

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF ALLEN PARK**

ORDINANCE #04-2014

AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCE; AMENDING CHAPTER 52, ZONING, ARTICLE III, DISTRICT REGULATIONS AND ARTICLE IV, SUPPLEMENTAL REGULATIONS TO CREATE A NEW C-6C SOUTHFIELD ROAD MIXED USE DEVELOPMENT DISTRICT AND ESTABLISH REGULATIONS FOR THE DISTRICT PERTAINING TO PERMITTED USES, ACCESSORY USES, REGULATED USES, USE RESTRICTIONS, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS, AND PROTECTIVE SCREENING.

The City of Allen Park Ordains:

SECTION 1. AMENDMENT TO CODE.

Chapter 52, Zoning, Article III, District Regulations, Title of Division 10 is hereby amended to read:

Division 10. – C-6A, C-6B, and C-6C, Regional Shopping Districts

Chapter 52, Zoning, Article III, District Regulations, Division 10, Section 52-419 is hereby amended to read:

Section 52-419. – Statement of purpose.

The C-6A, C-6B, and C-6C regional shopping districts are intended to permit retail businesses, service uses, and mixed use developments which are needed to serve and draw clientele from regional traffic. In order protect the nearby residential neighborhoods and promote business development so far as possible and appropriate, uses are prohibited which would create hazards and nuisances such as, but not necessarily limited to, offensive and loud noises, vibration, smoke and glare. The intent of the district is also to encourage the concentration of business in these locations that require greater accessibility thereby promoting the best use of land at certain strategic locations and avoid the further expansion of such business locations into residential districts.

Chapter 52, Zoning, Article III, District Regulations, Division 10, Subdivision IV is hereby added as follows:

Subdivision IV. – District C-6C (Southfield Road Mixed Use Development District)

Section 52-484. – Permitted uses.

The following uses are permitted in the C-6C, Southfield Road Mixed Use Development District:

- (1) All permitted uses allowed in the RD, Research and Development District.
- (2) Business schools and colleges, or private schools operated for a profit.

- (3) Contractors' offices or display rooms.
- (4) Day care centers for the care of children or adults for periods of less than 24 hours per day and where the parents or guardians are not immediately available.
- (5) Dental offices and clinics.
- (6) Financial institutions such as banks, credit unions, or mortgage companies.
- (7) Governmental offices or other governmental uses, including libraries.
- (8) Health spas, fitness clubs, or exercise studios.
- (9) Hotels and/or motels, including extended stay or executive lodging.
- (10) Medical offices and clinics without emergency and overnight facilities.
- (11) Multi-screen movie theaters.
- (12) Open air business uses, excluding new and used automobile, truck, boat, recreational vehicle and equipment show places, stores or lots.
- (13) Personal service establishments, such as shoe repair, barbershops, hair salons, tailor shops, laundromats, or dry cleaners.
- (14) Professional offices.
- (15) Any retail business whose principal activity is the sale of merchandise in an enclosed building.
- (16) Restaurants, both drive-through and sitdown and other establishments that sell food products for consumption on or off the premises or for takeout.
- (17) Technical, trade, or vocational schools.
- (18) Veterinary facilities.
- (19) Warehousing and storage services, including mini-warehouses and self-storage facilities, provided that such use is located at least five-hundred (500) feet from Southfield Road.
- (20) Wedding chapels, banquet halls and catering establishments.
- (21) Wholesale stores.
- (22) Other similar uses as determined by the planning commission.

Section 52-485. – Accessory structures and uses.

All accessory structures and uses customarily incidental to the uses in Section 52-484 shall be allowed, including, but not limited to:

- (1) Drive-through lanes for restaurants, banks, pharmacies and other businesses.
- (2) Open air garden centers when attached to a building and enclosed on all sides by a wall or fence.
- (3) Outdoor display and sales areas in the parking lots and common areas of the development, including within any required setback area, so long as no permanent structures are constructed therein.
- (4) Outdoor seating areas which are accessory seating for a restaurant, food service, or other retail use, so long as:
 - a. Such areas are adjacent or in close proximity to the principal use;
 - b. The floor area devoted to such use does not exceed 50 percent of the useable floor area of the principal use; and
 - c. The conduct of such use does not materially interfere with pedestrian circulation to or from adjacent uses or on sidewalks. Outdoor seating areas may be located within any required setbacks so long as no permanent structures are constructed therein.
- (5) Outdoor storage accessory to a permitted use when enclosed on all sides by a wall or fence.
- (6) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when required to service the immediate area and shall not contain any outdoor storage and all outdoor activity and equipment areas shall be screened as required by and specified by the planning commission.
- (7) Service stations (which include, without limitation, the sale of gasoline) accessory to a principal use within the development.
- (8) Sidewalk display and sales areas on the sidewalks adjacent to a restaurant, food service or retail use, including within any required setback area, so long as no permanent structures are constructed therein.

Section 52-486. – Regulated uses.

The following uses shall be permitted after obtaining approval from the planning commission and the mayor and council as a special use under article VII of this chapter and upon compliance with the terms provided in this section:

- (1) All permitted uses allowed in the M-1, Light Industrial District in accordance with the standards of division 15 of this article, provided further that such uses are located at least five-hundred (500) feet from Southfield Road.
- (2) Automobile accessory manufacturing, not including tires, provided that such use is located at least five-hundred (500) feet from Southfield Road.

- (3) Automobile, light truck, trailer, boat, recreational vehicle and equipment sales and rental facilities, either conducted alone or in conjunction with another use.
- (4) Automotive service centers, including facilities that provide and/or perform any service work on any automobile, motorcycle or truck, including, but not limited to, oil changes, tune-ups, vehicle washing, tire sales and repair, exhaust systems, or collision service, provided that:
 - a. All repair or service activity, except the fueling of a vehicle, shall be conducted within completely enclosed buildings.
- (5) Churches and other facilities normally incidental to churches, provided that:
 - a. The proposed site is not less than two acres;
 - b. There is adequate access to all required off-street parking areas;
 - c. There is no parking in the required front yard except as allowed in article IX of this chapter; and
 - d. The site is adjacent to a major thoroughfare as defined in the city's master plan or by the city's motor vehicle fund.
- (6) Medical offices and clinics with emergency and overnight facilities.
- (7) Motor freight terminals, provided that such use is located at least five-hundred (500) feet from Southfield Road.
- (8) Outdoor storage use when not accessory to a permitted use, provided that an outdoor storage permit has been obtained pursuant to section 52-307.
- (9) Private clubs.
- (10) Radio and television studios.
- (11) Theater, dance halls, assembly halls, open-air stadiums or similar places of assembly.

Section 52-487. – Use restrictions.

The following conditions shall apply to all uses within this district.

- (1) Landscaping.
 - a. Not less than 25% of each lot or parcel shall remain as landscaped open space area.
 - b. All portions of the lot or parcel area not covered by buildings, pavement, or other impervious surfaces shall be landscaped. A mixture of evergreen trees not less than eight (8) feet in height and deciduous trees not less

than two (2) inches d.b.h. shall be planted at a rate of one (1) tree for each five-hundred (500) square feet or portion thereof of landscaped open space area.

- c. Landscaped islands shall be provided in off-street parking areas containing twenty (20) or more parking spaces to aid in traffic flow, control speeds, and to provide areas for snow storage. Each landscaped island shall be a minimum of two-hundred (200) square feet. Landscape islands shall be provided in the ratio of one (1) landscaped island for each twenty (20) parking spaces.
- d. A greenbelt, not less than twenty (20) feet wide, shall be continually maintained along public rights-of-way or private road easements. A minimum one (1) evergreen tree not less than eight (8) feet in height or a deciduous tree not less than two (2) inches d.b.h. shall be planted for each thirty (30) lineal feet or portion thereof of the required greenbelt length. Two (2) shrubs shall also be planted for each fifteen (15) lineal feet of greenbelt length.
- e. All landscaped areas shall be serviced by an irrigation (water sprinkler) system installed to help maintain plant materials in a livable condition.

(2) Building Materials and Design Criteria

- a. All sides of any building visible from a public right-of-way or private road easement shall be constructed of stone, face brick, decorative pre-cast concrete, or other approved ornamental material. Such decorative materials shall have a guaranteed finish life of ten (10) years or more. Painted masonry units shall not be deemed as complying with this section.
- b. All buildings under thirty-thousand (30,000) square feet shall incorporate at least fifty (50) percent face brick on all sides of the building visible from a public right-of-way or private road easement.
- c. Variation in building form, and building materials and texture, shall be used to provide visual interest and selected for their compatibility with neighboring buildings. New development should “transition” from the height of adjacent development to the maximum height of new development. The use of radical “themed” structures or signage, high-intensity colors, metallic colors, fluorescent colors, or building or roof forms intended to draw the unnecessary attention of passersby, are expressly prohibited.
- d. Large format structures shall be designed to provide complex massing configurations. Fronts of buildings should be articulated through the use of window patterns, insets, roof overhangs, and similar techniques. Plain, monolithic structures, with long, monotonous, unbroken wall surfaces of one-hundred (100) feet or more are expressly prohibited.

(3) Exterior Lighting

- a. All outdoor lighting shall be shielded, shaded, designed and/or otherwise directed away from all adjacent districts and uses to the extent practicable to prevent light trespass onto adjacent properties or interfere with persons and vehicles using neighboring public streets or private road easements.
- b. Uplighting is prohibited except to illuminate a flag of the United States or a flag of the State of Michigan or a political subdivision thereof, or as ground-mounted accent lighting designed to enhance site landscaping.
- c. Except as otherwise provided under subsection (3),b above, lighting fixtures are to be of the full cutoff design with a horizontally aligned flush-mounted (non-protruding) lens.
- d. Light poles shall not exceed a height of twenty (20) feet.

(4) Signage

- a. Wall signs shall be attached to, and be parallel to, the wall of the building to which it is attached. Each business shall be permitted to have only one (1) wall sign attached to any single building façade having a private point of customer access. The maximum size of any such sign shall not exceed twenty (20) percent of the applicable building face area to which it is attached; provided, however, that no such individual sign shall exceed one-hundred (100) square feet in area. In the case of several tenants sharing a single public entrance, such as in the case of an office building, a common wall sign not exceeding twenty (20) percent of the building face to which it is attached shall be permitted.
- b. Retail establishments not less than thirty-thousand (30,000) square feet in area shall be permitted to have primary identification wall signs in excess of one-hundred (100) square feet, and additional directional or product informational wall signs, subject to the following limitations:
 - i. Buildings with building face areas five-thousand (5,000) square feet to ten-thousand (10,000) square feet shall be allowed a sign area equal 2.5 percent of the building face to which it is attached.
 - ii. Buildings with building face areas greater than ten-thousand (10,000) square feet shall be allowed a sign area equal to 3.0 percent of the building face to which it is attached.
 - iii. Retail establishments not less than thirty-thousand (30,000) square feet in area shall be permitted one (1) additional directional or product informational wall sign not exceeding twenty-five (25) square feet for each one-thousand (1,000) square feet of building face exclusive of the portico or similarly defined area intended to delimit the primary entrance. Such additional directional or product informational wall signs shall

be evenly distributed along the building face and appear as an integral architectural element.

- c. Except as may otherwise be provided below, only one (1) monument sign shall be permitted for each building site. For purposes of this section, a monument sign shall be defined as a sign extending upward from grade which is attached to a permanent foundation. The sign shall be no less than fifty (50) percent of the width of the foundation to which it is attached. The sign may be attached or dependent for support from any pole, posts, or similar uprights provided such supports are concealed by the sign or foundation structure. Monument signs shall not exceed a height of six (6) feet or fifty (50) square feet in area. A maximum sign height of ten (10) feet and a sign area of up to one-hundred (100) square feet shall be permitted for developments containing a gross floor area of not less than thirty-thousand (30,000) square feet. Monument signs shall maintain a minimum setback of six (6) feet from any public right-of-way, private road easement, off-street parking space, or driveway and a setback of fifty (50) feet from any neighboring residentially zoned property.
- d. The planning commission may permit additional monument signs meeting all of the following conditions:
 - i. The sign shall be related and reasonably necessary or convenient for the satisfactory and efficient operation of a larger development.
 - ii. The sign shall be of such size, character, and location as to not adversely affect vehicular or pedestrian traffic or contribute to visual blight.
 - iii. The sign shall be of such design character as to uphold and enhance the appearance of the district and its peculiar suitability for particular uses which it promotes.
 - iv. The sign shall be reasonably proportional in terms of area and height to the property they are intended to serve.
- e. In addition to permitted wall and monument signage, the planning commission may permit one (1) freestanding sign on a lot or parcel which abuts a freeway. Such freestanding sign may be erected to a height of forty (40) feet and contain a maximum sign area of up to one-hundred (100) square feet, provided it is located along the lot line bordering the freeway.
- f. The background color of sign panels which are part of internally illuminated signs shall be designed to reduce the transmission of light and to prevent glare. This reduction shall be accomplished by varying the thickness of the sign panel material, the use of a darker (higher opacity) color, or other like-means of construction capable of producing the

desired effect. No direct view of the light source (lamp) shall be observed from any adjacent property or roadway.

- g. Customary and appropriate directional signage, without tenant identification, may be installed throughout the development.

(5) Parking and Circulation

- a. Separate vehicular and pedestrian circulation systems should be provided. Parking aisles should be separated from vehicular circulation routes whenever possible.
- b. An on-site system of pedestrian walkways shall be designed to provide direct access to or between: the primary entrance to the principal building; any adjacent commercial land use; any sidewalk system along the perimeter streets; and, off-street parking areas.
- c. Off-street parking areas should be designed so that pedestrians will walk parallel to moving vehicles. The need for pedestrians to cross parking aisles and landscaped areas should be minimized.
- d. Off-street parking areas which accommodate more than two-hundred (200) parking spaces should be divided into a series of connected smaller lots separated by landscaped open space areas or improved pedestrian corridors.
- e. Excessive curb-cuts shall be avoided. Common driveways and marginal access drives which provide vehicular access to more than one (1) site are encouraged.
- f. Off-street parking shall be provided as required in article IX of this chapter.

(6) Protective screening and dumpsters

- a. Those sides of a lot or parcel that are adjacent to residential districts shall be screened as required by section 52-901.
- b. Dumpsters shall be placed and enclosed pursuant to division 2 of article II of Chapter 38.

Sec. 52-488. – Area, height, bulk and placement requirements.

The area, height, bulk, and placement requirements shall be in accordance with division 19 of this article, pertaining to the schedule of regulations.

Sections 52-489 – 52-504. – Reserved.

Chapter 52, Zoning, Article III, District Regulations, Division 19, Section 52-782 is hereby amended by inserting the following values for the new C-6C, Southfield Road Mixed Use Development District:

Maximum Lot Coverage (Percent): NA

Minimum Lot Size (Square Feet): NA

Minimum Lot Size (Width): NA

Maximum Height of Structures (Stories): 4

Maximum Height of Structures (Height in Feet): 50

Minimum Setbacks:

Front: 50

One Side: 20

Combined Two Sides: 40

Rear: 50

Minimum Ground Floor Area: NA

Chapter 52, Zoning, Article IV, Supplemental Regulations, Section 52-901 is hereby amended to read:

Sec. 52-901 – Protective screening.

In order to provide adequate protective screening for residential areas adjacent or near nonresidential areas, the following regulations shall apply:

- (1) *Adjacent residential property.* Where an R-2, RM, RMA, C-1, C-2, C-3, C-4, C-5, C-6A, C-6B, C-6C, RD, RO-1, SD, GI, M-1, M-2, or M-3 district abuts directly upon an R-1A or R-1B district, a solid, face brick, masonry wall five feet in height above grade shall be erected along its entire length by users of the R-2, RM, RMA, C-1, C-2, C-3, C-4, C-5, C-6A, C-6B, C-6C, RD, RO-1, SD, GI, M-1, M-2, or M-3 property. In the alternative, the planning commission may, providing approval is secured from the zoning board of appeals, require a landscaped greenbelt not less than 20 feet wide, to be provided and maintained by the users of the R-2, RM, RMA, C-1, C-2, C-3, C-4, C-5, C-6A, C-6B, C-6C, RD, RO-1, SD, GI, M-1, M-2 or M-3 property, where such property abuts directly upon a residentially zoned district. Such greenbelt shall be planted with deciduous trees, evergreens, flowering trees, and/or ornamental trees set not closer than six feet to any fence or wall. Other landscaping materials would include flowering shrubs such as spirea, forsythia, yellow and red twig Cronuses, Euonymous alatus and Althaea rosea of a height of not less than four feet. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance. All planting plans shall be first submitted to the city planning commission for approval as to suitability of planting materials and arrangements thereof in accordance with the provisions of the preceding sections and provisions of this chapter.

- (2) *Residential property across alley.* Any R-2, RM, RMA, C-1, C-2, C-3, C-4, C-5, C-6A, C-6B, C-6C, RD, RO-1, SD, GI, M-1, M-2 or M-3 district on which a drive-in business, open air display, commercial parking lot or other open use is conducted shall be separated along its entire length from any adjacent residentially zoned district, located across a public alley of not less than 20 feet wide, by either a building housing a permitted use or by a solid face brick masonry wall five feet in height above grade located, preferably, on the residential side of said public alley. Greater wall height may be required in accordance with subsection (1) of this section.
- (3) *Waiver of wall requirement.* Where required walls are provided on the business side of public alleys, wall requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas, provided approval is secured from the zoning board of appeals as to suitability of width and location of such openings in said wall.

SECTION 2. AMENDMENT TO OFFICIAL ZONING MAP.

The Official Zoning Map of Chapter 52, Zoning, is hereby amended as follows:

The following properties are hereby rezoned from the RD, Research and Development District to the proposed C-6C, Southfield Road Mixed Use Development District: Property ID# 30-001-01-0002-005, commonly known as 16850 Southfield; Property ID# 30-001-01-0002-006, commonly known as 17000 Southfield; Property ID# 30-001-01-0003-007, commonly known as 16630 Southfield, Property ID# 30-001-01-0003-008, commonly known as 16650 Southfield; Property ID# 30-005-99-0001-001, commonly known as 17200 Southfield; Property ID# 30-005-99-0002-001, commonly known as 17100 Southfield; Property ID# 30-008-99-0001-701, commonly known as 8310 Enterprise; and, Property ID# 30-008-99-0001-702, commonly known as 8000 Enterprise. (See map below.)



SECTION 3. REPEAL.

All ordinance or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4. SAVING CLAUSE.

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 5. SEVERABILITY.

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of

the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

SECTION 6. PUBLICATION.

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

SECTION 7. ADOPTION.

This Ordinance is hereby declared to have been adopted by Order No. 2014-038 of the Emergency Manager of the City of Allen Park, County of Wayne, State of Michigan on August 5, 2014.

JOYCE A. PARKER, Emergency Manager
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park