

CHAPTER 17.44 LB LOCAL BUSINESS DISTRICT

17.44.010 STATEMENT OF PURPOSE

The LB Local Business District is intended to permit retail business and service uses dealing in goods, wares and merchandise which are needed to serve the adjacent residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, loud noises, vibration, smoke, glare or heavy truck traffic. The intent of this district is also to encourage a pedestrian retail shopping environment along Hazel Park's main streets.

17.44.020 PRINCIPAL PERMITTED USES

In the LB District, no uses shall be permitted unless otherwise provided in this chapter, except the following:

- A. Banks or other financial institutions, excluding check cashing establishments.
- B. Bus passenger stations.
- C. Business schools or private schools operated for profit, including art and dance studios and music and vocal schools.
- D. Business service establishments, such as office machine repair, printing, copying, and blueprinting.
- E. Clothing service, including the following:
 - 1. Laundromats
 - 2. Dry cleaning establishments, without on site dry cleaning facilities.
 - 3. Tailor and pressing shops.
 - 4. Shoe repair shops.
- F. Department stores, variety stores, and general merchandise retail stores, excluding party stores, tobacco shops, and adult businesses, whose principal activity is the sale of merchandise entirely within a completely enclosed building, including the following:
 - 1. Apparel shops.
 - 2. Automobile parts, excluding facilities for repair and servicing.
 - 3. Book stores and newsdealers.
 - 4. Drugstores and pharmacies.
 - 5. Flower and plant shops, excluding greenhouses.
 - 6. Gift shops.
 - 7. Grocery stores, including beer, wine and liquor, fruit, vegetables, meat, dairy products, baked goods, and other foods, but not including a party store. No more than 10 percent of the gross floor area may be used for the storage and/or display of beer, wine or liquor. Food products may be prepared on the premises as an accessory use if such products are sold at retail prices on the premises.

8. Hardware, paint and wallpaper stores.
 9. Household appliance shops.
 10. Office supplies and stationery shops.
 11. Recorded music shops.
- G.** Equipment service, including watch, jewelry, radio, television, or other electronic appliance repair.
- H.** Government buildings and uses
- I.** Offices, showrooms, or workshops for a decorator, upholster, plumber, caterer, exterminator, heating contractor, building contractor, or similar establishments that require retail outlet.
- J.** Photographic studios and film processing.
- K.** Offices for any of the following occupations: executive, administrative, professional, business, accounting, writing, insurance, real estate, travel, clerical, stenographic, drafting, engineering, sales, and similar occupations.
- L.** Restaurants, delicatessens, coffee houses, or bars, except those defined as drive-in or drive-through.
- M.** Wireless telecommunication facilities, limited to attached antennae colocated upon existing structures, subject further to the requirements and conditions of Chapter 17.20, *Wireless Telecommunication Facilities*.

17.44.030 PERMITTED USES AFTER SITE PLAN APPROVAL

The following uses may be permitted subject to the standards outlined in Section 17.60.080 and approval by the Planning Commission.

- A.** Colleges and universities.
- B.** Funeral homes and mortuaries.
- C.** Health clubs, including gymnasiums, and reducing salons.
- D.** Offices for any of the following occupations: medical, dental, and similar occupations.
- E.** Outdoor sales and outdoor cafés, as accessory uses to a permitted use.
- F.** Residential uses when located above a first floor permitted or special business use, shall comply with minimum floor area standards set forth in Chapter 17.40 *RC Multiple Family Residential District*.
- G.** Veterinary hospitals and clinics, excluding outdoor use of property for exercise yards, pens and other similar uses.
- H.** Restaurants, delicatessens, coffee houses, or bars with a drive-in or drive-through.

- I. Accessory buildings, structures, and uses customarily incidental to the principal permitted use.

17.44.040 PERMITTED USES AFTER SPECIAL LAND USE APPROVAL

The following uses may be permitted subject to the conditions imposed in Section 17.60.070, *Special Land Use Approval*, and subject further to a public hearing by the Planning Commission and approval by the City Council:

- A. Body piercing studios.**
1. Any establishment shall be located at least 1000 feet from any other body piercing studio or tattoo parlor.
 2. Any establishment shall be located at least 500 feet from all places of worship.
 3. Any establishment shall be located at least 500 feet from any public, private, or parochial childcare center, primary school, or secondary school, public park or hospital.
 4. Any establishment shall be located at least 1,000 feet from any business recreation establishment.
 5. Any establishment shall be located at least 1,000 feet from any adult business.
 6. See Chapter 5.46, Body Art Licensing and Regulations, of the Hazel Park Municipal Code for additional requirements.
- B. Business recreation uses.**
1. Any establishment shall be located at least 500 feet from any other business recreation establishment.
 2. Any establishment shall be located at least 1,000 feet from any party store, tobacco shop, cocktail lounge, night club, or adult business.
 3. Any establishment shall be located at least 500 feet from any public, private, or parochial childcare center, primary school, or secondary school, public park or hospital.
 4. See Chapter 5.60, Poolrooms and Pool Tables, of the Hazel Park Municipal Code for additional requirements.
- C. Check cashing establishments.**
- D. Childcare centers.**
1. Outdoor play area of 150 square feet per child, with a minimum of 1200 square feet. Centers adjacent to another center, park, or other outdoor facility easily accessible by walking or by transportation may utilize the park or center as its outdoor space requirement provided it meets the minimum size requirements.

2. Outdoor play area shall be screened by obscuring fence or wall from adjacent residential districts or uses and parking areas.
 3. An on-site drive shall be provided for drop-offs, pick-ups, and loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on a public street.
 4. Business shall comply with the requirements set forth in the current Building Code on file at the City. The Planning Commission shall require a report from the Fire Department regarding fire hazards or storage of flammable material at properties within 100 feet of the site.
- E.** Hair, nail, tanning salons, and other personal service uses, excluding adult business uses.
- F.** Mobile phone stores and mobile phone accessory stores.
- G.** Party stores.
1. Any establishment shall be located at least 2,000 feet from any other retail establishments that sell packaged beer, wine and liquor, party store, or tobacco shop.
 2. Any establishment shall be located at least 1,000 feet from all places of worship, as defined by the Michigan Liquor Control Commission (MLCC).
 3. Any establishment shall be located at least 1,000 feet from all public, private or parochial day care facilities, primary or secondary schools, public parks and hospitals.
 4. Any establishment shall be located at least 1,000 feet from any pool or billiard hall, video game arcade, amusement center, public or private indoor and outdoor recreation establishment, dance club catering primarily to teenagers, motion picture theaters, and similar uses frequented by children and teenagers.
 5. Any establishment shall be located at least 2,000 feet from any adult business.
 6. See Chapter 5.06, Alcoholic Beverages, of the Hazel Park Municipal Code for additional requirements.
- H.** Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and other essential public services.
1. Such uses shall be subject to requirements of the Planning Commission based upon an analysis of any potential effect on surrounding properties.
 2. No storage yards shall be permitted.
 3. Applicants shall provide evidence of necessity for a proposed location.
 4. Electric or gas regulator equipment and apparatus shall be set back a minimum of 30 feet from all lot lines.
- I.** Radio and television towers.

1. Each tower shall be set back from all property lines a minimum distance equal to the height of the tower.
 2. A 6 foot decorative fence shall be installed around the entire perimeter of the facility with one deciduous or evergreen shrub of at least 36 inches in height per every 4 linear feet of perimeter planted around the exterior of the fence.
 3. Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws.
 4. Special consideration shall be given to any safety hazards.
- J.** Retail establishments dealing in second hand, used, or damaged goods, wares or merchandise, including used books, clothing, furniture, household wares and appliances, and junk, excluding junk yards.
1. Any establishment shall be located at least 750 feet from another second hand store.
 2. All loading and unloading shall be from the side or rear of the lot.
 3. All business shall be conducted wholly within a completely enclosed building.
 4. See Chapters 5.39, *Junk Dealers and Collectors*, and 5.54, *Pawnbrokers*, of the *Hazel Park Municipal Code* for additional requirements.
- K.** Sale of new or used motor vehicles or recreational vehicles, including boats, snowmobiles, travel trailers, campers, motor homes, tents and accessory equipment, sales or rental, excluding outside display or sales of product.
- L.** Tattoo parlors.
1. Any establishment shall be located at least 2,000 feet from any other tattoo parlor or body piercing studio.
 2. Any establishment shall be located at least 1,000 feet from any public, private, or parochial childcare center, primary school, or secondary school, public park or hospital.
 3. Any establishment shall be located at least 1,000 feet from any billiard hall, video game arcade, dance club, motion picture theater or other private recreation establishment that is frequented by children and teenagers.
 4. Any establishment shall be located at least 2,000 feet from any adult business.
 5. See Chapter 5.46, *Body Art Licensing and Regulations*, of the *Hazel Park Municipal Code* for additional regulations.
- M.** Tobacco shops.
1. Any establishment shall be located at least 2,000 feet from any other party store or tobacco shop.

2. Any establishment shall be located at least 1,000 feet from any public, private, or parochial childcare center, primary school, or secondary school, public park or hospital.
3. Any establishment shall be located at least 1,000 feet from any billiard hall, video game arcade, dance club, motion picture theater or other private recreation establishment that is frequented by children and teenagers.
4. Any establishment shall be located at least 2,000 feet from any adult business.

N. Video store.

1. Any establishment shall be located at least 500 feet from any other video store.
2. The display of video tapes having as a dominant theme specified sexual activity or specified anatomical areas, as defined herein this title, shall be accessory to the principal use and shall be physically separated from all other video tapes and materials in a completely enclosed room with the following conditions:
 - a. The room shall have only one door for ingress and egress by patrons.
 - b. Signage outside of the room shall indicate that adult videotapes are displayed and state that no one under the age of 18 years is permitted.
3. In lieu of an enclosed room, a catalogue containing a list of all adult-oriented videotapes for rental or sale may be used for over the counter purchases by patrons. This requires that all videotapes be stored behind the sales counter or in a separate, enclosed storage area until purchased.

M. Wireless telecommunication facilities, subject further to the requirements and conditions of Chapter 17.20 *Wireless Telecommunication Facilities*.

17.44.050 REQUIRED CONDITIONS

The following conditions are required for all uses in the LB District:

- A.** All business shall be conducted wholly within a completely enclosed building (unless permitted as a special use.
- B.** No business shall sell live animals.
- C.** Parking or storage of unlicensed or inoperable vehicles shall be prohibited.
- D.** Vehicles parked on a site shall not be used for storage, sales or advertising.

17.44.060 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

A. Area, height, bulk and placement requirements for the LB District shall be as follows:

Minimum Lot Width (in feet)	Minimum Lot Area (in square feet)	Maximum Lot Coverage (Percent)	Minimum Ground Floor Area (in square feet)	Maximum Ground Floor Area (in square feet)	Maximum Height of Building (in feet)	Minimum Yard Setbacks (in feet)		
						Front	Side	Rear
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(A) No setback is required unless that property line abuts a residential district, in which case a 10 foot setback shall be required.

(B) In cases where a property abuts a public alley, half of the width of the alley may count toward the rear yard setback requirements.

- B. PLANNED UNIT DEVELOPMENTS.** Area, height, bulk and placement requirements for the LB District may be superseded for a planned unit development (PUD) in accordance with the requirements of Chapter 17.58, *Planned Unit Development*.

17.44.070 DESIGN STANDARDS

The purpose of the following architectural and site design standards is to evaluate proposed buildings and site improvements during site plan review to ensure that certain design and appearance standards are maintained. These standards provide a means of evaluating whether the proposed building design and site layout meet the overall intent of site plan review, the Master Plan, and this title. These standards also are intended to protect the general health, safety, and welfare of the city by ensuring that the city's property values, building designs, appearance, character, and natural resources are preserved and respected by achieving high-quality design and adding distinctive architectural features and roof lines to the viewsapes of the city, while providing for architectural creativity.

- A. BUILDING MATERIALS.** Building materials shall be primarily natural products, conveying permanence, such as brick, decorative masonry block, stone, drivet, or beveled wood siding.
- B. WINDOWS.** 30 to 80 percent of the first floor elevation shall consist of windows. There shall be a maximum sill height of 36 inches.
- C. ENTRANCES.** Main entrances shall be emphasized prominent details such as deep overhangs, recesses, peaked roof forms, porches, or arches.
- D. EXCEPTIONS.** The Planning Commission may waive the requirements set forth above, if it finds that the standards for site plan approval (Section 17.60.080) have been met.

17.44.090 SITE PLAN REVIEW

Site plan review requirements are as provided in Section 17.60.080, *Site Plan Review*.