

ORDINANCE NO. 30-1001

AN ORDINANCE TO AMEND APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF WARREN RELATING TO ZONING.

THE CITY OF WARREN ORDAINS:

SECTION 1. Appendix A, Article XV, Section 15.01 of the Code of Ordinances entitled C-3 Wholesale and Intensive Business Districts which presently reads as

follows:

ARTICLE XV. C-3 WHOLESALE AND INTENSIVE BUSINESS DISTRICTS

Section 15.01 Uses permitted.

In all C-3 Districts no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one (1) or more of the following specified uses:

(a) All uses permitted in a C-2 District.

(b) Any wholesale business including warehouse and storage buildings, lumber yards, building material yards, dealing in unused-material, laundry and dry cleaning establishments, but not including junk yards or used auto parts or auto wrecking establishments or business handling wastes, coal yards, junk, the incubation, raising or storing of poultry, the slaughtering of animals, poultry and those businesses which are offensive by reason of odor, dust, smoke, gas, vapor, noise or vibration.

(c) Buildings and uses customarily accessory to any of the above permitted uses, but which will not be detrimental either by reason of dust, odor, noise, smoke or vibration to the surrounding neighborhood.

(d) Outdoor or Drive—In Theaters on approval of the Board of Appeals after recommendation by Planning Commission, provided they comply with the following requirements:

Picture Screens—Screens shall not be permitted to face the highway and shall be so located as to be out of view of any thoroughfare, identified as such in the Master Thoroughfare Plan of Warren.

Design of Entrances and Exits:

1. Not more than one entrance should exist for each access road.

2. On two lane roads where left turns are permitted, the entrance should not exceed forty (40) feet in width.
3. On three or more lane highways where left turns are prohibited, the entrance lane should not exceed fourteen (14) feet in width.
4. On three or more lane highways where left turns are permitted, the entrance should not be over nineteen (19) feet wide.
5. Entry turn speeds of twenty (20) miles per hour or a thirty (30) foot corner radius should be provided for right turn movements.
6. Entry turn speeds of ten (10) miles per hour or a ten (10) foot corner radius should be provided for left turn movements.
7. Separated entries should be provided for right and left turns where arrival volume is nearly equally divided by direction.
8. Not more than one (1) exit should exist for each access highway.
9. Where left turns are prohibited, the exit should not be more than fourteen (14) feet wide.
10. Where left turns are permitted, the exit should not be more than nineteen (19) feet wide with a small island in the throat.
11. Acceleration and deceleration lanes should be used if possible.
12. Cuts should not be made in the medial island on multi-lane highways to permit left turn movements.
13. Where breaks in the island are provided, they should include provision for special left turn deceleration and acceleration lanes.

Vehicle Storage—Problems of storage between the ticket gates and the highways are primarily a function of the number of ticket gates. Assuming that the theater operates at capacity, provision should be made for:

1 ticket gate:	300 car capacity theaters
2 ticket gates:	600 car capacity theaters
3 ticket gates:	800 car capacity theaters
4 ticket gates:	1000 car capacity theaters

Traffic Control:

1. Left turns at entrances or exits should be prohibited on the highway where possible.
2. Theater signs should be placed within the building setback area from the highway right-of-way, as existing or proposed.
3. "No Parking" signs should be used to prevent stopping or standing of vehicles on the shoulders or pavement.

Minimum Area Requirement; Relationship to Surrounding Area:

1. The lot or tract of land on which a drive-in theater is to be located should be at least four hundred (400) feet wide and six hundred (600) feet deep or two hundred thousand (200,000) square feet in area.
2. The lot or tract on which a drive-in theater is located must be at least one thousand (1,000) feet from any residential district.

(e) Used Car Lots, operating as second hand motor vehicle dealers, provided they comply with the following requirements:

1. *Minimum lot area.* The minimum lot area for a used car lot shall be 40,000 square feet.
2. *Location criteria.* The site must be located more than seven hundred (700) feet from the property line of any other site with an existing used car lot.
3. *Permanent structure.* A permanent structure containing not less than two hundred (200) square feet of interior floor space to be used as business or sales office.
4. *Vehicle preparation.* Cleaning and refurbishing of vehicles shall be permitted only within an enclosed permanent building.
5. *Noise limitations.* Outdoor devices for the transmission or broadcasting of voices or music shall be prohibited.
6. *Festoon signs.* Festoon signs are allowed per section 4A.14 of this ordinance, however, flashing lights and temporary signs shall be prohibited from the site.

7. *Used car display area.* The display area shall conform to the following requirements:
 - a. There shall be provided a minimum of eight (8) feet by seventeen (17) feet of storage/display space for each used car to be displayed.
 - b. Access to each individual used car shall be provided. Used cars shall not be positioned in a stacked or packed formation.
 - c. There shall be no storage/display of used cars in the public right-of-way.
 - d. Used cars shall be prohibited from parking within any maneuvering lane or driveway.
 - e. Outdoor storage of inoperable, wrecked, or stripped vehicles shall be prohibited from the site.
 - f. The setback areas along street frontages shall not be used for the parking or storage/display of used cars.
8. *Off-street parking required.* Separate off-street parking shall be provided in compliance with the regulations contained in [section 4.32](#) and the following provisions:
 - a. The minimum number of parking spaces to be provided shall be calculated based on the formula of five (5) spaces plus one (1) space per each fifteen (15) used car storage/display spaces.
 - b. The setback areas along street frontages shall not be used for parking.
9. *Site design requirements.* The site plan shall comply with the following site design requirements:
 - a. The site shall be hard-surfaced, graded and drained in accordance with the regulations of [section 4.32](#) (k). Concrete curbing shall be provided along the perimeter of the parking area.
 - b. Maneuvering lanes for the storage/display area shall be a minimum of twenty (20) feet in width.

- c. Two driveways, one for ingress and one for egress, or one driveway adequate to permit simultaneous ingress and egress shall be provided. The driveway shall be a minimum of twenty-six (26) feet in width as measured at the property line. The center of the driveway shall be located a minimum of seventy (70) feet from the intersection of any two thoroughfare right-of-way lines.
- d. The setback areas along street frontages shall be landscaped and shall not be used for parking or storage/display of used cars.
- e. Overhead service doors shall not face or open toward residentially zoned property.
- f. An eight (8) foot wide landscaped greenbelt complying with [section 2.26](#) of this Ordinance or a six (6) foot high brick embossed poured concrete wall shall be provided along any residentially zoned property. Chain-link fences may be permitted along the sides of a parcel not abutting residentially zoned property. A decorative fence shall be provided along any side yard property line with street frontage.
- g. All lighting on the site shall be shielded and not encroach upon abutting properties. The light poles shall be no higher than twenty (20) feet. All glare shall be eliminated from all light fixtures. Upward directed lighting shall not be permitted.

(f) Outdoor retail sales pursuant to [Section 4.45](#) of this ordinance.

Is hereby amended to read:

Section 15.01 Uses permitted.

In all C-3 Districts no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one (1) or more of the following specified uses:

Section 15.01 (a) through (d) are unchanged and are incorporated by reference in their entirety.

- (e) Used Car Lots, operating as second hand motor vehicle dealers, provided they comply with the following requirements:

1. *Minimum lot area.* The minimum lot area for a used car lot shall be **25,000** square feet.
2. *Location criteria.* The site must be located more than 700 feet from the property line of any other site with an existing used car lot **or the site of a proposed used car lot subject to review for approval. The site must be located more than 200 feet from the property line of a site being used for the following purposes: automobile repair shop, automotive service business, tire service business, new car dealership or new automotive retail business, auto wash or vehicle laundry, or automobile storage. In addition, the site must be located more than 200 feet from the nearest lot line of property used as or zoned as: R-1-A, R-1-B, R-1-C, R-1-P, R-2, R-3, R-3A, R-4, R-5, a Planned Unit Development, and the Downtown Center.**
3. *Permanent structure.* A permanent structure containing not less than two hundred (200) square feet of interior floor space to be used as business or sales office.
4. *Vehicle preparation.* Cleaning and refurbishing of vehicles shall be permitted only within an enclosed permanent building.
5. *Noise limitations.* **Any use of** horns, amplifiers or any other devices for the **outdoor** transmission, **amplification** or broadcasting of voices or music shall be prohibited. All other ordinances restricting noise and loud music shall apply.
6. *Festoon signs.* Festoon signs are prohibited.
7. *Flashing lights* are prohibited.
8. *Temporary signs* shall be prohibited from the site, **but may be allowed with an approved permit twice annually, unless prohibited in this section.**
9. *Temporary feather or windblown signs.* **Outdoor temporary feather signs or windblown signs or streamers are prohibited from the outdoor areas of the property, including without limitation, from display, attachment or affixture upon parked or display outdoor vehicles, outdoor structures, buildings pedestals or any other outdoor item upon which they may be affixed. National flags affixed upon a permanent post are excluded.**

10. **Human signs. Live dancing or jumping signs, or human-carried signs or human-carried boards are prohibited.**
11. *Used car display area.* The display area shall conform to the following requirements:
 - a. There shall be provided a minimum of eight (8) feet by seventeen (17) feet of storage/display space for each used car to be displayed.
 - b. Access to each individual used car shall be provided. Used cars shall not be positioned in a stacked or packed formation.
 - c. There shall be no storage or display of used cars in the public right-of-way.
 - d. Used cars shall be prohibited from parking within any maneuvering lane or driveway.
 - e. Outdoor storage of inoperable, wrecked, or stripped vehicles shall be prohibited from the site.
 - f. The setback areas along street frontages shall not be used for the parking or **for the** storage/display of used cars.
12. *Off-street parking required.* Separate off-street parking shall be provided in compliance with the regulations contained in [section 4.32](#) and the following provision:

The minimum number of parking spaces to be provided shall be calculated based on the formula of five (5) spaces plus one (1) space per each fifteen (15) used car storage/display spaces.
13. *Site design requirements.* The site plan shall comply with the following site design requirements:
 - a. The site shall be hard-surfaced, graded and drained in accordance with the regulations of [section 4.32](#) (k). Concrete curbing shall be provided along the perimeter of the parking area.
 - b. Maneuvering lanes for the storage/display area shall be a minimum of twenty (20) feet in width.

- c. Two driveways, one for ingress and one for egress, or one driveway adequate to permit simultaneous ingress and egress shall be provided. The driveway shall be a minimum of twenty-six (26) feet in width as measured at the property line. The center of the driveway shall be located a minimum of seventy (70) feet from the intersection of any two **roadway** right-of-way lines.
- d. The setback areas along street frontages shall be landscaped.
- e. Overhead service doors shall not face or open toward residentially zoned property.
- f. An eight (8) foot wide landscaped greenbelt complying with [section 2.26](#) of this Ordinance or a six (6) foot high brick embossed poured concrete wall shall be provided along any residentially zoned property. **A decorative or ornamental fence, in a split rail, picket, basket weave or similar style, constructed of wood, metal or iron, but without sharp points protruding upward, shall be provided along the setback line of the front. Chain link fences are not allowed.**
- g. All lighting on the site shall be shielded. All glare shall be eliminated from all light fixtures and not encroach upon abutting properties. **Lighting shall otherwise not direct illumination upon abutting properties, or emit illumination upon abutting properties in a manner that or of such magnitude that encroaches upon their peace.** The light poles shall be no higher than twenty (20) feet. Upward directed lighting, **searchlights, moving beams, and spotlights** shall not be permitted.
- h. **Approval of a special land use permit from the City Council, after application to and recommendation of the Planning Commission, and under such conditions as the Council finds the use meets the standards for approval set forth in Section 22.14 of the Ordinance. A special land use permit is required for the expansion of an existing used car lot.**
- i. **Compliance with the procedures and conditions set forth in section 22.14, and full compliance with any conditions established by the Planning Commission and/or City Council.**

- (j) Outdoor retail sales pursuant to [Section 4.45](#) of this ordinance.

SECTION 2. Appendix A, Section 14.02 (A) and (B)(1) of the Ordinances, which reads:

Section 14.02 - Approval of special land use permit.

Under such conditions as the City Council, after recommendation of the Planning Commission, finds the use meets the standards for approval set forth in [Section 22.14](#) of the Ordinance and subject to the conditions that may be imposed, the following uses may be permitted:

A. *Recreation space*, both indoor and outdoor, health science and related uses including but not limited to the following:

- (1) Health spas,
- (2) Martial arts, instruction in or practice or participation in the martial arts,
- (3) Gymnasiums,
- (4) Massage establishment - as defined in Ordinance No. 80-166, adopted 6/14/77 [Code of Ordinances [Chapter 19](#)],
- (5) Turkish baths, bath houses, saunas, or businesses providing whirlpool baths, or mineral baths as a primary use,
- (6) Racquetball, handball, tennis, badminton, squash courts, Jai-Alai, hockey rinks,
- (7) Reducing salons,
- (8) Skateboard parks, motorcycle rinks, roller rinks, children's amusement park, shuffleboard, miniature golf, and other similar recreation when part of a planned development,
- (9) Amusement machine center - as defined in Section 3-501 [6-226] of the Code of Ordinances, provided that an amusement machine may not be located closer than 1500' from any public or private school.
- (10) Dancing halls, recreation halls, and night clubs where alcoholic beverages are not consumed on the premises.

Shall be amended to read as follows;

Section 14.02 - Approval of special land use permit.

Under such conditions as the City Council, after recommendation of the Planning Commission, finds the use meets the standards for approval set forth in [Section 22.14](#) of the Ordinance and subject to the conditions that may be imposed, the following uses may be permitted:

A. *Recreation space*, both indoor and outdoor, health science and related uses including but not limited to the following:

- (1) Health spas,
- (2) Martial arts, instruction in or practice or participation in the martial arts,
- (3) Gymnasiums,
- (4) Massage establishment - as defined in Ordinance No. 80-166, adopted 6/14/77 [Code of Ordinances [Chapter 19](#)],
- (5) Turkish baths, bath houses, saunas, or businesses providing whirlpool baths, or mineral baths as a primary use,
- (6) Racquetball, handball, tennis, badminton, squash courts, Jai-Alai, hockey rinks,
- (7) Reducing salons,
- (8) Skateboard parks, motorcycle rinks, roller rinks, children's amusement park, shuffleboard, miniature golf, and other similar recreation when part of a planned development,
- (9) Amusement machine center - as defined in Section 3-501 [6-226] of the Code of Ordinances, provided that an amusement machine may not be located closer than 1500' from any public or private school.
- (10) Dancing halls, recreation halls, and night clubs where alcoholic beverages are not consumed on the premises.
- (11) Automotive Sales Businesses, **both indoor and outdoor, and which shall include:**
 - (a) **Used car lots;**
 - (b) **New car dealerships; and**

- (c) **Retail or service establishments that include on their premises the storage, sale or display of new or used cars for sale.**

SECTION 3. Article II of Appendix A of the Code of Ordinances, Relating to Definitions, shall be amended to add the following definition:

Section. 2.92. Used car lot.

Any property used for the sale, offer for sale, exchange, display, consignment or storage of any passenger motor vehicles, including RV trailers, golf carts, motorcycles, motorized scooter, and other motorized vehicle powered by gas, electricity or battery , that are used, secondhand, previously owned or used, whether or not refurbished, including property used in combination with other uses not stated in this provision.

Used car lot excludes automotive manufacturers and new car dealerships, unless the property of the automotive manufacturer and new car dealership is used in combination with a used car lot or used car sales.

SECTION 4. Appendix A, Sections 22.14(A) and (B)(1), which read:

A. An application for the approval of a special land use permit shall be made by the landowner and occupant of the land on which the special land use is to be located, to the Commission accompanied by the necessary fees and documents as prescribed by the Commission.

B. Upon receipt of an application for a special land use permit, except for those uses provided in Section 14.02 of this Ordinance, the Planning Commission shall review the application and required site plan for conformity with the required ordinances. The Planning Commission shall hold a public hearing at which time the application shall be considered. The public hearing shall be conducted pursuant to the procedure established in Section 4a, Act 207, Public Acts of Michigan 1921 [MCL 125.584a], as amended.

Upon receipt of an application for a special land use permit for any use provided for in Section 14.02 of this Ordinance, the Planning Commission shall hold a public hearing and review the application and required site plan for conformity with required ordinance and forward a recommendation regarding same to the City Council for approval.

1. The Special Use Permit shall only be approved if the following general standards are satisfied:
 - a) The proposed use be compatible with adjacent uses of land;

- b) The proposed use be in compliance with the standards of this Ordinance and the conditions imposed thereunder;
 - c) The proposed use be compatible with the natural environment;
 - d) The proposed use be compatible with the capacities (capacities) of the public services and facilities affected by the proposed use; and
 - e) The proposed use be consistent with the public health, safety and welfare of the City.
2. The approving authority may deny, approve, or approve with conditions, a request for special land use permit. The approving authority may require reasonable conditions regarding the location, character, and other features of the proposed use as it is deemed necessary to satisfy the general standards provided herein.
3. Any conditions required for approval of a special land use may include conditions necessary to insure that the public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall satisfy the following:
- a) Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the City as a whole.
 - b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - c) Be necessary to meet the Intent and Purpose of this Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
4. The conditions imposed with respect to the approval of a land use permit shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner and occupant. The approving authority shall maintain a record of conditions which are changed.

Shall be amended to read:

A. An application for the approval of a special land use permit shall be made by the landowner and occupant of the land on which the special land use is to be located, to the Commission accompanied by the necessary fees and documents as prescribed by the Commission.

B. Upon receipt of an application for a special land use permit, except for those uses provided in Section 14.02 **and Section 15.01(e)** of this Ordinance, the Planning Commission shall review the application and required site plan for conformity with the required ordinances. The Planning Commission shall hold a public hearing at which time the application shall be considered. The public hearing shall be conducted pursuant to the procedure established in the **Zoning Enabling Act, 2006 Public Act No. 110, as amended (MCL 125.3101, et seq.)**.

Upon receipt of an application for a special land use permit for any use provided for in Section 14.02 **and Section 15.01(e)** of this Ordinance, the Planning Commission shall hold a public hearing and review the application and required site plan for conformity with required ordinance and forward a recommendation regarding same to the City Council for approval.

1. The Special Use Permit shall only be approved if the following general standards are satisfied:
 - a) The proposed use **is** compatible with adjacent uses of land;
 - b) The proposed use **is** in compliance with the standards of this Ordinance and the conditions imposed thereunder;
 - c) The proposed use **is** compatible with the natural environment;
 - d) The proposed use **is** compatible with the capacities of the public services and facilities affected by the proposed use; and
 - e) The proposed use **is** consistent with the public health, safety and welfare of the City.

Section 22-14 (B)(2) through (B)(4) remain unchanged.

SECTION 5. Appendix A, Section 4A.14 relating to Prohibited Signs, ~~subsection (c)~~ which reads in part:

The following types of signs are prohibited in all districts:

- a) Signs that utilize flashing, blinking, intermittent or moving lights or exposed incandescent light bulbs.
- b) Exterior outline tubing signs.

- c) Festoon signs except for new and used automobile dealerships.
- d) Signs imitating or resembling traffic or government signs or signals that are made of the same material, and are of the same size and shape and color.
- e) Signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way, unless otherwise provided by ordinance.
- f) Roof signs.
- g) Abandoned signs.
- h) Obsolete signs.
- i) Signs in parking districts (P) greater than two (2) square feet in size.
- j) Off-premise signs other than billboards, election and special events or activities signs as regulated in this ordinance.
- k) Effective March 1, 1999, except as provided in this Appendix, any billboard containing any tobacco advertisement in any publicly visible location on or within 1000 feet of the perimeter of any school premises, playground, or playground areas in a public park.

shall be amended to read:

The following types of signs are prohibited in all districts:

- a) unchanged
- b) unchanged
- c) Festoon signs
- d) through k) unchanged

SECTION 6. Appendix A, Section 4A.42 relating to Temporary balloon signs, which reads, in part:

In commercial and industrial districts, one (1) balloon sign may be approved one (1) time per calendar year for a temporary time period not to exceed thirty (30) consecutive days per business or premise.

Shall be amended to read:

In all commercial and industrial districts, **except where expressly prohibited in this ordinance**, one (1) balloon sign may be approved one (1) time per calendar year for a temporary time period not to exceed thirty consecutive days per business or premise.

SECTION 7. This Ordinance shall take effect on September 16, 2013.

I HEREBY CERTIFY that the foregoing Ordinance No. 30-1001 was adopted by the Council of the City of Warren at its meeting held on August 27, 2013.

PAUL WOJNO
City Clerk

Published: September 11, 2013