

Proposed MKT zoning district ordinance

ARTICLE II. – REVIEW AND DEVISION MAKING BODIES

DIVISION 4. - PLANNING AND DEVELOPMENT DEPARTMENT

Sec. 50-2-51. - Powers and duties.

The Planning and Development Department shall have the following powers and duties under this chapter:

- (1) *Recommendations to other agencies and departments.* To receive all notification of Board of Zoning Appeals, Buildings, Safety Engineering, and Environmental Department, and City Planning Commission hearings and to attend all conditional, regulated, and controlled land use hearings at the Buildings, Safety Engineering, and Environmental Department and at the Board of Zoning Appeals, when appealed to the Board. Where deemed advisable, conduct field inspections, investigations, and prepare maps or other pictorial materials so as to formulate a recommendation on any case reviewed by the Buildings, Safety Engineering, and Environmental Department or the Board of Zoning Appeals or any amendment considered by the City Planning Commission;
- (2) *Identification of district boundaries.* To determine the location of any zoning district boundaries where there is any uncertainty, contradiction, or conflict as to the intent or location of such boundaries (see Section 50-1-7 of this Code);
- (3) *Site plan review.* To review site plan applications through the site plan review process and take final action to approve, approve with conditions, or deny such applications within the following zoning districts: R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, P1, TM, PR, W1, SD1, SD2, ~~SD3~~MKT, and SD4 less than three acres. In cases of disposition of City-owned lands, the Planning and Development Department may designate an expanded review process to ensure

sufficient coordination of all City departments. (See Section 50-3-151 of this Code.)

Where site plan review involves known "contaminated property," which is defined as a "facility" in Section 20101(1)(s) of the Michigan Natural Resources and Environmental Protection Act, being MCL 324.20101(1)(s), the Planning and Development Department shall notify the Building, Safety Engineering, and Environmental Department Environmental Affairs Division of such case;

- (4) *Administrative adjustments.* For applications that do require site plan approval, to review applications for administrative adjustments of any development standard set forth in Articles XIII and XIV of this chapter, and to approve or deny such applications (see Article IV, Division 6, of this chapter);
- (5) *Development plans.* To serve as custodian of development plans and amendments thereto, to advise the Board of Zoning Appeals regarding any proposed or requested minor deviation from a development plan in accordance with Section 50-2-74 and Section 50-4-2(c) of this Code, and to initiate and prepare amendments to development plans in accordance with Section 50-4-2(c) of this Code;
- (6) *Special district review.* To participate in the review of permit applications in the PC, PCA, ~~SD3MKT~~, SD4 and SD5 Districts when site plan review is not otherwise required (See Section 50-11-66 and Section 50-11-96 of this Code);
- (7) *Master Plan.* To serve as custodian of the Master Plan, initiate amendments thereto, and provide determinations relative to the Master Plan as may be required of the Planning and Development Department in Section 50-3-46, Section 50-3-68, Section 50-3-96(7), and Section 50-4-82 of this Code; and

- (8) *Advisory review committees.* To serve as chairperson of the Loft Review Committee and as member of the Industrial Review Committee, Hazardous Waste Facility Review Committee, Solid Waste Facility Review Committee, and Floodplain Management Review Committee, and to review proposals before said committees.

ARTICLE III. REVIEW AND APPROVAL PROCEDURES (PART 1)

DIVISION 5. - SITE PLAN REVIEW

Subdivision A

Sec. 50-3-113. - Applicability.

Applications for proposed developments that meet any one or more of the applicability criteria in this section shall be reviewed through the site plan review process. Developments that do not meet any of the applicability criteria in this section shall be reviewed by the Buildings, Safety Engineering, and Environmental Department through its permitting process, provided, that a site plan review is not required for the construction or alteration of an individual single- or two-family dwelling.

- (1) New construction that involves any one of the following:
 - a. Any new development that has more than 20,000 square feet of gross floor area, except that, on land zoned M1, M2, M3, M4 or M5, the threshold for industrial uses shall be 50,000 square feet of gross floor area;
 - b. Projects with multiple principal structures on one zoning lot;
 - c. Any multiple-family residential or loft development with more than 12 dwelling units;

- d. Site condominium developments;
 - e. Projects in a 100-year floodplain; or
 - f. Any parking structure as defined in Section 50-16-341 of this Code.
- (2) Additions and/or major structural alterations that involve any of the following:
- a. Any development that has not more than 20,000 square feet of gross floor area where the addition or alteration results in a cumulative total of more than 20,000 square feet of gross floor area, considering existing floor area and proposed additions, except that, on land zoned M1, M2, M3, M4 or M5, the threshold for industrial uses shall be 50,000 square feet of gross floor area;
 - b. An increase of 25 percent or more in gross square footage to an existing building that contains more than 20,000 square feet of gross floor area, except that, on land zoned M1, M2, M3, M4 or M5, the threshold for industrial uses shall be 50,000 square feet of gross floor area; or
 - c. Projects in a 100-year floodplain.
- (3) Any development with a lot area of more than one acre in cumulative total considering existing lot area and any proposed additional lot area, except that, on land zoned M1, M2, M3, M4 or M5, the threshold for industrial uses shall be three acres.
- (4) Substantial changes in use within any building that has more than 20,000 square feet of gross floor area or of any use with a lot area of more than one acre, except

that, on land zoned M1, M2, M3, M4 or M5, the threshold for industrial uses shall be 50,000 square feet of gross floor area and three acres. For purposes of site plan review, a substantial change in use is one that involves the establishment of a use from one of the major land use classifications that are set out in Article XII of this chapter, which are residential, public/civic/institutional, retail/ service/ commercial, manufacturing/ industrial, and other, where the use immediately preceding the new use was from a different major land use classification.

- (5) Any conditional, regulated, or controlled land use and any case before the Board of Zoning Appeals as the body of first jurisdiction.
- (6) Any use that has drive-up or drive-through facilities or a walk-up component.
- (7) Animated signs as provided for in Section 50-6-91 of this Code.
- (8) Projects within any PD, SD1, SD2, ~~SD3~~ MKT or SD5 District, provided, that, in the SD1, SD2, ~~SD3~~MKT and SD5 Districts, alterations to an existing structure, that do not involve additions or major structural alterations, qualify for "expedited review" as provided for in Section 50-3-131(b) of this Code.
- (9) Projects within the SD4 District that involve the following four utility uses: electric transformer station; gas regulator station; telephone exchange building; water works, reservoir, pumping station, or filtration plant.
- (10) Projects seeking approval under the Alternative Residential Development Options provisions of Article XIII, Division 3, of this chapter.

- (11) Urban farms and all other agricultural uses specified as a conditional use in Section 50-12-109 of this Code.
- (12) Any new or newly established motor vehicle salesroom or sales lot for the sale of used vehicles.

Subdivision B. - Submission Requirements

Sec. 50-3-131. - Expedited review.

- (a.) Urban farms and other agriculture uses requiring site plan review are subject only to the submission requirements as specified in Section 50-3-138 of this Code.
- (b.) Plans that are subject to review solely by virtue of the provisions of Section 50-3-113(5) and (6) of this Code may be expedited by review limited to the Planning and Development Department and the Buildings, Safety Engineering, and Environmental Department, with the exception of urban farms and other agricultural uses, which shall always include the City Planning Commission staff. Similarly, in the ~~SD3~~MKT, SD4, and SD5 Districts, plans that relate to alterations to an existing structure, which do not involve additions or major structural alterations, may be expedited by review limited to the Planning and Development Department or City Planning Commission staff, as appropriate. Advisory review by other such departments, as is usually undertaken pursuant to Section 50-3-151 of this Code, is not required in such cases of expedited review. The submittal requirements that apply in cases of expedited review are limited to those specified in Section 50-3-132, Section 50-3-133, Section 50-3-135, and Section 50-3-136 of this Code, with the exception of urban farms and other agricultural uses which shall meet the submittal

requirements as specified in Section 50-3-138 of this Code only. The appropriate review body is authorized to tailor the information that is required by this subdivision to the site under consideration.

Subdivision C. - Authority to Review and Approve Site Plans

Sec. 50-3-151. - Planning and Development Department.

The Planning and Development Department shall have the authority to review and approve preliminary and final site plans within zoning districts: R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, P1, TM, PR, W1, SD1, SD2, ~~SD3~~MKT, and SD4 with less than three acres. The Buildings, Safety Engineering, and Environmental Department is authorized to participate in the review of all site plans related to development within these zoning districts. The Water and Sewerage Department is authorized to participate in the review of all site plans. The Planning and Development Department shall involve other such departments as deemed necessary for proper site plan review, including, but not limited to, the Recreation Department; review of agricultural uses shall also include the City Planning Commission staff, the Department of Public Works, and other departments and agencies as necessary.

ARTICLE IV. - REVIEW AND APPROVAL PROCEDURES (PART 2)

DIVISION 6. - VARIANCES AND ADMINISTRATIVE ADJUSTMENTS

Sec. 50-4-124. - Review and decision-making authority.

- (a.) *Applications requiring site plan review.* In zoning districts R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, P1, TM, PR, W1, SD1, SD2, ~~SD3~~MKT, and

SD4 with less than three acres, the Planning and Development Department shall have authority to grant administrative adjustments for development proposals that are required to obtain site plan approval, pursuant to the review procedures and approval criteria set forth in this division. In zoning districts PD, PC, PCA, SD4 with three acres or more, and SD5, the City Council shall have authority to similarly grant administrative adjustments. Administrative adjustments shall not be reviewed or approved until technical review comments pertaining to the preliminary site plan review process have been received and reviewed. In cases of permit applications that require site plan review, administrative adjustments shall be granted only during the site plan review process.

- (b.) *Applications not requiring site plan review.* The Buildings, Safety Engineering, and Environmental Department shall have authority to grant administrative adjustments for all development proposals that do not require site plan approval, pursuant to the review procedures and approval criteria set forth in this division and a public hearing shall not be required. Such requests shall be reviewed by a designated officer of the Buildings, Safety Engineering, and Environmental Department who shall grant the administrative adjustment, where the criteria specified in Section 50-4-121 of this Code have been met to the satisfaction of the designated officer. The Buildings, Safety Engineering, and Environmental Department shall involve other such departments as necessary for proper review, including, but not limited to, the Planning and Development Department and the Recreation Department.

DIVISION 8. REGULATED USES

Subdivision A. In General

Sec. 50-3-323. - List of regulated uses.

The following use types shall be considered "regulated uses" under this chapter:

- (1) Brewpub, outside the Central Business District and SD2 District, microbrewery outside the Central Business District and SD2 District, and small distillery or small winery outside the Central Business District and SD2 District, that serve alcohol for consumption on the premises, except, that brewpubs, microbreweries, small distilleries and small wineries, which operate in conjunction with and are located on the same zoning lot as a standard restaurant as defined in Section 50-16-362 of this Code, shall not be considered regulated uses;
- (2) Cabaret, outside the Central Business District and SD5 District;
- (3) Dance hall, public, outside the Central Business District;
- (4) Establishment for the sale of beer or alcoholic liquor for consumption on the premises, outside the Central Business District and outside the MKT, SD1, SD2 and SD5 Districts; however, such establishments that operate in conjunction with and are located on the same zoning lot as a standard restaurant as defined in Section 50-16-362 of this Code shall not be considered regulated uses;
- (5) Lodging house, public;
- (6) Motel;
- (7) Pawnshop; and
- (8) Plasma donation center;

DIVISION 9. CONTROLLED USES

Subdivision A. In General

Sec. 50-3-402. - List of controlled uses.

The following land uses shall be considered "controlled uses" under this chapter:

- (1) Arcades outside the M1, M2, M3, M4, PC, PCA, or TM Districts;
- (2) Specially designated merchant's (SDM) establishments and/or specially designated distributor's (SDD) establishments outside the MKT District; and
- (3) (3) Pool halls outside the B5, B6, M1, M2, M3, M4, PCA, and TM Districts.

ARTICLE VII. - ZONING DISTRICTS (IN GENERAL)

Sec. 50-7-5. - Special districts.

Special districts and overlay areas within the City are as follows:

- (1) PD Planned Development District.
- (2) P1 Open Parking District.
- (3) PC Public Center District.
- (4) PCA Public Center Adjacent District (Restricted Central Business District).
- (5) TM Transitional-Industrial District.
- (6) PR Parks and Recreation District.
- (7) W1 Waterfront-Industrial District.

- (8) SD1 Special Development District, Small-Scale, Mixed-Use.
- (9) SD2 Special Development District, Mixed-Use.
- (10) ~~SD3 Special Development District, Technology and Research~~ .MKT Market and Distribution District
- (11) (SD4 Special Development District, Riverfront Mixed-Use.
- (12) SD5 Special Development District, Casinos.

ARTICLE XI. - SPECIAL PURPOSE ZONING DISTRICTS AND OVERLAY AREAS

DIVISION 11. - ~~SD3—SPECIAL DEVELOPMENT DISTRICT, TECHNOLOGY AND RESEARCH~~MKT – MARKET AND DISTRIBUTION

1 **Sec. 50-11-261. - Description.**

2 ~~(a) The SD3 Special Development District is designed for areas of the City where research facility~~
3 ~~development in a campus-like setting is practicable. In addition, the district is designed for areas of the City~~
4 ~~where the future general land use map of the Master Plan indicates usage other than "residential."~~

5 ~~(b) Advances in industry and technology have created uses, which are related to industry and office or~~
6 ~~commercial uses, but may not be appropriate or function adequately in a typical industrial or business zoning~~
7 ~~district. The SD3 District provides an environment where "high technology" uses such as engineering,~~
8 ~~design, research and development, photonics/optics, computer assisted design, robotics research, numerical~~
9 ~~control equipment (CAD/CAM), prototype development and limited manufacturing, biotechnology lasers,~~

1 ~~medical research, food and materials testing, telecommunications, and related storage, warehousing and~~
 2 ~~limited assembly operations associated with principal permitted uses can be located. The SD3 District will~~
 3 ~~be located in a campus type environment and so situated that uses will be developed without being negatively~~
 4 ~~impacted by elements and conditions which are commonly found in a traditional industrial district and~~
 5 ~~without negatively impacting uses found in a business district.~~

6 The MKT- Market and Distribution District provides for and encourages food-related uses such as
 7 production, processing and wholesaling, as well as transport, and similar activities essential to the
 8 commerce and health of the City. Limited supporting uses such as office, retail, service, and other uses
 9 normally desiring to locate in this type of district are also permitted.

10 Within the greater Eastern Market Area, the focus is on the expansion of existing and the attraction
 11 of new food-related industries outside the historic Market core. Provisions are made for greenway setbacks
 12 along certain streets to be used for vegetative screening of warehouse and production uses from residential
 13 uses, as accessible open space, and to provide areas for on-site stormwater management. To avoid visually
 14 dominating existing buildings of historical character, building heights are limited around the historic Market
 15 core. To avoid potentially overwhelming existing residential properties, building heights are also limited in
 16 areas likely to see large amounts of new construction.

17 **Sec. 50-11-262. - Site plan review.**

18 ~~All uses in the SD3 Special Development are subject to site plan review as provided for in Article~~
 19 ~~III, Division 5, of this chapter.~~

20 To ensure compliance with the provisions of section 50-11-275, the Buildings, Safety Engineering,
 21 and Environmental Department shall forward to the Planning and Development Department all building
 22 permit applications for

23 (a.) New construction or expansion and

1 (b.) Demolition. The Planning and Development Department's review of demolition permits
 2 is limited to ten business days during which time alternatives to demolition might be
 3 explored with the applicant and/or owner. The Planning and Development Department
 4 may waive the ten-day review period where no good purpose would be served by deferring
 5 demolition.

6 **Sec. 50-11-263. - By-right uses.**

7 ~~By right uses within the SD3 Special Development District are as follows: Research facility involving any of~~
 8 ~~the following:~~

9 ~~(1) Basic research, research and development, design, and prototype or experimental product~~
 10 ~~development facility;~~

11 ~~(2) Office, business or professional;~~

12 ~~(3) Data processing and computing, including service and maintenance of electronic data~~
 13 ~~processing equipment;~~

14 ~~(4) Photonics/optics, robotics, and electronic equipment research;~~

15 ~~(5) High technology service activity that involves computer, information transfer,~~
 16 ~~communication, distribution, processing, administrative, laboratory, experimental,~~
 17 ~~developmental, technical, or testing services;~~

18 ~~(6) High technology industrial activity that involves one-time prototype production, robotics,~~
 19 ~~biological or pharmaceutical research, or technology oriented to emerging industrial or business~~
 20 ~~activity not involving any heavy manufacturing;~~

21 ~~(7) Business activity that involves developing, improving, or creating new or existing products;~~

22 ~~and~~

1 ~~(8) Limited assembly and machining operations where accessory to research and development~~
 2 ~~activities occurring at the same locations, provided, that:~~

3 ~~a. Assembly activities shall be limited to assembly of premanufactured finished objects~~
 4 ~~or components, and shall include only small volume, nonroutine production of~~
 5 ~~innovative products or equipment products or equipment; and~~

6 ~~b. Machining shall be permitted on a limited basis and only for research and~~
 7 ~~development activities, repair, demonstration and/or training.~~

8 Uses permitted by right in the MKT Market and Distribution District are delineated in Section 50-
 9 11-264 through Section 50-11-268 of this Code. See Article XII of this chapter for a complete listing of all
 10 use regulations and standards, Article III, Division 5, of this chapter to determine when site plan review is
 11 required for by-right uses, and Article XII, Division 5, of this chapter for accessory uses, including home
 12 occupations.

13 **Sec. 50-11-264. - Conditional Uses By-right residential uses.**

14 Conditional uses within the SD3 Special Development District are as follows:

15 ~~(1) Aquaculture as provided for in Article XII, Division 3, Subdivision H, of this chapter.~~

16 ~~(2) Aquaponics as provided for in Article XII, Division 3, Subdivision H, of this chapter.~~

17 ~~(3) Greenhouses as provided for in Article XII, Division 3, Subdivision H, of this chapter.~~

18 ~~(4) Hoophouses as provided for in Article XII, Division 3, Subdivision H, of this chapter.~~

19 ~~(5) Hydroponics as provided for in Article XII, Division 3, Subdivision H, of this chapter.~~

20 ~~(6) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.~~

21 By-right residential uses within the MKT Market and Distribution District are as follows:

22 Loft.

1 **Sec. 50-11-265. - Intensity and dimensional standards By-right public, civic, and**
 2 **institutional uses.**

3 ~~Intensity and dimensional standards are subject to review and approval by the Planning and Development~~
 4 ~~Department. See Section 50-13-131 of this Code.~~

5 By-right public, civic, and institutional uses within the MKT Market and Distribution District are as
 6 follows:

- 7 (1) Educational institution.
- 8 (2) Fire or police station, post office, courthouse, and similar public building.
- 9 (3) Museum.
- 10 (4) Outdoor recreation facility.
- 11 (5) Religious institution.

12 **Sec. 50-11-266. – ~~Other Regulations.~~ By-right retail, service, and commercial uses.**

13 ~~(a) *Planning and Development Department review.* The Planning and Development Department shall~~
 14 ~~review site, elevation, and landscape plans to ensure that any building, structure, or use will be~~
 15 ~~blended into the contiguous and adjacent areas so as to promote a campus-like setting and be~~
 16 ~~noninjurious to contiguous uses and not contrary to the spirit and purpose of this chapter. The~~
 17 ~~Planning and Development Department shall conduct its site plan review, as provided for in~~
 18 ~~Article III, Division 5, of this chapter, with particular focus upon:~~

- 19 (1) ~~Proximity to adjacent residential developments;~~
- 20 (2) ~~Open space;~~
- 21 (3) ~~Bulk;~~

- ~~(4) Setbacks;~~
- ~~(5) Traffic flow;~~
- ~~(6) Signage and graphics;~~
- ~~(7) Landscaping and screening.~~

~~(b) Specific requirements:~~

- ~~(1) Research facilities in the SD3 Special Development District shall conform to the operational performance standards of Article XIV, Division 7, of this chapter;~~
- ~~(2) Outdoor lighting shall be provided in an amount which shall be sufficient to permit safe movement of vehicles and pedestrians at night;~~
- ~~(3) Waste removal areas shall be located within a building.~~

By-right retail, service, and commercial uses within the MKT Market and Distribution District are

as follows:

- (1) Animal-grooming shop, subject to 50-12-212.
- (2) Arcade.
- (3) Art gallery.
- (4) Automated teller machine not accessory to another use on the same zoning lot, which is stand-alone, without drive-up.
- (5) Bake shop, retail.
- (6) Bank, without drive-up.
- (7) Banquet hall.

- 1 (8) Barber or Beauty shop, subject to Section 50-12-235.
- 2 (9) Bed and breakfast inn.
- 3 (10) Body art facility
- 4 (11) Brewpub or microbrewery or small distillery or small winery.
- 5 (12) Commissary.
- 6 (13) Dance hall, public.
- 7 (14) Dry cleaning, laundry, or laundromat.
- 8 (15) Establishment for the sale of beer or alcoholic liquor for consumption on the premises.
- 9 (16) Nail salon, subject to Section 50-12-236.
- 10 (17) Office, subject to 50-12-298
- 11 (18) Printing or engraving shops
- 12 (19) Produce or food markets, wholesale.
- 13 (20) Recording studio or photo studio, no assembly hall.
- 14 (21) Restaurant, carry-out or fast-food without drive-up or drive-through facilities.
- 15 (22) Restaurant, standard without drive-up or drive-through facilities.
- 16 (23) Retail sales and personal service in business and professional offices
- 17 (24) School or studio of dance, gymnastics, music, art, or cooking.

- 1 (25) Shoe repair shop.
- 2 (26) Storage or killing of poultry or small game for direct, retail sale on the premises or for
- 3 wholesale trade, subject to Section 50-12-315
- 4 (27) Stores of a generally recognized retail nature whose primary business is the sale of new
- 5 merchandise without drive-up or drive-through facilities subject to 50-12-324.
- 6 (28) Used goods dealer.

7

8 **Sec. 50-11-267. - By-right manufacturing and industrial uses.**

9 By-right manufacturing and industrial uses within the MKT Market and Distribution District are as
10 follows:

- 11 (1) Cold storage plant.
- 12 (2) Confection manufacture.
- 13 (3) Food catering establishment.
- 14 (4) High/Medium-impact manufacturing or processing subject to Sec. 50-12-362
- 15 (5) Ice manufacture.
- 16 (6) Low-impact manufacturing or processing.
- 17 (7) Low/Medium impact manufacturing or processing subject to Sec. 50-12-361
- 18 (8) Railroad transfer or storage tracks.

1 (9) Vending machine commissary.

2 (10) Wholesaling or warehousing subject to 50-12-358.

3 **Sec. 50-11-268. - Other regulations. By-right other uses.**

4 Other by-right uses within the MKT Market and Distribution District are as follows:

5 (1) Antennas as provided for in Article XII, Division 3, Subdivision G, of this chapter.

6 (2) Aquaculture as provided for in Article XII, Division 3, Subdivision H, of this chapter.

7 (3) Aquaponics as provided for in Article XII, Division 3, Subdivision H, of this chapter.

8 (4) Farmers markets as defined in Article XVI, Division 2, Subdivision G, of this chapter.

9 (5) Greenhouses as provided for in Article XII, Division 3, Subdivision H, of this chapter.

10 (6) Hoophouses as provided for in Article XII, Division 3, Subdivision H, of this chapter.

11 (7) Hydroponics as provided for in Article XII, Division 3, Subdivision H, of this chapter.

12 (8) Railroad rights-of-way, not including storage tracks, yards, or buildings.

13 (9) Signs as provided for in Article VI of this chapter.

14 (10) Urban farms as provided for in Article XII, Division 3, Subdivision H, of this chapter.

15 (11) Urban gardens as provided for in Article XII, Division 3, Subdivision H, of this chapter.

16 **Sec. 50-11-269. - Conditional uses.**

17 Uses permitted conditionally in the MKT Market and Distribution District are delineated in

18 Section 50-11-270 through Section 50-11-274 of this Code. See Article XII of this chapter for a

1 complete listing of all use regulations and standards, and Article XII, Division 5, of this chapter for
2 accessory uses, including home occupations.

3 **Sec. 50-11-270 - Conditional residential uses.**

4 Conditional residential uses within the MKT Market and Distribution District are as follows:

- 5 (1) Residential use combined in structures with permitted commercial or industrial uses, in
- 6 which one or more permitted commercial or industrial use is located on the ground floor.
- 7 (2) School building adaptive reuses, residential

8 New residential uses shall not be permitted in the area where setbacks are required, as defined in
9 Sec. 50-11-275(1).

10 **Sec. 50-11-271. - Conditional public, civic, and institutional uses.**

11 Conditional public, civic, and institutional uses within the MKT Market and Distribution District are as
12 follows:

- 13 (1) Child care center.
- 14 (2) Electric transformer station.
- 15 (3) Gas regulator station.
- 16 (4) Library
- 17 (5) Neighborhood center, non-profit.
- 18 (6) Outdoor entertainment facility.
- 19 (7) School building adaptive reuses—public, civic, and institutional

1 **Sec. 50-11-272. - Conditional retail, service, and commercial uses.**

2 Conditional retail, service, and commercial uses within the MKT Market and Distribution District

3 are as follows:

- 4 (1) Business college or commercial trade school, subject to Section 50-12-318
- 5 (2) Customer service center, without drive-up or drive-through facilities
- 6 (3) Hotel.
- 7 (4) Medical or dental clinic, physical therapy, or massage therapy
- 8 (5) Office, business or professional, subject to 50-12-298.
- 9 (6) Parking structures, subject to 50-12-301.
- 10 (7) Private club, lodge, or similar use
- 11 (8) Recreation, indoor commercial and health club
- 12 (9) Specially designated distributor's (SDD) or specially designated merchant's (SDM)
- 13 establishment.
- 14 (10) Storage or killing of poultry or small game for direct, retail sale on the premises or for
- 15 wholesale trade, subject to Section 50-12-315
- 16 (11) Veterinary clinic for small animals
- 17 (12) Youth hostel/hostel

1 **Sec. 50-11-273. - Conditional manufacturing and industrial uses.**

2 Conditional manufacturing and industrial uses within the MKT Market and Distribution District
3 are as follows:

- 4 (1) Abattoir, slaughterhouse, subject to Sec. 50-12-331.
- 5 (2) High-impact manufacturing or processing, subject to Sec. 50-12-365
- 6 (3) Lithographing.
- 7 (4) Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and
8 open areas for the parking of semi-trailers, buses, and other operable commercial
9 vehicles, not including limousines and taxicabs, subject to Sec. 50-12-355.
- 10 (5) Wholesaling or warehousing, subject 50-12-358.

11 **Sec. 50-11-274. - Conditional other uses.**

12 Other conditional uses within the MKT Market and Distribution District are as follows:
13 Telecommunications buildings, private.

14 **Sec. 50-11-275. - Intensity and dimensional standards.**

15 Development in the MKT Market and Distribution District shall comply with the intensity and
16 dimensional standards provided for in Article XIII, Division 1, Subdivision G, of this chapter.

- 17 (1) Setback and screening. For the purposes of stormwater management and visual screening,
18 MKT-zoned parcels in the area bounded by Superior Street to the north, Chene Street to
19 the east, Wilkins Street to the south, and Dequindre Cut Greenway / Dequindre Street to
20 the west (excluding properties abutting Dubois Street) are required to have the following:

- 1 a. Side setback from SD2. On the side of the property where adjacent to land zoned
2 SD2 or across an alley from land zoned SD2, a side setback of 50 feet is required.
- 3 b. Side setback from Public Streets. On the side of the property where either adjacent
4 to a public street, 40 foot side setback is required.
- 5 c. Side setback from the Dequindre Cut Greenway / Street, 10 foot side setback is
6 required.
- 7 d. Setback from residential zoning district. A setback of 50 feet where adjacent to or
8 across an alley from a residential zoning district.
- 9 e. Front Setback. A setback of 25 feet for zoning lots on Superior Street.
- 10 f. Vegetative screening. Vegetative material shall be planted within the above
11 required setback areas to provide a minimum of 75 percent opacity on a year-round
12 basis beginning one year after planting, be a minimum of 10 feet tall beginning two
13 years after planting, and meet these standards for the full length of the required
14 screening. The location of the screening is within ten feet of the following:
- 15 i. The property line adjacent to or across an alley from land zoned
16 SD2,
- 17 ii. Adjacent to any public street or the Dequindre Cut Greenway /
18 Street;
- 19 iii. Adjacent to or across an alley from a residential zoning district.
- 20 The Planning and Development Department may approve an alternative location
21 after making the determination that it will provide screening at least as effective
22 as that specified in this subsection.

1 (2) MKT Height Limitations near Eastern Market Sheds. To prevent the overwhelming of
2 existing structures by new structures or by additions to existing structures, a height limit of
3 55 feet applies to zoning lots that are:

- 4 a. Abutting the west side of Russell Street between Alfred Street and Napoleon
- 5 (Fisher Freeway Service Drive); or
- 6 b. Located in the area bounded by Russell Street, Wilkins Street, Orleans Street, and
- 7 Napoleon (Fisher Freeway Service Drive); or
- 8 c. Abutting the east side of Orleans between Alfred Street and the alley north of
- 9 and parallel to Gratiot Avenue.

10 (3) MKT Height limitations near residential properties. To limit the scale of new
11 developments in areas that are potentially near existing residential developments, MKT-
12 zoned parcels in the area bounded by Superior Street to the north, Chene Street to the east,
13 Wilkins Street to the south, and Dequindre Cut Greenway / Dequindre Street to the west
14 (excluding properties abutting Dubois Street) are limited to 50 feet in height.

15 **Secs. 50-11-267276—50-11-280. - Reserved.**

16 **ARTICLE XII – USE REGULATIONS**

17 **DIVISION 1. USE TABLE**

18 **Subdivision A. In General.**

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)		
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	W1	W2	W3	W4	W5		S1	S2

Sec. 50-12-42. - Community service.

Regulations regarding community service uses are as follows:

Use Category	Specific Land Use	R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	W1	W2	W3	W4	W5	S1	S2	S3	S4	S5	Standards
Community service	Customs office											R									L				R							C		
	Fire or police station, post office, courthouse, and similar public building			C	C	C	C	C	C	C	R	R	R	R	R	R	R				L				R			R	R	R	C	R	Section 50-12-186	
	Governmental service agency							R	R	R	R	R	R	R	R	R	R				L				R				R			C		
	Neighborhood center, non-profit	C	C	R	R	R	R	R	R	C	R	R	R	R	R	C	C				L				R			R	R	C	R	Section 50-12-187		
	Substance abuse service facility									C	C	C	C	R	R	C	C				L								C			SPC; GRT Section 50-12-191		
	All other									C	C	C	C	C	C	C	C				L										C			

Sec. 50-12-43. - Day care.

Regulations regarding day care uses are as follows:

Use Category	Specific Land Use	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	W1	W2	W3	W4	W5	S1	S2	S3	S4	S5	Standards
Day care	Adult day care center		R	R	R	R	R	R	R	R	R									L										R	Section 50-12-181	

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)	
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	M	R	W	S1		S2

	Child care center			R	R	R	R	R	R	R	R	R								L			R				R	R	C	R	Sections 50-12-183, 50-12-512
	Family day care home	R	R	R	R	R	R				R								L			R				R			R		Section 50-12-185
	Group day care home	C	C	C	C	C	C												L										C		
	All other																		L												

Sec. 50-12-44. - Hospital.

Regulations regarding hospital uses are as follows:

Hospital	Hospital or Hospice			C	R	R	R	R	R	R									L								C	C	
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Sec. 50-12-45. - Library.

Regulations regarding library uses are as follows:

Library	All			R	R	R	R	R	R	C	R	R	R	R	R	C	C		L		R	R	R			R	R	C	R	
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Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)	
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	T	M	R	W	S1		S2

Sec. 50-12-48. - Religious institution.

Regulations regarding religious institution uses are as follows:

Religious institution	All	C	C	R	R	R	R	R	R	R	R	C	R	R	R	R	R	C	C	L			R	R			R	R	R	C	
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Sec. 50-12-49. - Schools.

Regulations regarding school uses are as follows:

Schools	Educational institution	C	C	C	C	R	R	R	R	R	R	R								L		R	R				R	R	R	C	Section 50-12-184
	School, elementary, middle/junior high, or high	C	C	R	R	R	R	R	R	C	R	R								L		R	C				R	R		C	Section 50-12-189
	All other																			L		R					R	R		C	

Sec. 50-12-50. - Utility, basic.

Regulations regarding basic utility uses are as follows:

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)		
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	W1	W2	W3	W4	W5		S1	S2

	Automated teller machine, without drive-up or drive-through facilities							R	R	R	R	C / R	R	R	R	R	R	R	L							R	R													
	Automated teller machine, with drive-up or drive-through facilities							C	C	C	C	R	R	R	R	R	R	R	L							C	R											C	Article XIV, Division 1, Subdivision H; Section 50-11-318	
	Bank, without drive-up or drive-through facilities							R	R	R	R	R	R	R	R	R	R	R	L							R	R													
	Bank, with drive-up or drive-through facilities							C	C	C	C	R	C	R	R	R	R	L							C	R											C	Article XIV, Division 1, Subdivision H; Section 50-11-318		
	Barber or beauty shop							R	R	R	R	R	R	R	R	R	R	L							R	R												Section 50-12-518, Sec. 50-12-235		
	Body art facility											C	R	R	R	R	R	L								R										C	R	SPC; P; Section 50-12-300		
	Business college or commercial trade school					R						C	R	R	R	R	R	L							R	R										C	Section 50-12-318			
	Customer service center, with drive-up or drive-through facilities							C	C	C	C	R	R	R	R	R	R	L							R													Article XIV, Division 1,		

Use Category	Specific Land Use	Residential						Business						Industrial					Special and Overlay										Standards General (Art. XII, Div. 2) Specific (Art. XII, Div. 3)					
		R1	R2	R3	R4	R5	R6	B1	B2	B3	B4	B5	B6	M1	M2	M3	M4	M5	P1	P2	P3	P4	P5	PC	PCA	TM	PR	W1		S1	S2	S3	S4	S5

	Jewelry manufacture							R	R	C/R	C							R	R	R	R	R	L														R																		Sections 50-12-340 and 50-12-458								
	Lithographing, and sign shops							C/R	R	C/R								C	R	R	R	R	L																			R																		Sections 50-12-342 and 50-12-458			
	Low/medium-impact manufacturing or processing as defined in Section 50-16-284							R	R	R								R	C	R	R	R	L																					R																			Sections 50-12-361 and 50-12-458
	Low-impact manufacturing or processing as defined in Section 50-16-284							R	R	R								R	C	R	R	R	L																					R																			Sections 50-12-359 and 50-12-458
	Newspaper (daily) publishing or printing										R							R	R	R	R	R	L																				R	R																		Section 50-12-458	
	Outdoor operations of all manufacturing and production land uses																				C	C	L																																								Sections 50-12-344 and 50-12-458
	Research or testing laboratory																	C	C	R	R	R	L																					R																			Sections 50-12-348 and 50-12-458
	Salt works																				C	C	L																																							IRC	
	Toiletries or cosmetic manufacturing																	C	C		C	R	L																					R																			GRT; 50-12-458
	Tool, die, and gauge manufacturing																	C			C	R	L																					R																			GRT; Section 50-12-351 and 50-12-458
	Very high-impact manufacturing or processing as defined in Section 50-16-441																						L																				C																			EGLE; IRC	
	Wearing apparel manufacturing							R	R	C/R	C							C	R	R	R	R	L																					R																			Section 50-12-360 and 50-12-458
	All other																				C	C	L																																								

DIVISION 3. - SPECIFIC USE STANDARDS

Subdivision A. - Residential Uses

Sec. 50-12-159. - Lofts; residential uses combined in structures with permitted commercial uses.

In order to encourage the preservation and reuse of existing commercial and industrial structures, and to encourage live-work situations, loft conversions and mixed-use commercial-residential uses are permitted in many zoning districts, even in certain districts where new residential construction is prohibited, subject to the following.

- (1) Loft conversions are prohibited in the R1 and R2 Districts except where developed under the "school building adaptive reuses" provision as defined in Section 50-16-381 of this Code.
- (2) Lofts in the B6, M1, M2, M3, M4, ~~SD3~~MKT, and SD4 Districts are subject to review by the Loft Review Committee as provided for in Article II, Division 6, Subdivision C, of this chapter.
- (3) Similarly, single-family dwellings, two-family dwellings, and multiple-family dwellings are permitted in commercial or industrial structures combined with those permitted Retail, Service, and Commercial uses specified in Division 1, Subdivision D of this Article, except for "adult uses/sexually oriented businesses" as specified in Section 50-12-108 of this Code.

For example, although a single-family detached dwelling is not permitted by right in the R6 District, a doctor's office that has an apartment is permitted by right as a "Residential use combined in structures with permitted commercial uses." In addition, in industrial zoning districts where new residential construction is prohibited, an existing building with a hardware store on the ground floor, for example, and residential units on the upper floor could be reoccupied on a Conditional Use basis and without the need for approval by the Board of Zoning Appeals.

- (4) In B2 and B3 Districts, lofts are permissible on a by-right basis only where located in a Traditional Main Street Overlay area and combined in a structure with permitted commercial or industrial uses, and otherwise are permissible conditionally.
- (5) In B4 Districts, lofts are permissible on a by-right basis only where located in the Central Business District or in a Traditional Main Street Overlay Area, and otherwise are permissible conditionally.
- (6) In B2, B3, and B4 Districts, residential uses combined in structures with permitted commercial uses are permissible on a by-right basis only where located in a Traditional Main Street Overlay Area, and otherwise are permissible conditionally.
- (7) In M1, M2, M3, and M4 Districts, new construction of a "residential use combined with permitted commercial uses" is limited to not more than two residential units. However, any time three or more residential units are combined with permitted commercial uses in an existing commercial or industrial structure in the B6, M1, M2, M3, M4, or SD4 District, the use shall be subject to the review of the Loft

Review Committee as provided for in Article II, Division 6, Subdivision C, of this Chapter.

- (8) In the SD4 District, specially designated merchant's (SDM) establishments and specially designated distributor's (SDD) establishments are permitted when incidental to, accessory to, and on the same zoning lot as a loft development that has not fewer than 50 dwelling units.
- (9) In designated Traditional Main Street Overlay Areas, as provided in Section 50-11-382 of this Code; and in the MKT district, residential uses, combined in structures with commercial or industrial uses that are permitted in the respective zoning district, shall be permitted by right.

Subdivision C. - Retail, Service, and Commercial Uses; Generally

Sec. 50-12-212. - Animal-grooming shop.

- (c.) All facilities of an animal-grooming shop, including all grooming areas, cages, pens and kennels, shall be maintained within a completely enclosed, soundproof building.
- (d.) All animal-grooming shops shall be designed and constructed in a manner that eliminates any emission of odor offensive to persons owning, occupying or patronizing properties adjacent to the use.
- (e.) Kennel facilities, if any, shall be governed separately by Section 50-12-229 of this Code for commercial kennels.
- (f.) In the MKT district, animal grooming shops are permitted if not located on the first floor.

Sec. 50-12-235 - Barber or Beauty Shop

In the MKT district, barber or beauty shops are permitted if not located on the first floor.

Sec. 50-12-236 – Nail Salons

In the MKT district, nail salons s are permitted if not located on the first floor.

Secs. 50-12-235~~237~~ – 50-12-250 - Reserved

Subdivision E. - Retail, Service and Commercial Uses; Generally

Sec. 50-12-298. - Office, business or professional.

- (1) In the PC District, only public offices shall be permitted.
- (2) In the MKT district, office uses:
 - a. May be conditionally permitted where located in newly-constructed buildings,
 - b. May be conditionally permitted where the use is located in the expanded area of an existing building where the expansion comprises more than 200 percent of the area of the first floor of the building, and
 - c. Are permitted where located in an existing building or in the expanded area of an existing building where the expansion comprises less than 200 percent of the area of the first floor of the building

Sec. 50-12-301. - Parking structures.

Parking structures shall be subject to the following provisions:

- (1) The dimensions of parking spaces in a parking structure shall be nine feet by 20 feet as specified in Section 50-14-231 of this Code, except that not more than 20 percent of the total number of spaces may be striped to smaller dimensions, provided, that all such spaces are located in those areas of the structure most remote from street-level ingress and egress and from direct access points to adjacent buildings. No other administrative adjustment of parking space dimensions may be granted;
- (2) Parking structures shall conform to the specifications for accessible parking for physically disabled persons as provided for in Section 50-14-182 through Section 50-14-186 of this Code. In addition, the minimum height clearance shall be 98 inches for van accessibility;
- (3) In the B5, PC, and PCA Districts, a parking structure shall be permitted by-right if at least 30 percent of the ground floor level façade abutting a public street is dedicated to commercial space or other space oriented to pedestrian traffic. Otherwise, a parking structure may only be permitted as a conditional use;
- (4) In the SD1 and SD2 districts, a parking structure may be permitted as a conditional use if least 60 percent of the ground floor level façade abutting a public street is dedicated to commercial space or other space oriented to pedestrian traffic;
- (5) Parking structures shall be subject to site plan review as provided for in Section 50-3-113(1)f of this Code.

(6) In the MKT District, a parking structure may be permitted as a conditional use if at least 30 percent of the ground floor level façade abutting a public street is dedicated to commercial space or other space oriented to pedestrian traffic.

Sec. 50-12-315. - Storage or killing of poultry.

Storage or killing of poultry or small game for direct, retail sale on the premises or for wholesale trade shall also conform to the requirements of Chapter 19 of this Code, *Food*.

In the MKT zoning district, Storage or killing of poultry or small game for direct, retail sale on the premises or for wholesale trade is permitted on a by-right basis where less than or equal to 5,000 sq. ft in size and may be permitted on a conditional basis where such use exceeds 5,000 sq. ft. in size.

Sec. 50-12-318. - Trade schools, commercial.

- (a) Truck driving schools are subject to the provisions of Chapter 16, Article I, of this Code, *Noise*, and are excluded from the "school building adaptive reuse" provision as defined in [Section 50-16-381](#) of this Code.
- (b) Truck driving schools are prohibited on land zoned R5, ~~R6~~, or MKT.

Sec. 50-12-324 - Stores of a generally recognized retail nature whose primary business is the sale of new merchandise, without drive-up or drive-through facilities

In the MKT district, stores of a generally recognized retail nature whose primary business is the sale of new merchandise, without drive-up or drive-through facilities shall not exceed 15,000 square feet in gross floor area.

Secs. 50-12-~~324~~325—50-12-330. - Reserved.

Subdivision F. - Manufacturing and Industrial Uses

Sec. 50-12-331. - Abattoirs (slaughterhouses).

Abattoirs (slaughterhouses) are additionally subject to state licensing provisions that are specified in the Michigan Slaughterhouses; Edible Rendering, Wholesale Fabricating, Processing, or Storage Establishments Act, being MCL 287.571 et seq.

In the MKT district, abattoirs (slaughterhouses) shall not exceed 15,000 square feet in gross floor area.

Sec. 50-12-352. - Towing service storage yards.

- (a) Towing service storage yards shall be subject to the following provisions:
- (1) All buildings, screening, and stored or abandoned vehicles shall be set back at least 20 feet from any lot line abutting, across the street, or across the alley from land zoned R1, R2, R3, R4, R5, R6, or residential PD;
 - (2) As required by [Section 50-14-361](#) of this Code, the 20-foot setback area between the masonry wall and the lot line, where

required, shall be landscaped in accordance with [Section 50-14-362](#) and [Section 50-14-367](#) of this Code;

- (3) A masonry wall that is not less than six feet in height shall be erected:
 - a. Between any storage and the 20-foot setback area specified in Subsection (1) of this section; and
 - b. At any lot line abutting, across the street, or across the alley from land zoned B1, B2, B3, B4, B5, B6, non-industrial PD, P1, PC, PCA, PR, SD1, SD2, ~~SD3~~, SD4, and SD5;
- (4) All ground surfaces within any towing service storage yard shall be covered with asphalt or concrete paving, or other material to create a firm, level surface (the term "level" as used in this section means free of ruts, potholes, or uneven areas) that prevents the formation of dust and mud and is approved by the Buildings, Safety Engineering, and Environmental Department. Pervious surface treatments are encouraged, except that gravel, slag, cinder, or graded natural surfaces shall not be allowed;
- (5) No vertical stacking of abandoned vehicles shall be permitted;
- (6) The Buildings, Safety Engineering, and Environmental Department shall specify the maximum, appropriate number

of abandoned vehicles to be stored given the area and configuration of the site; and

- (7) The Buildings, Safety Engineering, and Environmental Department shall be authorized to obtain a performance guarantee as provided for in Article XIV, Division 8, of this chapter, in a sufficient amount, as determined by the Director of the Buildings, Safety Engineering, and Environmental Department.
- (b) Any use previously classified as a "Police Department authorized abandoned vehicle yard" or a "Police Department authorized abandoned vehicle storage yard" shall now be considered a "towing service storage yard" without need for issuance of an additional permit or change of use.

Sec. 50-12-355. - Trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable trucks.

- (a) Wherever possible, access to the sites of trucking terminals, transfer buildings, truck garages, recreational vehicle storage lots, and open areas for the parking of operable trucks from local residential streets shall be avoided.
- (b) On land zoned SD4, exclusively, only emergency medical service vehicles having not more than two axles may be parked, stored, or serviced.

- (c) On land zoned MKT, only trucking terminals and transfer buildings for food-related products may be permitted. Truck garages, recreational vehicle storage lots, and open areas for the parking of operable trucks are not permitted.

Sec. 50-12-358. - Wholesaling, warehousing, storage buildings, or public storage facilities.

Wholesaling, warehousing, storage buildings, or public storage facilities are subject to the following requirements:

- (1) In the B4 District, such facilities shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare, except Gratiot;
- (2) Steel warehousing shall be prohibited in all zoning districts except M2, M3, M4, and M5;
- (3) Storage of bulk petroleum or related products, garbage, refuse, rubbish, or scrap tires are prohibited;
- (4) All materials shall be completely enclosed within a building, except as provided for in Subsection (6) of this section;
- (5) There shall be a minimum of 35 feet, or 45 feet if the driveway is two-way, between warehouses for driveway, parking, and fire lane purposes. Where no parking is permitted within the building separation areas, the building separation need only be 25 feet. Traffic

direction and parking in such areas shall be designated by signaling or painting;

- (6) Permitted outdoor accessory storage is subject to [Section 50-12-458](#) of this Code and shall be placed only on asphalt or concrete paved surfaces, and screening shall be subject to the applicable provisions of Article XIV, Division 2, Subdivision D, of this chapter;
- (7) No storage of hazardous substances, toxic, or explosive materials shall be permitted. Signs shall be posted at the facility describing such restrictions; ~~and~~
- (8) Public storage facilities are subject to the licensing provisions of Chapter 30, Article II, of this Code, *Moving and Storage*, and shall comply with the following standards:
- a. No residential use shall be allowed in any public storage unit; and
 - b. No retail, wholesale, fabrication, manufacturing, or service activities shall be conducted from within public storage units; and
- ~~(9) In the MKT District, warehousing and storage of food-related products shall be permitted on a by-right basis and may be permitted conditionally if the products warehoused or stored are not food-related.~~

Sec. 50-12-361 Low/medium-impact manufacturing or processing facilities.

(a.) In the B2, B3, and B4 Districts, a low/medium-impact manufacturing or processing facility is permissible by-right only if located in a structure not exceeding 4,000 square feet of gross floor area with a minimum of ten percent of the gross floor area being used as a retail store for the sale of the goods produced on the premises, and located in a Traditional Main Street Overlay Area, and limited to any one of the following. Otherwise, in the B2, B3, and B4 Districts a low/medium-impact manufacturing or processing facility is prohibited.

- (1) Art needlework
- (2) Canvas goods manufacture
- (3) Cigar or cigarette manufacture
- (4) Clock or watch manufacture
- (5) Coffee roasting
- (6) Door, sash, or trim manufacture
- (7) Draperies manufacture
- (8) Flag or banner manufacture
- (9) Glass blowing
- (10) Knit goods manufacturing
- (11) Leather goods manufacture or fabrication

(b.) In the SD1 and SD2 Districts, the following low/medium-impact manufacturing or processing facilities with a minimum of ten percent of the gross floor area being used as a retail store for the sale of the goods produced on the premises are permitted:

- (1) Art needlework.
- (2) Canvas goods manufacture.
- (3) Cigar or cigarette manufacture.
- (4) Clock or watch manufacture.
- (5) Coffee roasting.
- (6) Door, sash, or trim manufacture.
- (7) Draperies manufacture.
- (8) Flag or banner manufacture.
- (9) Glass blowing.
- (10) Knit goods manufacturing.
- (11) Leather goods manufacture or fabrication.
 - a. In the SD1 District, such facilities shall not exceed 4,000 square feet in gross floor area:
 - b. In the SD2 District, such facilities shall not exceed 5,000 square feet in gross floor area:

- (c.) In the SDI District, such facilities shall not exceed 4,000 square feet in gross floor area.
- (d.) In the SD2 District, such facilities shall not exceed 5,000 square feet in gross floor area.
- (e.) In the MKT District, low/medium-impact manufacturing or processing facilities allowed by-right is limited to:
- (1) Coffee roasting.
 - (2) Dog or cat food cannery or manufacture excluding rendering or the use of fish.
- (ef) The regulations set forth in this Section may not be modified or waived by the Board of Zoning Appeals.

Sec. 50-12-362. High/medium-impact manufacturing or processing facilities.

- (a.) In the B2 and B4 Districts, a high/medium-impact manufacturing or processing facility is permissible by-right only if limited to furniture manufacturing, located in a structure not exceeding 4,000 square feet of gross floor area with a minimum of ten percent of the gross floor area being used as a retail store for the sale of the goods produced on the premises, and located in a Traditional Main Street Overlay Area. Otherwise, in the B2 and B4 Districts a high/medium-impact manufacturing or processing facility is prohibited.
- (b.) In the SD1 and SD2 Districts, high/medium-impact manufacturing or processing facilities with a minimum of ten percent of the gross floor area being used as a retail

store for the sale of the goods produced on the premises may be permitted as a conditional use and are limited to furniture making facilities.

(c.) In the SD1 District, furniture making facilities shall not exceed 4,000 square feet in gross floor area.

(d.) In the SD2 District, furniture making facilities shall not exceed 5,000 square feet in gross floor area.

(e) In the MKT District, high/medium impact manufacturing and processing uses are limited to the following:

(1) Canning factories (excluding fish products),

(2) Brewing or distilling of liquors;

(3) Brewing of 20,000 or more barrels of beer or malt beverage per year

(ef) The regulations set forth in this Section may not be modified or waived by the Board of Zoning Appeals.

50-12-365 High impact manufacturing or processing facilities.

In the MKT District, high impact manufacturing and processing uses are limited to the following:

(a.) Carbonic ice manufacture;

(b.) Meat products manufacturing or processing;

The regulations set forth in this Section may not be modified or waived by the Board of Zoning Appeals.

Sec. 50-12-396. - Permissibility and review; Category D antenna towers.

Category D antenna towers shall be governed by the following provisions:

- (1) *Review.* All Category D antennas shall be subject to review by the Wireless Telecommunications Site Review Committee as provided for in Article II, Division 6, Subdivision G, of this chapter.
- (2) *Permitted by right.* Notwithstanding the height limitations specified in Article XIII, Division 1, of this chapter, Category D antenna towers shall be permitted by right in the B5 and B6 Districts, all industrial zoning districts and in any PCA, TM, or SD2 District where more than 120 feet from any single- or two-family dwelling; Building-mounted antennas: except as provided for in Subsection (5) of this section, antennas, such as those for cellular telephone that are often affixed to antenna towers exceeding 75 feet in height, may be mounted to the wall or roof or other surface of an existing building or other existing structure on a by right basis in the R4, R5, R6, B1, B2, B3, B4, B5, B6, M1, M2, M3, M4, M5, PC, PCA, TM, PR, W1, SD1, SD2, MKT, and SD4 Districts, provided the antennas are effectively concealed or camouflaged.
- (3) *Conditional.* Notwithstanding the height limitations specified in Article XIII, Division 1, of this chapter for the R4, R5, R6, B1, B2, B3, B4, and PR Districts, Category D antenna towers may be permitted as a conditional use in the R4, R5, and R6 residential districts and in B1, B2, B3, and B4 Districts, and in the PR special zoning district where proposed farther than 120 feet from any R1, R2, or R3 District and from any single- or two-family dwelling, subject to the findings specified in Section

50-12-385(1) of this Code, and subject to conditions as deemed necessary by the Buildings, Safety Engineering, and Environmental Department, including, but not limited to: antenna tower dimensions, setback requirements, number of antenna towers per zoning lot, height limitations, screening, and materials and coloration; Category D antenna towers may also be permitted as a conditional use in the R1, R2, and R3 residential districts on the grounds of a lighted athletic field, notwithstanding the prohibition in Subsection (4)a of this section, where proposed.

- (4) *Prohibited.* Except as delineated in Subsections (3) and (5) of this section, Category D antennas are prohibited:
- a. In the R1, R2, and R3 Districts;
 - b. In the R4, R5, R6, B1, B2, B3, B4, and PR Districts where located within 120 feet of any R1, R2, or R3 District or a single- or two-family dwelling.
Distance shall be measured between the closest R1, R2, R3 District lot line and the outermost point of the antenna structure closest to it;
 - c. In the SD4 District, except as accessory to a land use specified in Article XI, Division 12, of this chapter; and
 - d. In the TM, W1, M1, M2, M3, M4, M5 Districts where less than 120 feet from a single- or two-family dwelling; collocation of antennas on antenna towers located less than 120 feet from land zoned R1, R2, or R3 or from a single- or two-family dwelling requires a public hearing before the Board of Zoning Appeals as an expansion of a nonconforming structure.

- e. *Exception to prohibition.* Notwithstanding the prohibitions that are contained in Subsection (4) of this section, antennas, such as those for cellular telephones that are often affixed to antenna towers exceeding 75 feet in height, may be mounted to the wall or roof or other surface of an existing building or other existing structure in the R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, PR, and SD4 Districts:
 - a. Subject to review by the Wireless Telecommunications Site Review Committee; and
 - b. Provided the antennas are effectively concealed or camouflaged; and
 - c. As a conditional use, subject to Article III, Division 7, of this chapter.

ARTICLE XIII. - INTENSITY AND DIMENSIONAL STANDARDS

DIVISION 1. - TABLES OF INTENSITY AND DIMENSIONAL STANDARDS

Subdivision G. - Special Purpose Zoning Districts

Sec. 50-13-131. - ~~SD3 District~~ MKT - Market and Distribution District.

Intensity and dimensional standards in the ~~SD3 Special Development District, Technology and Research,~~ MKT - Market and Distribution District are as follows:

Use	Minimum Lot Dimensions	Minimum Setbacks (feet)	Max. Height (feet)	Max. Lot Coverage (%)	Max FAR	Add'l. Regs.

	Area (sq. ft.)	Width (feet)	Front	Side*	Rear			
Sec. Reference	Section 50- 13-222		Section 50-16- 382	Section 50-16- 382	Section 50-13- 231	Section 50-13- 232	Section 50-13- 236	Section 50-13- 237
*Formula A = Length (feet) + 2 (height) / 15					*Formula B = Length (feet) + 2 (height) / 6			
Agricultural uses			See Section 50-12-400					Section 50-12- 409
All uses	3 -acres		20	Formula B	30	<u>80</u>		2.00 <u>Sec. 50- 11-275</u>

ARTICLE XIV. DEVELOPMENT STANDARDS

DIVISION 1. OFF-STREET PARKING, LOADING, AND ACCESS

Subdivision A. In General

Sec. 50-14-7. Off-street parking exemptions, reductions, and allowances.

(a.) *Off-street parking.* The following exemptions and allowances to the off-street parking requirements shall apply:

- (1) Uses in the B5, MKT, and PC districts, in the Central Business District or in the New Center Major Commercial area as defined in Sec. 50-16-321 of this Code, shall be exempt from the off-street parking requirements of Subdivision B and Subdivision C of this Chapter;
- (2) For retail, service, and commercial uses on zoning lots abutting a Traditional Main Street Overlay Area or on land zoned SD1 or SD2, the maximum distance that off-street parking shall be provided from the principal use specified in Subdivision B of this division, may be increased to 1,320 feet where the applicant can show to the satisfaction of the Planning and Development Department that a “district approach” to parking is being used in the Traditional Main Street Overlay Area or other area nearby. To show a district approach to parking, the applicant shall provide the following:
 - a. A signage plan to show how the business will direct customers and employees to the off-site parking lot, including parking signage and wayfinding;
 - b. A plan for who will manage and maintain the off-site parking facility, including safety and security measures;
 - c. Where the parking area or parking structure is owned by someone other than the applicant, a shared parking agreement

shall be required according to Section 50-14-156 and Section 50-14-159 of this Code.

- (3) No additional off-street parking, beyond that already provided, shall be required for structures erected prior to April 9, 1998, other than religious institutions, that do not exceed 3,000 square feet of gross floor area; and
 - (4) When a use located in a structure erected prior to April 9, 1998, expands into an existing adjacent structure erected prior to April 9, 1998, and the total gross floor area of the combined structures does not exceed 4,000 square feet, no additional off-street parking shall be required.
 - (5) Additional parking reductions are set forth in Section 50-14-153 and Section 50-14-163 of this Code.
- (b.) *Credit for on-street parking.* Within the Woodward and Grand River/Lahser Traditional Main Street Overlay Areas, any on-street parking space adjacent to a use, each such space consisting of not less than 23 feet of contiguous linear permissible on-street parking that is immediately adjacent to the use, may be counted as one space against applicable off-street parking requirements for such use.

DIVISION 7. - OPERATIONAL PERFORMANCE STANDARDS

Sec. 50-14-581. - Applicability.

Unless otherwise expressly exempted in this chapter, all non-residential uses in all zoning districts that cause off-site impacts on uses in the R1, R2, R3, R4, R5, R6, B1, B2, B3, B4, B5, B6,

nonindustrial PD, P1, PC, PCA, TM, PR, SD1, SD2, ~~SD3~~MKT, SD4, and SD5 Districts shall comply with the standards of this division.