Article 7.13 Use Requirements

7.13.01 Residential Uses

(a) **Boarding and Renting of Rooms**

(1) This use shall be considered as an accessory use; board or renting shall not be furnished to more than two (2) persons in addition to the family.

(2) In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least fifty (50) square feet of floor area per boarder or renter in that part of the building directly occupied for rooming purposes.

(3) Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. Board shall not be provided to other than those rooming in the residence.

(b) **Dwelling Units.** All newly constructed dwellings (single-family or multiple-family) for which a building permit is required shall be reviewed by the Building Official and shall be subject to the following conditions:

(1) Dwelling units shall conform to all applicable City codes and ordinances. Any such local requirements are not intended to abridge applicable State or Federal requirements with respect to the construction of the dwelling.

(2) Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.

(3) Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.

(4) Dwelling units shall be provided with roof designs with a minimum pitch of 4:12. Roofing materials shall be similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.

(5) Dwelling units shall be provided with attached garages in areas where seventy-five (75%) percent of the dwelling units located within three hundred (300) feet of the subject premises have attached garages.

(6) Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed

three (3) to one (1), or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood. Each such dwelling unit shall provide a minimum width and depth of at least twenty (20) feet over eighty (80%) percent of any such width or depth dimension.

(7) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.

(8) Any such home shall be anchored by an anchoring system approved by the City.

(9) The foregoing conditions (1) through (8) shall not apply to existing dwellings or existing accessory structures.

(10) The Building Official or, Planning Commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the City at large. In reviewing any such proposed dwelling unit, the Building Official may require the applicant to furnish such plans, elevations, and similar documentation reasonably necessary to permit a complete review and evaluation of the proposal. The surrounding residential area shall mean those dwellings within three hundred (300) feet of the subject premises. If the area within three hundred (300) feet does not contain twenty (20) homes, then the nearest twenty (20) similar type dwellings shall be considered.

(c) **Home Occupations**

(1) Home occupation shall not be permitted that:

a. Changes the outside appearance of the dwelling or is visible from the street;
b. Generates traffic, parking, sewerage or water use in excess of what is customary in the residential neighborhood;
c. Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance;
d. Results in outside storage or display of anything including signs;
e. Requires the employment of anyone in the home other than the dwelling occupant;
f. Requires exterior building alterations to accommodate the occupation;
g. Occupies more than twenty-five (25%) percent of the ground floor area of the dwelling, or fifty (50%) percent of a detached garage;
h. Requires parking for customers that cannot be accommodated on the site and/or not exceeding one (1) parking space at curb side on the street;
i. Requires the delivery of goods or the visit of customers before 8:00 a.m. and after 8:00 p.m.

(2) The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:

a. Barber shop or beauty shop with no more than one chair;
b. Dressmaking, sewing and tailoring;
c. Painting, sculpturing or writing;
d. Telephone answering;
e. Home crafts, such as model making, rug weaving and lapidary work;
f. Tutoring, limited to four students at a time;
g. Home cooking and preserving;
h. Computer programming;
i. Salespersons office or home office of a professional person;
j. Laundering and ironing;
k. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
l. Instruction in a fine art or craft.

(3) The following are prohibited as home occupations:

a. Dance studios;
b. Private clubs;
c. Repair shops which may create a nuisance due to noise, vibrations, glare, fumes, odors or electrical interference;
d. Restaurants;
e. Stables or kennels;
f. Bed and Breakfast;
g. Automobile repair or paint shops.

(4) Any proposed home occupation that is neither specifically permitted by paragraph (2) nor specifically prohibited by paragraph (3) shall be considered a use permitted subject to special conditions and be granted or denied upon consideration of those standards contained in paragraph (1) above and under the procedures specified in *Article 7.18*.

7.13.02 Animal and Agriculture Uses

(a) **Commercial Kennels**

(1) Shall not abut any area zoned for residential purposes.

(2) Subject further to all health standards of the City.

(b) **Farms.** Farms on those parcels of land separately owned outside the boundaries of either a proprietary or assessor's plat are subject to the health and sanitation provisions of the City of Lapeer, and shall be further subject to the following:

(1) Property shall be used for agriculture or horticulture for commercial, hobby or personal purposes, including but not limited to: greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries.

(2) Buildings, structures, or yard areas used for the keeping of animals shall be located not less than one hundred feet from a property line.

(3) No farms shall be operated as garbage fed piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption by persons residing on the premises.

(4) Establishments keeping or operating fur-bearing animals, public riding, or boarding stables or commercial dog kennels, shall not be considered a farm under this Ordinance unless combined with bona fide farm operations on the same continuous tract of land.

(5) None of the provisions of this ordinance is intended to conflict with those rights protected under the Michigan Right to Farm Act, MCL 286.471, et. seq.

7.13.03 Public and Institutional Uses

(a) **Cemeteries**

(1) Not more than fifty-one (51%) percent of the area of a cemetery shall be part of a recorded plats.

(2) The site shall have access to a paved arterial or collector street as defined in the master plan.

(b) **Colleges, Universities and other such Institutions of Higher Learning** (public and private, offering courses in general, technical or religious education and not operated for profit).

(1) The site shall have access to a paved arterial or collector street as defined in the master plan.

(2) No building shall be closer than fifty (50) feet to any property line.

(c) **Places of Public Assembly and Places of Worship.** Places of public assembly and places of worship, as well as other facilities normally incidental thereto with a seating capacity of less than five hundred (500) people or parking for less than two hundred and fifty (250) vehicles.

(1) Buildings of greater than the maximum height permitted in the district may be allowed provided front, side and rear yards are increased above the minimum

required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

(2) Adequate site space to allow for expansion shall be provided in order to allow for growth of facilities without causing an impact on any adjacent residential neighborhood.

(3) The site shall have access to a paved arterial or collector street as defined in the master plan.

(4) Storage of buses, trucks and maintenance equipment shall be entirely within a totally enclosed building.

(5) Outdoor lighting of buildings and grounds shall be completely shielded from abutting residential areas.

(d) **Large-Scale Places of Public Assembly and Places of Worship.** Large-scale places of public assembly and places of worship with a seating capacity of more than five hundred (500) people or parking for more than two hundred and fifty (250) vehicles.

(1) The site shall have at least one hundred fifty (150) feet of frontage on a major thoroughfare as designated on the master plan.

(2) All access to the site shall be from major thoroughfares.

(3) All buildings shall have a setback a minimum of fifty (50) feet from any lot line in an abutting single-family residential district, unless such abutting lot is occupied by an existing institutional use other than a dwelling unit.

(4) All structures and parking and loading areas shall meet the requirements for a type “B” buffer and setback required in *Table 7.15.1* when the lot line abuts a single-family residential district.

(5) Storage of buses, trucks and maintenance equipment shall be entirely within a totally enclosed building.

(6) Outdoor lighting of buildings and grounds shall be completely shielded from abutting residential areas.

(7) An analysis of the impact on existing traffic patterns in the City must be submitted for the Planning Commission's review and consideration. At a minimum the traffic impact analysis should provide existing and future traffic counts and a quantitative assessment of the impact the proposed development will have on the level of service for the affected thoroughfares.

7.13.04 Retail Uses

(a) **Commercial Establishments Consisting of One or More Uses and a Minimum of 80,000 Square Feet in Gross Floor Area.**

(1) Land considered for the B-3 Regional Business District use must have a minimum area of 10 acres under single ownership and control, or the mix of lots being developed as an integrated and cohesive development must have a combined minimum area of 10 acres. At least one (1) anchor store, with a minimum of 80,000 square feet shall be included in the development.

(2) Prior to the approval of any B-3 Regional Business District, an analysis of the impact on existing traffic patterns in the City must be submitted for the Planning Commission's review and consideration. At a minimum the traffic impact analysis should provide existing and future traffic counts and a quantitative assessment of the impact the proposed development will have on the level of service for the affected thoroughfares.

(b) **Business in the Character of a Drive-Thru**

(1) A setback of at least sixty (60) feet must be maintained from the right-of-way line of any existing or proposed street and the drive-through window.

(2) No more than three (3) drive-through lanes are permitted per parcel in the B-1 District.

(3) Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.

(4) All lighting shall be shielded from adjacent residential districts.

(5) The drive-through lane shall be a minimum of ten (10) feet wide. Clear identification and delineation between the drive-through facility and the parking lot shall be provided.

(6) Each drive-through facility shall provide a bypass lane to allow other vehicles to pass those waiting to be served.

(7) Minimum stacking spaces shall comply with, Section 7.16.07 of this ordinance.

(8) The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from a public or private roadway. The drive-through window and menu board speaker shall not face an adjacent residential district.

(9) Drive-thru restaurants are prohibited on parcels fronting on M-24 between Turrill Road and Tower Street.

(c) **Home Centers and Lumber Yards**

(1) Locations for any such establishment shall be confined to major thoroughfares and shall have the entrance to the business and the parking area on the major thoroughfare, except when access is more appropriate and safe from another street that can accommodated the projected traffic.

(2) Lumber yard storage associated with such activities shall be completely obscured from view from public streets and from residential districts in a manner acceptable to the Planning Commission.

(3) Seasonal displays (garden centers) are not required to be obscured from viewed.

(4) Outdoor display of materials or articles for sale, other than a pre-approved garden center, including accessory buildings for sale, must undergo an annual administrative zoning review. Outdoor display shall not be allowed in the required front yard setback or in required parking spaces.

(d) **Funeral Homes and Mortuary Establishments**

(1) The site plan shall provide for adequate off-street assembly area for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area.

(2) A caretaker's residence may be provided within the building of mortuary establishments.

7.13.05 Motor Vehicle Uses

(a) **Automobile Service Station for Sale of Gasoline, Oil and Minor Accessories**

(1) The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.

(2) The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.

(3) Overhead canopies shall be setback at least twenty (20) feet from the right-of-way with materials consistent with the principal building. The proposed clearance of the canopy shall be noted on the site plan. Lighting within the canopy shall be fully recessed.

(4) All lighting shall be shielded from adjacent residential districts.

(5) All restroom doors shall be shielded from adjacent streets and residential districts.

(b) **Automobile Service Station for Sale of Gasoline, Oil and Minor Accessories,** when developed in conjunction with a convenience market and accessory services such as fast food facilities and automated automobile washes

(1) The site shall be at the intersection of major thoroughfares as defined by the Master Plan.

(2) The site must abut on a minimum of one (1) side property that is zoned or planned for commercial use.

(3) There shall be a limit of a single facility for any single platted industrial park in the City.

(4) Automobile repair work shall be prohibited.

(5) Curb cuts for ingress and egress to a service station shall not be permitted at such locations what will tend to create traffic hazards in the streets immediately adjacent thereto. Entrance shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.

(6) The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.

(7) Overhead canopies shall be setback at least twenty (20) feet from the right-of-way with materials consistent with the principal building. The proposed clearance of the canopy shall be noted on the site plan. Lighting within the canopy shall be fully recessed.

(8) All restroom doors shall be shielded from adjacent streets and residential districts.

(c) **Minor Automobile Repair Shops**

(1) The site shall have access to a paved arterial or collector street as defined in the master plan.

(2) Access to and from such use shall not be cause for traffic to utilize local streets.

(3) Outdoor storage of parts or materials shall be prohibited unless such storage is within a fenced and obscured area which meets all setback requirements.

(4) Vehicles shall not be allowed to be stored outside the building for more than forty-eight (48) hours unless awaiting repair for which a "work order," signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle.

(5) Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.

(6) All vehicle servicing or repair, except minor repairs such as, but not limited to: tire changing and headlight changing shall be conducted within a building.

(7) Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.

(d) **Major Automotive Repair.** Major automotive repair businesses such as engine rebuilding, paint and body shops, rebuilding or reconditioning of motor vehicles and collision service shall be subject to the following:

(1) Outdoor storage of parts or materials shall be prohibited.

(2) Vehicles shall not be allowed to be stored outside the building for more than forty-eight (48) hours unless awaiting repair for which a work order, signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle. The area to be used for vehicle storage shall be shown on the site plan.

(3) Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.

(4) All vehicle servicing or repair shall be conducted within an enclosed building.

(5) Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view. Used tire storage shall be limited to twenty-five (25) tires and all tires shall be stored inside a building.

(e) **Outdoor Sales Space for Exclusive Sale of Second-hand Automobiles**

(1) Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or required side yard.

(2) All lighting shall be shielded from adjacent residential districts.

(3) Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.

(4) Any use involving the maintenance, service or repair of vehicles shall also meet the standards for automobile repair businesses.

(5) The entire area of the sales space shall be provided with asphaltic or concrete surfacing.

(f) **Automobile Car Wash, Including Self-service Car Wash**

(1) Only one (1) ingress/egress driveway shall be permitted on any single street.

(2) Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any residential district. Such areas shall be screened with obscuring landscaping as determined by the Planning Commission.

(3) Adequate stacking spaces shall be provided in accordance with the requirements of Article 15 Parking, Loading Access and Circulation Requirements. Such spaces shall not be permitted in the public right-of-way.

7.13.06 Lodging and Food Service Uses

(a) **Motels and Hotels**

(1) Ingress and egress must not conflict with adjacent business uses.

(2) Kitchen or cooking facilities shall not be provided within individual units, with the exception of units for the use of the manager or caretaker. This does not prohibit refrigerators, microwaves and coffee makers within individual units.

(3) Each unit shall contain not less than two hundred and fifty (250) square feet of floor area.

7.13.07 Entertainment and Recreation Uses

(a) **Adult Entertainment Uses**

(1) Purpose

a. It is recognized that there are some uses which, because of their nature, are recognized as having objectionable, operations characteristics, particularly when several of them are concentrated in an area, thereby having deleterious effect upon adjacent areas. Special regulations of these uses are necessary to insure that these adverse effects will not contribute to the blighting, deteriorating, and/or down grading of the area and the adjacent areas. The City believes control or regulation is for the purpose of preventing the overcrowding of such uses into a particular location and thereby minimize their adverse impact on any specific neighborhood.

b. The prohibition against the establishment of more than one adult regulated use, within 500 feet of each other and other incompatible uses, serves to avoid the clustering of such uses, avoids the deleterious effects of blight and down grading of both business and residential property values, and prevents the deleterious effect of blight and devaluation of recreation, educational and/or religious uses.

c. Distance limitations shall be measured along a straight line forming the shortest distance between any portion of the subject parcel and parcels zoned residential or occupied by uses specified herein.

d. Concern for, and pride in, the orderly planning and development of the neighborhood and area should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood and area.

(2) Requirements

a. Unless and until approval is obtained, it shall be unlawful to hereafter establish any adult regulated use as defined herein.
b. Any adult regulated use/building shall be at least 500 feet from any of the following, except as otherwise provided below.
   1. Another existing adult regulated use
   2. Any residential district
c. Any adult regulated use/building offering material described in this ordinance shall comply with the following performance standards:
   1. That any display of adult oriented material be shielded from public view either placed behind a counter, or by providing a separately established room which would have restricted access controlled by the owner or employees;
   2. That all access to adult orientated material be restricted to person 18 years of age or older;
   3. That signage be posted regarding the restrictions to this type of material; and
   4. That the location of the counter or room be limited to an area away from the main entry.
d. Site and building requirements:
   1. Building size shall not exceed 5,000 square feet of gross floor area.
   2. The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas, as defined in this ordinance, cannot be observed by pedestrians or motorists on a public right of way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.
   3. The building shall provide sufficient sound absorbing insulation so noise generated inside said premises shall not be audible anywhere on any adjacent property or public right of way.
   4. The hours of operation shall be approved by the City Commission.
   5. Access shall be from a major thoroughfare.
   6. Any adult regulated use, which allows customers to remain on the premises while viewing live, filmed or recorded entertainment or while using or consuming the products or services supplied on the premises, shall provide at least one security guard on duty outside the premises. Security guard provided will patrol the grounds and parking areas at all times while the business is in operation.
   7. A license is required.

e. Prior to granting a permit for any adult regulated use, the City Commission may impose any such conditions or limitations authorized by law in connection with the grant of special uses.

f. An adult regulated use granted pursuant to the terms of this ordinance may not be re-established after discontinuance for a period of 90 consecutive days without a new grant of approval by the city.

(b) **Amusement Arcades**

(1) Locations for any such establishment shall be confined to arterial streets and shall have the entrance to both the business and parking area for such establishment on an arterial or collector street. Access from a minor street shall be prohibited.

(2) Locations for any such facility shall be no closer than five hundred (500) feet to the property line of any elementary, intermediate or high school.

(3) Businesses shall not be located within five hundred (500) feet of the property line of a similar business.

(4) Business buildings shall not be located within one hundred fifty (150) feet of any front, rear or side yard line of any residential lot in a residential district.

(c) **Commercially Used Outdoor Recreational Space for Children's Amusement Parks, Miniature Golf Courses**

(1) Children's amusement park must be fenced on all sides with a four (4) foot wall or fence.

(d) **Golf Courses** (which may or may not be operated for profit)

(1) The site shall have access to a paved arterial or collector street as defined in the master plan.

(2) All principal or accessory buildings shall be not less than two hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may recommend to the Board of Appeals the modification of this requirement.

(3) Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence in accord with the City of Lapeer Swimming Pool Ordinance.

(e) **Multi-Screen Movie Theaters**

(1) Minimum parcel size shall be three (3) acres.

(2) The site must have a minimum of 200 feet of frontage on a major thoroughfare, or, a minimum of two means of access to either M-21 (Genesee Street) or M-24 (Lapeer Road).

(3) A traffic impact analysis must be submitted pursuant to *Section 7.18.05(g) Traffic Impact*.

(f) **Private Noncommercial Recreational Areas, Institutional or Community Recreation Centers; Nonprofit Swimming Pool Clubs**

(1) The site shall have access to a paved arterial or collector street as defined in the master plan.

(2) Front, side and rear yards shall be at least fifty (50) feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.

(3) Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off street parking requirement shall be determined by the Planning Commission on the basis of usage.

(4) Swimming pools shall comply with the requirements of Section 7.14.08 of this ordinance.

7.13.08 Industrial Uses

(a) **Storage Facilities for Building Materials, Sand, Gravel, Stone, Lumber, Open Storage of Contractor's Equipment & Supplies**

(1) Commercial outdoor display, sales, or storage may be allowed on the same property as an approved mini-storage use or other principal use deemed compatible by the Planning Commission, but such commercial outdoor display, sales or storage in all instances requires a Special Land Use approval.

(2) No outdoor display, sales, or storage shall be permitted in the required front, side or rear yards.

(3) The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing into adjacent properties. The outdoor storage of fertilizers, pesticides and other hazardous materials is prohibited.

(4) All outdoor display, sales and storage area property lines shall be screened from

public view and from an adjacent residential district.

(5) All stored materials including loosely packaged materials shall not be piled or stacked higher than the height of the obscuring screen. Vehicles and implements may exceed the height of the screen provided that they are set back from the screen a distance equal to their height.

(6) All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose of all surface water.

(7) All loading and truck maneuvering shall be accommodated on-site.

(8) Fencing and lighting for security purposes may be required as determined by the Planning Commission. All lighting shall be shielded from adjacent residential areas.

(b) **Outdoor Storage When Accessory to a Principal Use.** Outdoor storage of trucks, trailers, equipment, supplies, materials, finished and semi-finished products, building materials, sand, gravel, stone, lumber, and supplies when accessory to a principal use shall be subject to the following:

(1) All outdoor storage uses shall be located within the rear yard or side yard.

(2) Outdoor storage areas shall be located no closer than one hundred fifty (150) feet from any street right-of-way. Outdoor storage areas shall comply with building setbacks of the district for all other yards.

(3) The height of any item stored outdoors shall not exceed twelve (12) feet. The Planning Commission may increase this standard if the storage area will not have a negative impact on surrounding properties and all storage is in accordance with the Fire Code requirements.

(4) All storage facilities shall be enclosed within a building or within an obscuring wall or obscuring privacy fence on those sides abutting all residential, office or business districts, and on any yard abutting a public street. The extent of the wall or fence may be determined by the Planning Commission on the basis of usage. The wall or fence shall not be less than six (6) feet in height, and may, depending on land usage, be required to be eight (8) feet in height.

(5) Landscaping shall be provided around the exterior boundary of the storage area. All planting plans shall meet the requirements of Section 7.15.02 and shall be subject to the approval of the Planning Commission.

(6) All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose of stormwater without negatively impacting adjacent property; the Planning Commission may approve a gravel surface for all or part of the storage area for low intensity activities, such as landscape materials, upon a finding that neighboring properties and the environment will not be negatively impacted.

(7) A dedicated fire lane through the storage yard shall be provided for emergency services if determined necessary by the City Fire Department.

(c) **Parking Lots and Structures**

(1) The parking area shall be accessory to, and for use in connection with one (1) or more businesses, or industrial establishments, located in adjoining business or industrial districts, or in connection with one (1) or more existing professional or institutional office buildings or institutions.

(2) Such parking lots shall be contiguous to an RM-1, RM-2 or non-residential district. Parking areas may be approved when adjacent to said districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 District and above listed districts.

(3) Parking area shall be used solely for parking of private passenger vehicles, for periods of less than one (1) day and shall not be used as an off-street loading area.

(4) Commercial repair work or service of any kind, or sale or display thereof, shall not be conducted in such parking area.

(5) Signs of any kind, other than signs designating entrances, exits and conditions of use, shall not be maintained on such parking area.

(6) Buildings, other than those for shelter or attendants, shall not be erected upon the premises and they shall not exceed fifteen (15) feet in height.

(7) Applications for P-1 District rezoning shall be made by submitting a dimensional layout of the area requested showing the intended parking plans in accordance with Section 7.16.04.

(d) **Mini Warehouses and Storage Buildings for Lease.** Mini warehouses and storage buildings for lease to the public including the office & residence of a caretaker shall be subject to the following:

(1) Buildings shall be spaced not less than thirty (30) feet apart.

(2) Exterior building walls visible from a public right-of-way or nonindustrial district shall be finished with brick or other high-quality masonry material.

(3) Adequate maneuvering space for fire safety vehicles shall be provided.

(4) The office and dwelling of a caretaker may be included on-site.

(e) **Junk Yards** & places for the dismantling, wrecking & disposing of junk and/or refuse material

(1) Such use shall not be located closer than three hundred (300) feet from the border of any I-1 District.

(2) Permits or licenses are required for one (1) year periods upon authorized inspection and approval of the Planning Department, whose approval shall be based on the performance standards set forth in *Section 7.08.04 Performance Standards*.

(f) **Lumber and Planing Mills**

(1) All operations shall be completely enclosed.

(2) The site shall be located so that no property line shall form the exterior boundary of the I-1 District which abuts a Residential District.

(g) **Manufacture of Corrosive Acid or Alkali, Cement, Lime, Gypsum or Plaster of Paris or Any Other Potentially Noxious Materials**

(1) The site shall be located not less than four hundred (400) feet distant from any Residential District and three hundred (300) feet from any other nonindustrial district.

(2) The operation shall be subject to appropriate measures to control the type of processes to prevent noxious results or nuisances.

7.13.09 Health and Human Care Uses

(a) **Child Care Centers, Nursery Schools and Day Nurseries**

(1) Such uses shall be duly licensed by the State of Michigan Department of Social Services pursuant to Act 116 of 1973 as amended.

(2) For each child, a minimum of fifty (50) square feet of indoor activity space shall be provided. Indoor activity space shall exclude hallways, bathrooms, reception and office areas, kitchens, storage areas and cloakrooms, areas used exclusively for resting, sleeping or eating.

(3) A minimum of one thousand two hundred (1,200) square feet of safe outdoor play area shall be provided in the rear yard.

(4) All outdoor play areas shall be enclosed with a fence of no less than four (4) feet and no more than six (6) feet in height capable of containing the children within the play area.

(b) **Nursing Homes and Child Care Institutions**

(1) There shall be provided on the site, not less than one thousand (1,000) square feet of open space for each bed in the home. The one thousand (1,000) square feet of

land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.

(2) Buildings shall not be closer than forty (40) feet to any property line.

(c) **Hospitals**

(1) All hospitals shall be developed only on sites consisting of at least ten (10) acres in area.

(2) The site shall have access to a paved arterial or collector street as defined in the master plan.

(3) The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.

(4) Whenever any such use abuts a residential district, a transition buffer area of at least one hundred (100) feet in width shall be provided. Walls, fences or landscaping shall be required as part of this buffer area as determined by the Planning Commission.

(5) Emergency room, ambulance and delivery areas shall be screened from public view with an obscuring wall and/or landscaping a minimum of six (6) feet in height.

(6) Auxiliary uses, such as a pharmacy, gift shop, cafeteria and similar customary hospital related uses shall be allowed.

(d) **Housing for the Elderly**

(1) All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).

(2) Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25%) percent of the total site exclusive of any dedicated public right-of-way.

(3) Service uses such as a dry cleaning pickup station, beauty shop, barber shop or similar use for the exclusive service to residents of a building or complex may be allowed in RM-2 Districts within a building housing fifty (50) or more residents. In no instance shall such service use be provided with direct access to a street for the use of the public in general, it being the purpose of this provision to allow such use to only be provided as a convenience to occupants of the building in which such service is located. No signs of any nature shall be visible from outside the building in which the use is located.

7.13.10 Accessory Uses

(a) **Garage Sales**

(1) Before any garage sale may be held, the person holding the sale shall register the same with the City of Lapeer Police Department at least twenty-four (24) hours before holding the sale.

(2) The registrant shall provide the following information: the name of the person holding the sale; the name of the owner, occupant or his personal representative; the dates and times the sale will be held; the address of the premises where the sale will be held; the anticipated number of people expected to attend the sale each day; and such other information as the Chief of Police may deem important for the protection of the public health, safety and welfare.

(3) A garage sale may be held for not more than seven (7) consecutive days duration, and for not more than twice each calendar year.

(b) **Tent Sales and Sidewalk Sales**

(1) Tent sales and sidewalk sales shall comply with the requirements of *Section 7.14.09 Open Storage and Outdoor Display.*

(2) Tents shall be anchored adequately to withstand strong winds.

(3) A sidewalk sale located within a public right-of-way must be approved by the City of Lapeer City Commission.

(4) Displays for sidewalk sale must be arranged in a manner that maintains a five (5) foot wide path for through pedestrian traffic.

(5) No tent sales or sidewalk sales shall interrupt the flow of traffic on public streets or through parking lots.

(c) **Other Temporary Uses.** Temporary uses not otherwise listed may be approved as follows:

(1) Traditional temporary uses associated with permitted uses and activities such as carnivals, tent revivals and similar activities may be permitted by the Planning Department provided they do not last for more than seven consecutive days and the site is not used more than twice a year for such temporary activity, adequate toilet and, parking facilities are provided, setback requirements are complied with and the outdoor activities do not occur between the hours of 8 pm and 8 am.

(2) Seasonal outdoor display of merchandise for sale, when accessory to a principal use, may be permitted in accordance with *Section 7.14.09.*

(3) Facilities for temporary storage and office use during construction or similar activities may be permitted by the Planning Department provided the buildings and material comply with setback requirements and are removed once construction is complete.

(4) Other temporary uses of property meeting the criteria of *Section 7.13.11* may be permitted by the Planning Commission as a Special Land Use.

(d) **Wireless Telecommunication Antenna.** The installation of a wireless telecommunication antenna on an existing structure is permitted as an accessory use provided:

(1) The antenna is unobtrusive and blends in with the character of the area it is located in.

(2) The telecommunication equipment and cabinet are housed in an existing structure or in a structure designed to be consistent with the character of the site it is located on.

(e) **Wireless Telecommunication Towers**

(1) The applicant must demonstrate that there is no existing tower or other suitable structure available within the area for the location of the wireless telecommunication tower.

(2) The applicant must agree to provide access to the tower for other wire telecommunication providers.

(3) The tower must be capable of supporting a minimum of four (4) telecommunication antenna.

(4) The tower must be setback a minimum of the tower height from all lot lines unless the applicant certifies that the tower is self collapsing, in which case a setback of 50% of the tower height is required.

(5) If the tower is a lattice type than the applicant must propose measures to prevent trespassers from climbing the tower.

(6) The telecommunication equipment and cabinet shall be screened from the surrounding property.

7.13.11 Other Uses Similar to the Above Uses

The Planning Commission may allow a use not specifically permitted in a zoning district by right or as a Special Land Use if they determine that is similar to other uses allowed in the district. The use may only be allowed as a use by Special Land Use. In making the determination the Planning Commission shall consider the following:

(a) The intent of the zoning district.

(b) The anticipated off-site impact of the use due to traffic, hours of operation, and generation of noise, dust or odors in comparison with the uses allowed in the proposed district.

(c) The similarities of the proposed use with uses allowed in other zoning districts.

(d) No use may be classified as use allowed in a district using this procedures if the use is specifically permitted in another district.