the negative effects of such actions on the related natural features, in keeping with the intent of this section.
- 10
- 15 f. Actions to remove healthy plant materials in a manner not consistent with this section, in areas where EP Zoning has been applied for the purpose of natural feature preservation, shall constitute a violation of this Ordinance and shall be subject to prosecution in accordance with established procedures.
- 20

SECTION 4.12 CB COMMUNITY BUSINESS DISTRICT

- 25 A. **Intent.** The CB Community Business District is intended to provide for retail business and service uses which primarily meet the day-to-day convenience, shopping, and service needs of persons in the immediate residential areas, but to a more limited extent serve a larger consumer population. The CB Districts are the least intense commercial districts within the City, but do contain a variety of potential uses. The CB District is also intended to protect and enhance existing commercial areas of the City where non-residential uses are and ought to be the primary use of the property. The CB District is unique in this more limited purpose, as the form based and other mixed-use districts within the City also allow and encourage the on-site integration of business and service uses with office and residential uses.
- 30
- 35 B. **Use Regulations.** Section 4.20 sets forth permitted, accessory, and special land uses within the CB District.
- 40 C. **Dimensional Requirements.** The following dimensional requirements shall apply in the CB District:

Maximum Height		Minimum Yard Setback				Minimum Floor Area in Feet
In Stories	In Feet	Front	Rear	Sides: Least	Sides: Total	

Maximum Height		Minimum Yard Setback				Minimum Floor Area in Feet
In Stories	In Feet	Front	Rear	Sides: Least	Sides: Total	
2	30	10	30	20	40	500

1. In CB Districts, no building shall be closer than seventy-five (75) feet from the boundary of any single-family residential zoning district. No side yards are required along the interior side lot lines of the District or along side lot lines in common with any non-residential district, provided all related conditions of this Ordinance are met. If walls of structures facing such interior or common side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

10 **D. Supplemental District Standards.**

1. **Materials.** Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent (50%) of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S.) and vinyl or aluminum siding should only be used for accents.

2. **Façade Variation.** The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.

3. **Pedestrian Access / Entrance.**

- a. **Primary Entrance.** The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.

- b. **Pedestrian Connection.** A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:

- i. Fully paved and maintained surface not less than five (5) feet in width.

- ii. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
 - iii. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
 - c. Secondary Entrance: In addition to the primary façade facing front façade and/or the right-of-way, if a parking area is located in the rear or side yard, must also have a direct pedestrian access to the parking area that is of a level of materials quality and design emphasis at least equal to that of the primary entrance.
- 4. Off-Street Parking Location.
 - a. No more than fifty percent (50%) of the total site's frontage shall be occupied by parking lot.
 - b. For a corner lot, the cumulative total of both frontages occupied by parking shall be no more than fifty percent (50%) and the building shall be located in the corner of the lot adjacent to the intersection.
 - c. For a double frontage lot or a lot that has frontage on three (3) streets, the cumulative total of all frontages occupied by parking shall be no more than sixty percent (60%) of the total site's frontage.

SECTION 4.14 GB GENERAL BUSINESS DISTRICT

- A. **Intent.** The GB General Business District is intended to provide areas for more diversified retail and service uses, a City-wide or regional market area, and/or arterial exposure. The General Business Districts are typically located along major thoroughfares and/or adjacent to Community Business Districts. The GB District also permits an opportunity for mixed-use development consistent with the intent of the Master Plan to support transit and walkability.
- B. **Use Regulations.** Section 4.20 sets forth permitted, accessory, and special land uses in the GB District.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply in the GB District:

Maximum Height		Minimum Yard Setback				Minimum Floor Area in Feet
In Stories	In Feet	Front	Rear	Sides: Least	Sides: Total	
5	75	10	30	20	40	500

1. In GB Districts, no building shall be closer than seventy-five (75) feet from the boundary of any single-family residential zoning district. No side yards are required along the interior side lot lines of the District or along side lot lines in common with any non-residential district, provided all related conditions of this Ordinance are met. If walls of structures facing such interior or common side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

D. Supplemental District Standards.

1. **Materials.** Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent (50%) of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S.) and vinyl or aluminum siding should only be used for accents.
2. **Façade Variation.** The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
3. **Pedestrian Access / Entrance.**
 - a. **Primary Entrance.** The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.
 - b. **Pedestrian Connection.** A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:
 - i. Fully paved and maintained surface not less than five (5) feet in width.

- 5
- ii. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
 - iii. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
- 10
- c. Secondary Entrance: In addition to the primary façade facing front façade and/or the right-of-way, if a parking area is located in the rear or side yard, must also have a direct pedestrian access to the parking area that is of a level of materials quality and design emphasis at least equal to that of the primary entrance.
- 15
4. Off-Street Parking Location.
- a. No more than fifty percent (50%) of the total site's frontage shall be occupied by parking lot.
 - 20 b. For a corner lot, the cumulative total of both frontages occupied by parking shall be no more than fifty percent (50%) and the building shall be located in the corner of the lot adjacent to the intersection.
 - 25 c. For a double frontage lot or a lot that has frontage on three (3) streets, the cumulative total of all frontages occupied by parking shall be no more than sixty percent (60%) of the total site's frontage.

SECTION 4.15 IB INTEGRATED INDUSTRIAL AND BUSINESS DISTRICT

A. **Intent.** The City of Troy Master Plan recognizes that a significant area of the City has been devoted to manufacturing and industrial uses, but may be conducive to be redeveloped to other uses. The IB District is intended to continue to recognize more traditional manufacturing and industrial use and encourage redevelopment and reuse of existing buildings and sites by permitting other compatible uses.

B. **Use Regulations.** Section 4.20 sets forth permitted, accessory, and special land uses in the IB District.

C. **Dimensional Requirements.** The following dimensional requirements shall apply in the IB District:

Maximum Height		Minimum Yard Setback				Maximum % of Lot Area Covered by Buildings
In Stories	In Feet	Front	Rear	Sides: Least	Sides: Total	
4	50	30	20	10	20	40

1. The front yard shall remain as open space, unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives. Off-street parking spaces, aisles, loading areas, and maneuvering lanes shall not be located in such yards. All yards abutting upon a public street or freeway shall be considered as front yards for setback and open space purposes.

2. No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of such District when said property line abuts any residential District.

D. **Supplemental District Standards.**

1. **Materials.** Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent (50%) of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S.) and vinyl or aluminum siding should only be used for accents.

2. **Delivery/Loading Options.** Loading docks, trash collection, outdoor storage, and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use

of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited.

5 **SECTION 4.16 O OFFICE DISTRICT**

- 10 A. **Intent.** The O Office District is intended to provide areas for office uses and limited related retail and service uses which support an office environment. These districts are typically located along commercial corridors in the City, or on the periphery of regionally prominent retail and service centers. The O District is not so diverse as to include prominent retail or other commercial components, which are more broadly available in the similar, but more intense OM, Office Mixed Use District, which is specifically designed for that purpose. Consequently, due to its less intense nature, the O District is suited to serve as a conventional transitional zone or in support of more regionally prominent areas and districts with a more intense concentration of uses.
- 15 B. **Use Regulations.** Section 4.20 sets forth permitted, accessory, and special land uses in the O District.
- 20 C. **Dimensional Requirements.** The following dimensional requirements shall apply in the O District:

Maximum Height		Minimum Yard Setback				Minimum Floor Area in Feet
In Stories	In Feet	Front	Rear	Sides: Least	Sides: Total	
3	36	30	20	20	40	500

- 25 D. **Supplemental District Standards.**
- 30 1. **Materials.** Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent (50%) of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S.) and vinyl or aluminum siding should only be used for accents.
- 35 2. **Façade Variation.** The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.

3. Pedestrian Access / Entrance.

- 5 a. Primary Entrance. The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.
- 10 b. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:
- 15 i. Fully paved and maintained surface not less than five (5) feet in width.
- 20 ii. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
- 25 iii. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
- c. Secondary Entrance. In addition to the primary façade facing front façade and/or the right-of-way, if a parking area is located in the rear or side yard, must also have a direct pedestrian access to the parking area that is of a level of materials quality and design emphasis at least equal to that of the primary entrance.

4. Off-Street Parking Location.

- 30 a. No more than fifty percent (50%) of the total site's frontage shall be occupied by parking lot.
- 35 b. For a corner lot, the cumulative total of both frontages occupied by parking shall be no more than fifty percent (50%) and the building shall be located in the corner of the lot adjacent to the intersection.
- 40 c. For a double frontage lot or a lot that has frontage on three (3) streets, the cumulative total of all frontages occupied by parking shall be no more than sixty percent (60%) of the total site's frontage.

SECTION 4.17 OM OFFICE MIXED USE DISTRICT

- 45 A. **Intent.** The OM Office Mixed Use District is intended to provide areas for large office uses which serve large numbers of people, as well as the retail, service, restaurant, lodging, and residential options that should be provided to support such large employment centers. A

major purpose of this District is to provide areas for buildings of greater height and more intensive land use activity in an otherwise low-density community, while providing amenities on-site or within the same immediate area to foster a walkable, compact, dense urban environment. The OM District is also intended to encourage the development of uses and services that will support and enhance the marketability of the City of Troy as a vibrant and desirable place to work where a high quality of life can be offered for both workers and residents. As such, it is a primary role of the OM District, along with the IB, RC, CB and GB Districts to preserve the economic vitality of the area.

5

10 B. **Use Regulations.** Section 4.20 sets forth permitted, accessory, and special land uses in the OM District.

C. **Dimensional Requirements.** The following dimensional requirements shall apply in the OM District:

15

Maximum Height		Minimum Yard Setback				Minimum Floor Area in Feet
In Stories	In Feet	Front	Rear	Sides: Least	Sides: Total	
5	75	30	30	30	60	500

D. **Supplemental District Standards.**

20

1. **Materials.** Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent (50%) of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S.) and vinyl or aluminum siding should only be used for accents.

25

30

2. **Façade Variation.** The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.

35

3. **Pedestrian Access / Entrance.**

a. **Primary Entrance.** The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.

b. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:

5

i. Fully paved and maintained surface not less than five (5) feet in width.

10

ii. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.

15

iii. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.

c. Secondary Entrance. In addition to the primary façade facing front façade and/or the right-of-way, if a parking area is located in the rear or side yard, must also have a direct pedestrian access to the parking area that is of a level of materials quality and design emphasis at least equal to that of the primary entrance.

20

4. Off-Street Parking Location.

25

a. No more than fifty percent (50%) of the total site's frontage shall be occupied by parking lot.

30

b. For a corner lot, the cumulative total of both frontages occupied by parking shall be no more than fifty percent (50%) and the building shall be located in the corner of the lot adjacent to the intersection.

35

c. For a double frontage lot or a lot that has frontage on three (3) streets, the cumulative total of all frontages occupied by parking shall be no more than sixty percent (60%) of the total site's frontage.

SECTION 4.18 RC RESEARCH CENTER DISTRICT

40

A. **Intent.** The RC Research Center District is intended to provide areas for industrial-research and office uses in planned developments. Such districts are to be located and developed so as to complement the significant light industrial character of the community, while at the same time providing for the necessary related non-manufacturing uses such as corporate office and research facilities. The RC District is intended to encourage the development of uses and services that will support and enhance the office environment in the RC District, primarily for the benefit of tenants and local residents. Further, the Research Center District is intended to provide for those major industrial-research, and office, and training uses which require proximity to major non-residential areas, rather than office uses serving a

45

local market, which could reasonably be located in commercial and service areas elsewhere in the community.

5 B. **Use Regulations.** Section 4.20 sets forth permitted, accessory, and special land uses in the RC District.

C. **Dimensional Requirements.** For all developments in the RC District, the following dimensional requirements shall apply:

Maximum Height		Minimum Yard Setback				Minimum Floor Area in Feet
In Stories	In Feet	Front	Rear	Sides: Least	Sides: Total	
3	40	30	20	20	40	500

10 1. The front yard shall remain as open space, unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives. Off-street parking spaces, aisles, loading areas, and maneuvering lanes shall not be located in such yards. All yards abutting upon a public street or freeway shall be considered as front yards for setback and open space purposes.

15 2. In the RC, Research Center District, when front yards abut a freeway, the Zoning Administrator may permit a reduction in the depth of the landscaped portion of such yards to a minimum of twenty (20) feet, when it determines that the nature and orientation of the subject building is such that screening through the use of a fully landscaped yard is not necessary, and that a serious development constraint would be created as a result of the standard landscaped yard requirement.

20 D. **Supplemental District Standards.**

25 *[insert here?]*

30 **SECTION 4.19 SCHEDULE OF USE REGULATIONS**

A. In all Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Article.

35 B. The Schedule of Use Regulations identifies uses as follows:

1. "P" identifies uses permitted as of right.
2. "S" identifies uses requiring special approval.

3. "A" identifies accessory uses.
4. "NP" identifies uses not permitted.

5

Uses	Districts												
	R-1A-E	R-IT	MFR	UR	MHP	C-F	E-P	CB	GB	IB	O	OM	RC
Residential													
One-family dwellings	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP
Two-family dwellings	NP	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP
One-family attached dwellings	NP	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP
Home occupations	A	A	A	A	A	A	NP	A	A	A	NP	A	NP
Multiple-family dwellings (2-8 stories)	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	NP	NP
Multiple-family dwellings (9+ stories)	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	NP	NP
Multiple-family dwellings (on upper floors only in a mixed use building)	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	P	NP
Senior assisted / independent living	P	P	P	P	NP	P	NP	P	P	P	NP	P	NP
Live / work units	NP	NP	P	P	NP	NP	NP	P	P	P	NP	P	NP
Recreation													
Publicly owned and operated parks, parkways, and recreational facilities	P	P	P	P	P	P	NP	P	P	P	P	P	P
Golf courses	S	S	S	S	S	S	NP	S	S	S	NP	NP	NP
Swimming pool clubs	S	S	S	S	S	S	NP	S	S	S	NP	NP	NP
Institutional													
Primary / secondary schools (private)	S	S	S	S	S	P	NP	P	P	P	P	P	P
Places of worship	S	S	S	S	S	S	NP	P	P	P	P	P	P
Publicly owned / operated office and service facilities	S	S	S	S	S	P	NP	P	P	P	P	P	P
Convalescent Centers / Congregate Care													
Fine and performing arts facilities	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	S	NP
Post-secondary schools	NP	NP	NP	NP	NP	P	NP	P	P	P	P	P	P
Bus / transit passenger stations, taxicab offices, dispatching centers	NP	NP	NP	NP	NP	P	NP	P	P	P	P	P	P
Hospitals	NP	NP	NP	NP	NP	S	NP	NP	S	S	NP	S	NP
Family Day Care Homes	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP
Group Day Care Homes	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP
Day Care Centers and Preschools	S	S	P	P	S	P	NP	P	P	P	P	P	P
Adult Foster Care Facilities	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP
Retail, Entertainment, and Service													
Restaurants, standard	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	NP
Restaurants, fast food	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	NP
Bar / lounge	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	NP
Outdoor dining areas	NP	NP	NP	A	NP	NP	NP	A	A	A	NP	A	NP
Retail, general	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	NP

Uses	Districts												
	R-1A-E	R-1T	MFR	UR	MHP	C-F	E-P	CB	GB	IB	O	OM	RC
Retail, large-format	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	NP	NP
Shopping centers	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP
Fitness, gymnastic, and exercise centers	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	A	NP
Building and lumber supply	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	NP	NP
Garden centers / nurseries	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	NP	NP
Indoor commercial recreation	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP
Outdoor commercial recreation	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	NP	NP
Dance, music, and art studios	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	A	NP
Dry cleaners and laundry	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	NP
Pharmacies, durable medical goods sales/ rental	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	NP
Open air businesses, as a principal use	NP	NP	NP	NP	NP	NP	NP	S	S	S	NP	NP	NP
Open air businesses, subordinate to principal use	NP	NP	NP	NP	NP	NP	NP	S	S	S	NP	NP	NP
Lodging	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	S	NP
Private Clubs, Fraternal Organizations and Lodge Halls	NP	NP	NP	NP	NP	S	NP	S	S	P	S	S	NP
Conference, meeting, and banquet facilities	NP	NP	NP	NP	NP	S	NP	S	P	P	NP	P	S
Personal services	NP	NP	NP	A	NP	NP	NP	P	P	P	NP	A	A
Home service and repair	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	A	A
Photographic studios	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	P	P
Financial institutions	NP	NP	NP	A	NP	NP	NP	P	P	P	P	P	P
Commercial kennels / pet day care	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP
Drive-up through facilities	NP	NP	NP	NP	NP	NP	NP	S	S	A	S	S	NP
Theatres and places of assembly	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	S	S
Adult Use Businesses	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP
Mortuary / Funeral Home	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	NP	NP
Office													
Offices, general	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	P	P
Professional and medical offices	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	P	P
Business services	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	P	P
Medical clinics	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	P	P
Veterinary clinics or hospitals	NP	NP	NP	NP	NP	NP	NP	P	P	P	P	P	P
Industrial													
Prototype or experimental product research and development	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	P	P
Any use of basic research, design and pilot or experimental product development	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	P	P
Manufacturing and assembly	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP
Laboratories	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	P	P
Warehouse and wholesale establishments	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP
Truck terminal facilities	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP
Central dry cleaning / laundry plants	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP
Outdoor storage facilities	NP	NP	NP	NP	NP	NP	NP	NP	NP	S	NP	NP	NP

Uses	Districts												
	R-1A-E	R-1T	MFR	UR	MHP	C-F	E-P	CB	GB	IB	O	OM	RC
Mini Warehouse or self-storage	NP	NP	NP	NP	NP	NP	NP	NP	S	P	NP	NP	NP
Automotive/Transportation													
Vehicle, recreational vehicle sales	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP
Vehicle repair stations	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP
Vehicle service/multi-use stations	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP
Vehicle washes	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP
Vehicle auctions	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP
Antique and classic vehicle sales	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP	NP
Ambulance facilities	NP	NP	NP	NP	NP	NP	NP	S	S	S	NP	NP	NP
Vehicle rental	NP	NP	NP	NP	NP	NP	NP	S	S	S	NP	NP	NP
Miscellaneous													
Accessory buildings and uses	A	A	A	A	A	A	NP	A	A	A	A	A	A
Agriculture	P	P	NP	NP	P	NP	NP	NP	NP	NP	NP	NP	NP
Cemeteries	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP
Parking garages and off-street parking areas as a principal use	NP	NP	NP	NP	NP	S	NP	S	S	P	S	S	S
Utility and Public Service Buildings and facilities (without storage yards)	S	S	S	S	S	P	NP	P	P	P	P	P	P
Utility and Public Service Buildings and facilities (with outdoor storage yards)	NP	NP	NP	NP	NP	S	NP	NP	NP	S	S	S	S

ARTICLE 8

SPECIFIC USE STANDARDS

5

SECTION 8.01 INTENT

The intent of this Article is to provide standards for specific uses, whether regulated as a permitted or special land use.

10

SECTION 8.02 ADULT CARE FACILITIES

15 A. Adult foster care homes serving six (6) persons or less. A state-licensed adult foster care home, foster family home, or foster family group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.

20 B. Adult foster care homes serving more than six (6) persons.

1. A site plan, prepared in accordance with Article _____ shall be required to be submitted.

25 2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or caregivers.

30 3. The property is maintained in a manner that is consistent with the character of the neighborhood.

4. One (1) off-street parking space per employee and/or caregiver shall be provided.

35 5. Appropriate licenses with the State of Michigan shall be maintained.

C. Convalescent or Nursing Center.

40 1. All such facilities shall be developed on sites having a minimum area of one (1) acre, or two thousand (2,000) square feet of site area for each one (1) bed in the facility, or for each person cared for in the facility, whichever is greater. Within this area, a minimum of five hundred (500) square feet of contiguous open space shall be provided, apart from areas required for vehicular uses, for each bed or for each person cared for within the capacity of the building.

- 2. The proposed site shall have at least one (1) property line abutting a major thoroughfare of at least one hundred and twenty (120) feet of right-of-way width. All vehicular ingress and egress shall be directly from a major thoroughfare.
- 5 3. All yards shall be a minimum of fifty (50) feet in width. Required yards abutting public street rights-of-way and land zoned for One-Family residential purposes shall be kept free of parking and shall be landscaped.
- 10 4. Delivery areas and parking areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section ____.
- 15 5. Such facilities shall be so designed architecturally as to reflect the predominant architectural character of adjacent residential areas. The maximum linear length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
- 20 6. Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

25

SECTION 8.03 ADULT USE BUSINESSES

- 30 A. The purpose and intent of this section is to regulate adult use businesses, to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult use businesses within the City, thereby reducing or eliminating the adverse secondary effects from such adult use businesses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any
- 35 communicative materials, including adult materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to adult materials protected by the Constitution of the United States or the Michigan Constitution, or to deny access by the distributors and exhibitors of adult entertainment or adult use businesses to their intended market. It is also not the intent nor effect of this section to condone or
- 40 legitimize the distribution of obscene material.
- B. It shall be unlawful to operate or cause to be operated an adult use business in any location in the City, except as provided for in this section.

- C. It shall be unlawful to operate or cause to be operated an adult use business within five hundred (500) feet, measured from the nearest lot line to the nearest lot line on a straight-line basis, of any of the following:
- 5 1. A place of worship;
 2. A school or childcare facility;
 - 10 3. A public park (not including public trails);
 4. Any residential zoning district or any parcel used for residential purposes.
- D. It shall be unlawful to cause or permit the operation of an adult use business within one thousand (1,000) feet of another adult use business. The distance between any such businesses shall be measured from the nearest lot line to the nearest lot line on a straight-line basis.
- 15
- E. It shall be unlawful to cause or permit the operation or maintenance of more than one (1) adult use business in the same building, structure, or portion thereof.
- 20
- F. All off-street parking areas and entry door areas of adult use businesses shall be illuminated from dusk until the closing time of the business with a lighting system which provides an average maintained horizontal illumination of one (1) footcandle of light on all parking surfaces and/or walkways. This requirement level is to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.
- 25
- G. The premises of all adult use businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place where patrons are permitted, at an illumination level of not less than two (2) footcandles of light as measured at the floor level.
- 30
- H. Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place where patrons are permitted at an illumination level of not less than one (1) footcandle of light as measured at the floor level.
- 35
- I. No person shall conduct an adult use business without first having obtained an annual adult use business license from the City.
- 40
- J. No person(s) shall reside on or permit any other persons to reside on the premises of an adult use business.
- K. All adult use businesses shall be subject to the same requirements of the Zoning Ordinance.
- 45

- L. An adult use business lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, residential district, or a residential lot within five hundred (500) feet of the adult use business. However, if the adult use business ceases operation for a period of one hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location unless it achieves conformity within the City of Troy Ordinances.

10 **SECTION 8.04 BED AND BREAKFAST**

- A. The property is suitable for transient lodging facilities. In this connection, a Bed and Breakfast establishment shall meet the requirements of the City of Troy Rental Property Code and shall be subject to periodic inspections as provided in said code.
- 15 B. A smoke detector in proper working order shall be provided in every sleeping room and a fire extinguisher in proper working order on every floor in the immediate vicinity of the sleeping rooms.
- 20 C. Guest stays shall not exceed fourteen (14) consecutive days nor more than thirty (30) days in one (1) year.
- D. The establishment shall have at least two (2) exits to the outdoors.
- 25 E. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that accessory dwellings in existence as of the effective date of this section, and located on the same parcel as a Bed and Breakfast may be utilized for sleeping rooms, in accordance with this Section.
- 30 F. The rental sleeping rooms shall have a minimum area of one hundred (100) square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
- 35 G. No separate cooking facilities shall be allowed in guestrooms. Food and beverages maybe be served only to guests who stay on the premises.
- H. Lavatories and bathing facilities shall be provided for guests at the Bed and Breakfast operation at a ratio of not less than one (1) bathroom per two (2) guest bedrooms.

40

45

SECTION 8.05 CEMETERY

- 5
- A. All cemeteries which lawfully occupy land prior to the adoption of this Ordinance shall be considered a permitted use.
- B. Any cemetery established after the adoption of this Ordinance shall be subject to the following standards:
- 10
1. Landscape screening meeting the standards set forth in Section _____ shall be provided where a Cemetery abuts a residentially zoned or used parcel.
2. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
- 15
3. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
- 20
4. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.

SECTION 8.06 CONTRACTOR’S YARD / OUTDOOR STORAGE FACILITIES

- 25
- A. Contractor’s office building shall be permanent construction.
- B. Outdoor storage shall be accessory to the contractor’s principal office use of the property. Such shall not be located within the front yard and shall be enclosed by an opaque fence up to eight (8) feet in height and/or landscape screening meeting the standards set forth in Section _____.
30
- C. All travel surfaces shall be paved as a condition of approval.
- 35
- D. Cranes, booms or other extensions on equipment, trucks or other vehicles parked on site shall be stored in the lowest possible configuration.

SECTION 8.07 DAY CARE FACILITIES

- 40
- A. **Family Day Care Home.** A state-licensed family day care home shall be considered a residential use of property and a permitted use in all residential districts Family day care homes shall be prohibited in all other districts.
- 45

B. Group Day Care Home.

- 5
1. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.
2. The property is maintained in a manner that is consistent with the visible characteristics of the neighborhood.
- 10
3. Fencing shall be provided that is designed to discourage climbing, and is at least four (4) feet in height but no higher than six (6) feet. The area to be fenced shall be determined by the Planning Commission.
- 15
4. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00pm and 6:00am shall be limited so that the drop-off and pickup of children is not disruptive to neighboring residents.
- 20
5. One (1) off-street parking space per employee not a member of the group day care home family shall be provided.
6. Appropriate licenses with the State shall be maintained.

C. Day Care Centers.

- 25
1. Frontage on either a principal or minor arterial street shall be required.
2. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
- 30
3. Off-street parking shall be provided at a rate of one (1) space per employee, plus one (1) space for every five (5) children enrolled at the facility.
- 35
4. There shall be an outdoor play area of at least one thousand (1,000) square feet provided on the premises. Said play area shall not be located within the front setback. This requirement may be waived by the Planning Commission if a public play area is available five hundred (500) feet from the subject parcel.
- 40
5. Appropriate licenses with the State shall be maintained.

45

SECTION 8.08 DRIVE-THROUGH FACILITIES

- 5 A. No more than one (1) drive-through servicing a pick-up window shall be permitted for each individual building, regardless of the number of uses. Dual ordering stations for drive-through food service shall not be permitted.

- 10 B. Ingress and egress to drive-through facilities shall be part of the internal circulation of the site and integrated with the overall site design. Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.

- C. Any speaker at drive-throughs shall not be audible from adjacent residential uses.

- 15 D. Single-lane drive-throughs may be located at the side of a building. Multiple-lane drive-throughs shall be located in a manner that will be the least visible from a public thoroughfare. Canopy design shall be compatible with the design of the principal building and incorporate similar materials and architectural elements.

- 20 E. Each drive-through facility shall provide stacking and escape lane space meeting the following standards:
 - 1. Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.
 - 25 2. Each drive-through facility shall have an escape lane a minimum of twelve (12) feet in width to allow other vehicles to pass those waiting to be served.
 - 30 3. The number of stacking spaces per service lane shall be provided for the uses limited below. Each stacking space shall be computed on the basis of twenty (20) feet in length. When a use is not specifically mentioned, the requirements for off-street stacking space for the use with similar needs, as determined at the discretion of the Planning Commission, shall apply.

Use	Stacking Spaces per Service Lane
Banks, Pharmacy, Photo Service, and Dry Cleaning	4
Restaurants with Drive-Through	10
Auto Washes (Self Service)	
Entry	4
Exit	1 ½
Auto Washes (Automatic)	
Entry	10
Exit	2 ½

35

SECTION 8.09 GOLF COURSE

- 5 A. Golf courses may also include accessory clubhouses, driving ranges, pro shops, and maintenance buildings.
- B. The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the site and onto rights-of-way, neighboring properties or lands within the golf course development designed for uses other than the playing of golf.
- 10 C. All off-street parking shall be in compliance with the standards set forth in Section _____ of this Ordinance to provide for adequate parking for golfers as well as for banquets, weddings, golf tournaments, conferences, and other activities.
- 15 D. Any accessory uses and buildings associated with the Golf Course, and any buildings on the site shall conform to setback and dimensional requirements of the underlying zoning district.
- 20 E. All storage, service, and maintenance areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section _____.

SECTION 8.10 HOSPITAL

- 25 A. General hospitals shall have a minimum site area of at least forty (40) acres. Special purpose hospitals shall have a minimum site area of at least ten (10) acres.
- 30 B. The proposed site shall have at least one (1) property line abutting a major thoroughfare of at least one hundred and twenty (120) feet of right-of-way width. All vehicular ingress and egress shall be directly from a major thoroughfare.
- 35 C. The proposed site shall have at least one (1) property line, apart from its thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than for the construction of one-family residential dwellings.
- 40 D. The minimum distance of any main or accessory building or structure from any boundary property line or street shall be two hundred (200) feet. Building height in excess of two (2) stories may be permitted. For each story above two (2) stories, the minimum yard distance shall be increased by twenty (20) feet. A minimum depth of one hundred (100) feet of such required yards, adjacent to property lines, shall be kept free of off-street parking.
- 45 E. Any required yard abutting residentially developed property or potentially developable residential property, as described in paragraph C, shall contain within the first fifty (50) feet of said yard a five (5) foot high earth berm. The top of the berm shall be landscaped with a minimum of a double row ten (10) 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.

5 F. Ambulance and delivery areas shall be screened from view of adjacent residentially zoned or used property, in accordance with the standards set forth in Section _____.

10 G. Accessory buildings and uses, including but not limited to the following, may be permitted, provided the total floor area of such uses does not exceed that of the main hospital complex. The permitted area for such accessory uses shall not include uses within such buildings which are directly a part of the subject hospital operation, such as hospital administrative offices and laboratories.

15 Off-street parking shall be provided for such uses in accordance with the requirements of Section _____. Such parking shall be in addition to that required for the main hospital complex.

20 1. Medical office buildings accommodating doctors and other medical staff directly related to the subject hospital. Other related uses such as a pharmacy or facilities for the sale of medical goods such as bandages, corrective garments, or optical equipment may be permitted within such buildings. Office space shall not be rented, sold, or otherwise made available for doctors, medical personnel, or other users not directly related to the staff of the subject hospital.

25 2. Residential units accommodating doctors and other medical staff directly related to the subject hospital. Such units shall not be rented, sold, or otherwise made available for occupancy by any persons not directly related to the staff of the subject hospital.

30 H. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with the standards set forth in Section _____ and any applicable State or federal requirements.

35 **SECTION 8.11 KENNELS/ANIMAL DAY CARE**

40 A. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the Oakland County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on-site.

45 B. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling.

C. Dog runs and exercise areas shall not be located in any front yard.

D. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a totally enclosed building.

5 E. All operations and the housing of animals are contained in one (1) or more completely enclosed buildings.

SECTION 8.12 LARGE-SCALE RETAIL ESTABLISHMENT

10 A. **Façades and exterior walls.** The maximum linear length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall
15 be used to break up the mass of a single building.

B. **Roofs.** Roofs shall exhibit one (1) or more of the following features depending upon the nature of the roof and building design:

20 1. Flat roof. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view are required. Parapets shall not exceed one-third (1/3) of the height of the supporting wall at any point.

25 2. Pitched roof.

a. Overhanging eaves, extending no less than three (3) feet past the supporting walls;

30 b. An average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;

c. Three (3) or more roof slope planes.

35 C. **Materials.** Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent (50%) of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S.) and
40 vinyl or aluminum siding should only be used for accents.

D. **Site Design.**

45 1. **Parking Lot Location.** No more than fifty percent (50%) of the off-street parking area devoted to the large scale retail establishment shall be located within the

front yard and between the front façade of the principal building and the abutting streets.

- 5
2. Primary Entrance. The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.
3. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:
- 10
- a. Fully paved and maintained surface not less than five (5) feet in width.
- b. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
- 15
- c. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
4. Secondary Entrance: In addition to the primary façade facing front façade and/or the right-of-way, if a parking area is located in the rear or side yard, must also have a direct pedestrian access to the parking area that is of a level of materials quality and design emphasis at least equal to that of the primary entrance.
- 20
5. Delivery/Loading Operations. Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited.
- 25
- 30

SECTION 8.13 LIVE/WORK UNITS

- 35
- A. Space devoted to nonresidential uses shall be accessible from the dwelling area.
- B. Only residents of the dwelling shall use the nonresidential space for purposes of employment.
- 40
- C. The floor area of the dwelling unit shall be at least five hundred (500) square feet in area.

SECTION 8.14 LODGING

- 45
- A. Lodging that includes a restaurant, bar/lounge, auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site, in accordance with the standards set forth in Section _____.

- B. Each unit shall contain not less than two hundred (200) square feet of floor area, and shall contain at least two (2) rooms, including a bathroom.
- C. Lodging facilities are not intended to provide permanent residence of more than thirty (30) days, although extended-stay lodging facilities may be permitted to designate no more than ten percent (10%) of their rooms for extended stay of more than thirty (30) days.

10 **SECTION 8.15 MATERIALS RECOVERY FACILITY**

- A. All recyclable materials shall at all times be stored within a completely enclosed building.
- B. The proposed use must be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
- C. The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it shall be such that traffic to and from the use and uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the area nor unduly conflict with the normal traffic of the area. Vehicles loading or unloading shall be contained within the property. All driveways and parking areas on the site shall be hard-surfaced to City specifications.
- D. The location, size, intensity, site layout, and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights, or the presence of toxic materials.
- E. The following activities shall be prohibited, except as noted:
 - 1. Incineration or open burning in any building or on the site shall be prohibited.
 - 2. Overnight storage of any refuse material, other than recyclable materials, in any building shall be prohibited.
 - 3. Dumping or storage of material on the site outside the buildings at any time shall be prohibited.
- F. Materials such as recyclable glass, fiber, household appliances, and scrap metal temporarily stored outside the buildings must be in transport vehicles or transportable containers.

45

SECTION 8.16 OPEN AIR BUSINESS

- 5 A. Lot area, lot width, and other dimensional requirements of the zoning district shall be met.
- B. No outdoor storage, display, and/or sales shall be permitted in any required yard.
- C. The use of amplifiers, banners, and other attention gathering devices shall be prohibited.
- 10 D. The open air business area shall be paved.

SECTION 8.17 OUTDOOR COMMERCIAL RECREATION

- 15 A. Such facilities that include paint-ball, archery, and/or shooting ranges shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit.
- 20 B. The Planning Commission may require that any or all of the property of a club facility be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.
- C. Loud speakers broadcasting voice or music outside of a building shall not be permitted within five hundred (500) feet of any residentially zoned property.

25

SECTION 8.18 PARKING STRUCTURE

- 30 A. Parking structures shall be located behind buildings in locations that minimize visibility from public streets.
- B. Parking structures located along public street frontages are subject to the following standards:
 - 35 1. Building height and placement requirements for principal building shall be met.
 - 2. A lining of retail, office, or residential use with a useable depth of no less than twenty (20) feet shall be provided.
 - 40 3. At least fifty percent (50%) of the upper floors facing a public street shall consist of exposed openings. The openings shall be designed with one (1) or more treatments:
 - 45 a. Planter boxes with living plants.
 - b. A rail or fence to give the appearance of a balcony.

- c. Framing and mullions to give the appearance of large windows.

SECTION 8.19 PLACES OF WORSHIP

5

A. General Standards.

10

- 1. All religious activities shall take place in a fully enclosed building except as may be approved by the Zoning Administrator.
- 2. Facilities incidental to the main religious sanctuary must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. No buildings shall be used, leased, or rented for commercial purposes, except by Zoning Administrator approval upon findings that the use will not negatively impact the surrounding neighborhood.

15

B. Standards Specific to Large-Scale Religious Facilities. Large-scale institutional religious facilities may have negative impacts on single-family residential areas because of the scale of buildings, parking, traffic and frequency of use, which are different from similar smaller uses and smaller churches that have traditionally been compatible with single-family areas. Because of these impacts, large-scale religious facilities are more compatible with non-residential districts, subject to conditions which minimize these impacts.

20

25

Each large-scale religious facility shall meet the following conditions in addition to all other provisions of this Ordinance. These standards are intended to restrict large religious facilities to suitable locations, and to mitigate any adverse impacts of the uses on the community.

30

- 1. The site shall have at least one hundred and fifty (150) feet of frontage on a major thoroughfare with an existing or planned right-of-way of not less than one hundred and twenty (120) feet. All ingress and egress to the site shall be directly onto such major thoroughfares.
- 2. All buildings, structures, and parking and loading areas shall be set back a minimum of one hundred (100) feet from any abutting residential zoning district.
- 3. Traffic from events, including church worship services and other large assemblies, shall be controlled so as not to create congestion or unreasonable delays on the public street.
- 4. Associated uses on the site such as recreation centers, retreat facilities, conference centers, schools convents, and others shall meet all requirements of this Ordinance for such uses.

35

40

45

5. There shall be no outside loudspeakers or amplified sound outside of a totally enclosed building.

5 **SECTION 8.20 POST-SECONDARY SCHOOLS**

- 10 A. Any use permitted herein shall be developed only on sites at least forty (40) acres in area, with the following exception: establishments permitted herein which will not include outdoor activities, including but not limited to athletic facilities may be developed on sites of less than forty (40) acres. Sites for such establishments shall have a minimum area at least equal to two (2) acres for each one hundred (100) people permitted within the capacity of the proposed establishment, or fifteen (15) acres, whichever is greater.
- 15 B. All ingress and egress from said site shall be directly on to a major thoroughfare having an existing right-of-way of at least one hundred and twenty (120) feet of width.
- 20 C. No building shall be closer than eighty (80) feet to any property line that is residentially zoned or used. In all other cases, front, side, and rear setbacks shall be a minimum of forty (40) feet.
- D. Off-street parking areas shall be located at least fifty (50) feet from any residential property line.
- 25 E. Those buildings to be used for servicing or maintenance, such as heating plants, garages, and storage structures shall be screened from view of residentially zoned or used property, in accordance with the standards set forth in Section _____.

30 **SECTION 8.21 PRIMARY/SECONDARY SCHOOLS**

- A. All outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way.
- 35 B. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
- 40 C. Off street parking shall be arranged so the area for bus loading and unloading of students will not be in the path of vehicular traffic.
- D. Sidewalks shall be required connecting the off-street parking area to the main entrance of the school, and to the required sidewalk along the adjacent road right-of-way line.

45

SECTION 8.22 SELF-STORAGE FACILITIES

- 5 A. No activity other than rental of storage units and the rental of outside storage space for recreational vehicles shall be allowed. No commercial, wholesale, retail, industrial, or other business use on or operated from the facility shall be allowed.
- B. The storage of any toxic, corrosive, flammable, or hazardous materials is prohibited.
- 10 C. Other than the storage of recreation vehicles, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of residentially zoned or used property and public roads in accordance with the standards set forth in Section _____.
- 15 D. Exterior walls of all storage units shall be of masonry construction.
- E. All storage units must be accessible by safe circular drives clearly marked to distinguish direction and designed to accommodate fire trucks as well as other trucks that will customarily access the site. A minimum drive of twenty-four (24) feet shall be provided between buildings and eighteen (18) feet when a drive is serving a single row of buildings.
- 20

SECTION 8.23 SENIOR ASSISTED/INDEPENDENT LIVING FACILITY AND CONGREGATE CARE

- 25 A. **Maximum Allowable Density.** The maximum allowable density varies by housing type, but shall not exceed the following:
 - 30 1. Dwellings may be provided for as single-family detached, two-family or multiple-family units. When such dwellings contain kitchens, the minimum site area requirements for purposes of calculating density shall be as follows:

<i>Dwelling Unit Size</i>	<i>Site Area/Unit (Square Feet)</i>
Efficiency/one (1) bedroom	2,000
Two (2) bedroom	2,500
Each additional bedroom	500 additional
 - 40 2. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be one thousand five hundred (1,500) square feet.
- 45 B. Height, lot coverage and setback requirements of the MF Districts as set forth in Section _____, Multiple Family Residential Requirements shall apply.
- C. Parking is not allowed in any required front yard. Parking is permitted in side and rear yards provided a minimum twenty (20) foot setback is observed.

- 5 D. The maximum linear length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
- 10 E. The drop-off / pick-up of residents shall be provided at the front entrance of the building with a covered canopy.

SECTION 8.24 VEHICLE REPAIR

- 15 A. Dismantled, wrecked or inoperable vehicles or any vehicle parts or scrap of any kind shall not be stored outdoors for a period exceeding sixty (60) days. Outdoor storage shall be enclosed by an opaque fence up to eight (8) feet in height and / or landscape screening meeting the standards set forth in Section _____.
- 20 B. The minimum lot area shall be twenty thousand (20,000) square feet.
- C. All equipment including hydraulic hoists, pits, lubrication and repair facilities shall be entirely enclosed within a building.
- 25 D. The vehicular entrance to the building for repair and service shall be from the rear yard or interior side yard. All repair and maintenance activities shall be performed entirely within an enclosed building.
- E. Retail sales shall be limited to those items necessary to carry out the vehicle repair occurring on the subject site.

SECTION 8.25 VEHICLE SALES – NEW, USED, AND VINTAGE

- 35 A. No vehicle shall be parked within twenty (20) feet of any street right-of-way.
- B. Loud speakers broadcasting voice or music outside of a building shall not be permitted within five hundred (500) feet of any residential zoned property.
- 40 C. All repair and maintenance activities shall conform with the standards set forth in Section 8.03.
- D. Loading and unloading of vehicles shall be conducted entirely within the site and shall not be permitted within the public right-of-way.

SECTION 8.26 VEHICLE SERVICE / MULTI-USE STATION

- A. The minimum lot area shall be twenty thousand (20,000) square feet.

- 5 B. Minimum setbacks required for such uses shall be as follows:
 - 1. Front setback measured from any right-of-way line:
 - 10 a. Canopy: 40 feet
 - b. Pump and/or pump island: 50 feet
 - c. Building: 85 feet

 - 15 2. Side or rear yard setback:
 - a. Canopy: 30 feet
 - b. Pump and/or pump island: 40 feet
 - c. Building: 30 feet

 - 20 3. Side or rear yard setback abutting residential zoned property:
 - a. Canopy: 40 feet
 - b. Pump and/or pump island: 50 feet
 - c. Building: 40 feet

- C. Ingress and Egress.
 - 25 1. Ingress and egress drives shall be a minimum of thirty (30) feet and a maximum of thirty-six (36) feet in width. Curb radii shall be adequate to accommodate the turning radii of delivery trucks. There shall be a clear unobstructed driveway area provided to the loading area which is not in conflict with other vehicular patterns on the site. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. 30 The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes.

 - 35 2. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses, its location near a vehicular or pedestrian entrances or crossings, or similar concerns as provided more specifically below:
 - 40 a. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal peak traffic period.

 - 45 b. There must be sufficient on-site storage to accommodate at least two (2) queued vehicles waiting to enter or exit without using a portion of the right-of-way obstructing existing vehicle sight distance, or otherwise interfering with street traffic.

5 F. Where repair and servicing of vehicles is performed, vehicular entrance to the building shall be from the rear yard or interior side yard. All repair operations shall take place within the building. All repair and maintenance shall be performed entirely within an enclosed building. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site.

G. If a vehicle wash is proposed, it must comply with the standards set forth in Section 8.04.

10 **SECTION 8.27 VEHICLE WASH**

A. The minimum lot size required for automobile or carwash establishments shall be fifteen thousand (15,000) square feet.

15 B. All washing activities shall be carried on within a building. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property.

20 C. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the carwash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash. A minimum distance of forty (40) feet shall be maintained between the exit door of the wash structure to the nearest exit driveway.

25 D. Automatic carwash facilities shall have a mechanical dryer operation at the end of the wash cycle. The use of such dryers shall be mandatory during sub-freezing weather. In the case of a self-service or manual carwash, sufficient space shall be provided for drying of the vehicle undercarriage during subfreezing weather prior to exiting onto the public thoroughfare.

30 E. Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot or building.

35 F. All automatic carwash facilities must provide a heated concrete exit ramp for each wash bay at least twenty (20) feet in length and of a width equal to that of the exit drive.

40 G. All carwash facilities shall provide a drainage system installed midway from the exit door of the wash structure to the nearest exit drive at a low point to limit water runoff. A series of rumble strips (one-half inch to 1½ inches high or deep, three (3) inches to four (4) inches wide and ninety (90) degrees cross-way to traffic) must be located between the carwash building exit and the drainage system collection point.