

## CHAPTER 17.45 LB- M LOCAL BUSINESS MANUFACTURING

### 17.45.010 STATEMENT OF PURPOSE

The LB-M Local Business Manufacturing district is intended to permit a wide variety of uses with an emphasis on those orientated toward serving the local community through retail business, entertainment, commercial, and service related uses. Due to the area's close proximity to the Eight Mile Road Corridor, light manufacturing and other uses that serve the consumer population beyond the corporate boundaries of the city are also permitted. Multiple use buildings that include retail, service, office and residential uses, are consistent with the intent of the LB-M District. In order to promote such developments so far as possible and appropriate in each area, uses that would create hazards, loud noises, vibration, smoke, glare or heavy truck traffic, will be regulated to minimize these affects on the surrounding area.

### 17.45.020 PRINCIPAL PERMITTED USES

In the LB-M 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.
    - a. Gift shops.

6. 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.
  7. Hardware, paint and wallpaper stores.
  8. Household appliance shops.
  9. Office supplies and stationary shops.
  10. 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. 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*.

### **17.45.030 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. Assembly halls, private clubs, lodges or fraternal organizations.
- B. Colleges and universities.
- 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. Restaurants, delicatessens, coffee houses, or bars, except those defined as drive-in or drive-through.
- H. Accessory buildings, structures, and uses customarily incidental to the principal permitted use.

#### **17.45.040 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. Adult businesses**

1. In the development and execution of this title, it is recognized that there are some uses, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulations of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e. not more than two such uses within 1,000 feet of each other which would create such adverse effects).
2. A continuous solid masonry wall, 8 feet in height above the surface of the ground shall be required on all side or rear lot lines.
3. Shall not be located within 1,000 feet of an existing school, library, park, place of worship **or day care center with a business license from the City of Hazel Park.**
4. Shall not be located within 1,000 feet of an existing adult business.
5. See Chapters 5.45, Massage Licensing and Regulations, and 5.46, Body Art Licensing and Regulations, of the Hazel Park Municipal Code for further regulations.

##### **B. 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, nightclub, 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. Childcare centers.**
- A.** 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.
  - B.** Outdoor play area shall be screened by obscuring fence or wall from adjacent residential districts or uses and parking areas.
  - C.** 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.
  - D.** 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.
- D. Hair, nail, tanning salons, and other personal service uses, excluding adult business uses.**
- E. 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.
- F. 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.
- G. 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.
- H. 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 junkyards.
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.
- I. 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.
- J. 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.
- K. 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.
- L. 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. Manufacturing and Industrial Establishments.**

1. The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering and animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, radios and phonographs, pottery and figurines or other ceramic products using only previously pulverized clay.
2. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber, glass, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planing mills) and yarns.
3. Tool and die shops; metal-working machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs and fixtures; publishing, printing or folding of box, carton and cardboard products.

**N. Laboratories, research or testing.**

**O. Public utility buildings, telephone exchange buildings, electric transformers.**

**P. Wholesale and Warehousing.** The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; tobacco and tobacco products; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this district.

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

**17.45.050 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.

**17.45.060 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS**

A. Area, height, bulk and placement requirements for the LB-M 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)	Required Building Setbacks (in feet)			
						Front Min	Front Max	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.

(C) In cases of corner lots, the required side building setback fronting on the road shall be a minimum of zero (0) feet, and a maximum of ten (10) feet.



- 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*.

#### **17.45.070 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 viewscales 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, drive, 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 with prominent details such as deep overhangs, recesses, peaked roof forms, porches, or arches.
- D. PEDESTRIAN ACCESSIBILITY.** In order to promote a pedestrian oriented environment, all new development proposals shall provide a bicycle rack in a safe and secure location.
- E. 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.
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**17.45.090 SITE PLAN REVIEW**

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