

Chapter 66 - ZONING

Footnotes:

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Cross reference— Any ordinance pertaining to a zoning map amendment or rezoning saved from repeal, § 1-7(a)(12); buildings and building regulations, ch. 10; community development, ch. 14; downtown development authority, § 14-31 et seq.; environment, ch. 22; land division, ch. 30; subdivisions, § 30-31 et seq.; signs, ch. 46; streets, sidewalks and other public places, ch. 50.

State Law reference— Authority to regulate land use, MCL 125.581 et seq.

ARTICLE I. - IN GENERAL

Sec. 66-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Multiple dwelling means a building designed for occupancy by three or more families living independently of each other.

(Code 1979, § 15.011; Ord. No. 96-4, § 101, 8-26-1996)

Cross reference— Definitions generally, § 1-2.

Sec. 66-2. - Building inspector.

The building inspector of the city is charged with the enforcement of this chapter.

(Code 1979, § 15.071)

Cross reference— Officers and employees, § 2-61 et seq.

Sec. 66-3. - Buildings in violation of chapter declared a nuisance.

Buildings erected, altered, razed or converted, or uses carried on in violation of any provision of this chapter, are declared to be a nuisance.

(Code 1979, § 15.072)

Sec. 66-4. - Aid of courts.

In addition to all other methods provided for the enforcement of this chapter, the city shall have the right to bring a bill in equity in the appropriate court to enjoin the violation of this chapter to abate a nuisance or to otherwise enforce the terms of this chapter.

(Code 1979, § 15.073)

Sec. 66-5. - Penalty for violation of chapter.

Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than \$500.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(Code 1979, § 15.110)

Sec. 66-6. - Amendments.

The city commission may amend, supplement or change by ordinance, the boundaries of districts or regulations established in this chapter.

(Code 1979, § 15.131)

State Law reference— Amendment of zoning ordinance, MCL 125.584.

Sec. 66-7. - Public hearing.

A public hearing shall be held by the city commission before adoption of any proposed amendment, supplement or change; provided, however, that not less than 15 days' notice of the time and place of such public hearing shall first be published in a paper of general circulation in the city, and not less than 15 days' notice of the time and place of the public hearing shall first be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the districts or zones affected that registers its name and mailing address with the city clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained. A hearing shall be granted any person interested at the time and place specified on the notice.

(Code 1979, § 15.132)

State Law reference— Similar provisions, MCL 125.584(1).

Sec. 66-8. - Protest petition.

Upon presentation of a protest petition meeting the requirements of this section, an amendment to a zoning ordinance which is the object of the petition shall be passed only by a three-fourths vote of the legislative body. The protest petition shall be presented to the legislative body before final legislative action on the amendment, and shall be signed by one of the following:

- (1) The owners of at least 20 percent of the area of land included in the proposed change.
- (2) The owners of at least 20 percent of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

(Code 1979, § 15.133)

State Law reference— Similar provisions, MCL 125.584(5).

Secs. 66-9—66-40. - Reserved.

ARTICLE II. - BOARD OF APPEALS

Footnotes:

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Cross reference— *Boards and commissions, § 2-91 et seq.***State Law reference**— *Board of appeals, MCL 125.585 et seq.*

Sec. 66-41. - Board of appeals.

The city commission shall act as a board of appeals upon all questions arising under this chapter, and shall fix the rules and regulations to govern its procedure sitting as such board of appeals.

(Code 1979, § 15.091)

State Law reference— Similar provisions, MCL 125.585(1).

Sec. 66-42. - Taking of appeals.

An appeal shall be taken within such time as shall be prescribed by the board of appeals by general rule, by the filing with the officer from whom the appeal is taken and with the board of appeals of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit to the board all of the papers constituting the record upon which the action appealed from was taken.

(Code 1979, § 15.092)

State Law reference— Similar provisions, MCL 125.585(6).

Sec. 66-43. - Appeal stays proceedings.

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the board of appeals, or by the circuit court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(Code 1979, § 15.093)

State Law reference— Similar provisions, MCL 125.585(7).

Sec. 66-44. - Hearing of appeal.

The board of appeals shall fix a reasonable time for the hearing on the appeal and give due notice of the appeal to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single- and two-family dwellings within 300 feet. Such notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. The board of appeals shall decide the appeal within a reasonable time. If the tenant's name is not known, the term "occupant" may be used. Upon the hearing, a party may appear in person, by agent or by attorney.

(Code 1979, § 15.094)

State Law reference— Similar provisions, MCL 125.585(8).

Sec. 66-45. - Decision upon appeal.

- (a) The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make an order, requirement, decision or determination as in the board's opinion should be made in the premises, and shall have all the powers of the officer or body from whom the appeal is taken. If there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the board of appeals may in passing upon appeals vary or modify any of its rules or provisions relating to the construction, or structural changes in, equipment, or alteration of buildings or structures, or the use of land, buildings or structures, so that the spirit of this chapter shall be observed, public safety secured and substantial justice done.
- (b) The board of appeals may impose conditions upon an affirmative decision, as provided in section 4c(2) of Public Act No. 638 of 1978 (MCL 125.584c). The city commission may authorize the remuneration of the members of the board for attendance at each meeting.
- (c) The decision of the board of appeals shall be final; however, a person having an interest affected by this chapter may appeal to the circuit court. Upon appeal, the circuit court shall review the record and decision of the board of appeals to ensure that the decision meets all of the following:
 - (1) Complies with the constitution and laws of the state.
 - (2) Is based upon proper procedure.
 - (3) Is supported by competent material and substantial evidence on the record.
 - (4) Represents the reasonable exercise of discretion granted by law to the board of appeals.

(Code 1979, § 15.094)

State Law reference— Similar provisions, MCL 125.585(9)—(11).

Secs. 66-46—66-75. - Reserved.

ARTICLE III. - SPECIAL EXCEPTION REVIEW

Footnotes:

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State Law reference— *Special land uses, MCL 125.584a.*

Sec. 66-76. - Application.

Any proposed use within the applicable zoning district shall be reviewed by the city commission for approval or disapproval of such use within the applicable zoning district. The special exception review application shall be submitted consistent with the provisions of this article on a form to be promulgated by the city clerk and approved by the city

commission. Such application shall consist of information necessary for the city commission to make a determination regarding the special exception request, including, but not limited to the following:

- (1) The name and mailing address of the applicant and the name and the mailing address of the owner, if different.
- (2) The location of the subject property within the zoning district.
- (3) The special exception use being requested by the applicant.
- (4) A sketch plan showing the preliminary proposed siting of structures or use on the subject property.
- (5) The proposed density of such special exception use, expressed in terms of dwelling units or hotel/motel rooms per net acre or total square footage per net acre.
- (6) A narrative addressing the consistency of the proposed special exception use with the character and purpose of the zoning district in which it would be located.
- (7) Any relevant information regarding the impact of such proposed use consistent with this chapter.
- (8) The consistency of the proposed use with the master plan and other such information as may be requested by the city commission prior to or during the city commission meeting at which such application will be reviewed.

(Ord. No. 96-2, § 15.056, 8-26-1996)

Sec. 66-77. - Criteria for approval.

Within each zoning district, uses permitted subject to special exception review criteria shall be permitted after review and approval by the city commission only if the applicant shall demonstrate that:

- (1) The use is in accordance with the master plan for the city (any conflict between this chapter and such plan shall be resolved in favor of this chapter);
- (2) The use conforms to all applicable city, state and federal regulations;
- (3) The use is not detrimental to the public health, safety or general welfare;
- (4) The use is appropriately located with respect to adequate transportation facilities, water and sewer supply, fire and police protection, waste disposal and similar applicable services; and
- (5) The use shall be compatible with the existing neighborhood character and consistent with the character and purpose provision for the applicable zoning district and shall not adversely affect surrounding land uses.

(Ord. No. 96-2, § 15.056, 8-26-1996)

Sec. 66-78. - Written findings and decision.

The city commission, after review of the special exception application and the public hearing, shall make a written finding and give its approval, approval with modifications or conditions, or disapproval to the special exception request, if approval, or approval with modifications or conditions is granted, the decision shall be communicated in writing to the applicant and the applicant shall thereby be authorized to submit a development plan application.

(Ord. No. 96-2, § 15.056, 8-26-1996)

Secs. 66-79—66-110. - Reserved.

ARTICLE IV. - NONCONFORMITIES

Footnotes:

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State Law reference— *Nonconforming uses and structures, MCL 125.583a.*

Sec. 66-111. - Discontinuance of nonconforming use.

The lawful use of any premises existing at the time of the adoption of the ordinance from which this chapter is derived may be continued, although such use does not conform to the provisions of this chapter, but if such nonconforming use is discontinued, the future use of such premises shall be in conformity with the provisions of this chapter.

(Code 1979, § 15.051)

Sec. 66-112. - Extension of nonconforming use.

The lawful use of a building existing at the time of the adoption of the ordinance from which this chapter is derived may be continued, although such use does not conform to the provisions of this chapter, and such use may be extended throughout the building provided no structural alterations are made in such building except those required by law or ordinance, or such as may be required for safety, or such as may be necessary to secure or ensure the continued advantageous use of the building during its natural life, or the erection to its full height as originally planned of a building with foundations and structural members designed to carry a higher building.

(Code 1979, § 15.052)

Sec. 66-113. - Expansion of nonconforming use.

The expansion of a nonconforming use shall be permitted where such expansion shall be only on property owned at the time of the passage of the ordinance from which this chapter is derived or upon immediately adjoining property.

(Code 1979, § 15.053)

Secs. 66-114—66-145. - Reserved.

ARTICLE V. - DISTRICT REGULATIONS

DIVISION 1. - RESIDENTIAL DISTRICTS

Sec. 66-146. - Districts established.

For the purpose of this chapter, the city is divided into residential districts, commercial districts, industrial districts, multiple dwelling districts and business service districts.

(Code 1979, § 15.011; Ord. No. 96-4, § 101, 8-26-1996)

Sec. 66-147. - Boundaries.

Residential districts shall include all of the following property, parcels, areas or districts:

All of the area within the city limits not specifically described in sections 66-196 and 66-251 as being commercial or industrial districts.

(Code 1979, § 15.012)

Sec. 66-148. - Use regulations.

Unless otherwise provided in this chapter, no building or premises shall be used, and no building shall be erected or altered within the areas or districts termed residential districts, except for one or more of the following purposes or uses:

- (1) Single-family dwellings and/or two-family dwellings, but not more than one such dwelling unit on each lot.
- (2) Churches, schools, libraries and community buildings, but not more than one principal building unit on each lot.
- (3) Farming and/or truck gardening.
- (4) Professional office of a physician, surgeon, dentist, musician, artist or similar vocation, when situated in the same dwelling used by such practitioner as his home.
- (5) Home occupations engaged in by the occupants of a dwelling.
- (6) Accessory buildings and uses incident to any of the uses listed in this section when located on the same lot and not involving the conduct of a retail business.

(Code 1979, § 15.031)

Sec. 66-149. - Setbacks; side yards.

- (a) In all areas termed residential districts by the provisions of this division, the minimum horizontal distance between the front line of any building built or enlarged and the street line, shall not be less than 25 feet, provided that, when the majority of buildings built on one side of a street between two intersecting streets at the time of the passage of the ordinance from which this chapter is derived have been built with a minimum setback of more or less than 25 feet from the street line, no building erected or enlarged shall project beyond the minimum setback line established, provided that this regulation shall not be interpreted as to reduce the buildable width of a corner lot facing an intersecting street to less than 25 feet.
- (b) There shall be a minimum side yard of seven feet in width on each side of any dwelling, including an attached garage. There shall be a side yard of not less than three feet on each side of any accessory building.

(Code 1979, § 15.054)

Secs. 66-150—66-170. - Reserved.

DIVISION 2. - MULTIPLE DWELLING DISTRICTS

Sec. 66-171. - Purpose.

It is the intent of the multiple dwelling district to allow the development of residential uses up to eight dwelling units per net acre. The multiple dwelling district is used to encourage a moderate density neighborhood to provide quality, affordable housing for the residents of the city.

(Ord. No. 96-3, § 15.034, 8-26-1996)

Sec. 66-172. - Permitted uses.

Permitted uses in the multiple dwelling district shall be:

(1) By right:

- a. Residential.
- b. Park and recreational facilities serving primarily the neighborhood within which they are located.
- c. Home occupations.
- d. Agricultural.

(2) Subject to special exception review criteria:

- a. Pumping station and utility substation serving primarily the neighborhood within which they are located.
- b. Cemeteries.
- c. Churches on a minimum lot size of one acre.
- d. Other uses may be permitted consistent with section 66-148.

(Ord. No. 96-3, § 15.034, 8-26-1996)

Sec. 66-173. - Maximum site densities.

Maximum site densities in the multiple dwelling district shall be eight dwelling units per net acre.

(Ord. No. 96-3, § 15.034, 8-26-1996)

Sec. 66-174. - Special site regulations.

Special site regulations in the multiple dwelling district are as follows:

- (1) Maximum structure height: 35 feet above grade elevation, not to exceed two stories. Garden or sublevel apartments are not allowed.
- (2) Maximum site impervious coverage: 35 percent.
- (3) Minimum open space requirement: 55 percent.

(Ord. No. 96-3, § 15.034, 8-26-1996)

Sec. 66-175. - Setback; side yards.

Minimum setbacks and side yards for multiple dwellings shall be the same as for residential use.

(Code 1979, § 15.011; Ord. No. 96-4, § 101, 8-26-1996)

Secs. 66-176—66-195. - Reserved.

DIVISION 3. - COMMERCIAL DISTRICTS

Sec. 66-196. - Boundaries.

Commercial districts shall include all of the following property, parcels, areas or districts:

All those parcels within the area bounded on the north by the Pere Marquette Railroad right-of-way, on the east by Banks Street, on the south by Center Street and on the west by Paw Paw Street, except lots 39, 48 and 49 of the original Town (now City) of Coloma.

All those parcels within the area bounded on the north by Morrison Street, on the east by Paw Paw Avenue, on the south by Center Street and on the west by West Street.

All those parcels within the area bounded on the north by Morrison Street, on the east by West Street, on the south by Washington Street and on the west by Park Street.

Commencing on the southerly line of St. Joseph Street in the City of Coloma 60 feet northeasterly from the northeasterly corner of lot 14 of Sutton's Addition; thence south 32;deg;27;min; east 132 feet; thence south 58;deg;05;min; west 60 feet; thence south 17;deg;04;min; east 68.45 feet; thence south 15;deg;55;min; west 99.34 feet; thence south 5;deg;53;min; west 94.38 feet; thence east 176.5 feet; thence north 20;deg;14;min; east 232 feet; thence north 2;deg;30;min; west 81 feet; thence south 58;deg;15;min; west 44 feet; thence north 2;deg;43;min; west 255.5 feet to the southerly line of St. Joseph Street; thence southwesterly along the southerly line of St. Joseph Street to the place of beginning, all in the City of Coloma, County of Berrien and State of Michigan.

Lots 2, 3 and 4, Baker's Addition to the City of Coloma, Berrien County, Michigan.

Lots 12 and 21 and the southeasterly 64.56 feet of lot 22 in the City of Coloma, Berrien County, Michigan.

Lot 16 and the easterly ½ of lot 17, Baker's Addition to the City of Coloma, County of Berrien and State of Michigan.

Starting at a point in the center of Old Friday Road that 1,963.7 feet west of the east quarter post of Section 29, Township 3 South, Range 17 West, thence northerly along the centerline of the Old Friday Road 33;min; more or less to the northerly edge of Ryno Road, thence 33;min; easterly along said northerly edge of Ryno Road to a concrete monument which is the place of beginning of the land herein described; thence northerly along a line parallel with the centerline of Old Friday Road 132 feet; thence easterly on a line parallel to the centerline of Ryno Road to the westerly edge of the Old Benton Harbor and St. Joseph Railway and Light Company Interurban right-of-way, thence

southwesterly along said westerly edge of said right-of-way to a concrete monument at the intersection of said westerly edge of said right-of-way with the northerly edge of Ryno Road and thence westerly along said northerly edge of Ryno Road 192.33 feet more or less to the place of beginning, City of Coloma, Berrien County, Michigan.

Lots 19 and 20 of the original plat of the City of Coloma, Berrien County, Michigan.

Lots 48 and 49, Baker's Addition to the City of Coloma, Berrien County, Michigan.

Lot 24 of the City of Coloma, Berrien County, Michigan.

Lot 18, original plat of the City of Coloma, Berrien County, Michigan.

Lot 1, Sutton's Addition to the City of Coloma, Berrien County, Michigan.

Lots 14 and 15, Baker's Addition to the City of Coloma, Berrien County, Michigan.

Lot 21.2A of the original Town of Coloma, Berrien County, Michigan.

That part of the northwest quarter of Section 29, Township 3 South, Range 17 West, Coloma Township, Berrien County, Michigan, described as follows, to wit: Commencing 32 rods west of the northeast corner of the northwest quarter of said Section 29; thence south 50 rods; thence west 48 rods; thence north 50 rods to the center of the highway; thence east 48 rods to the place of beginning. Containing 15 acres, more or less. Excepting therefrom commencing at a point on the north line of said Section 29, said beginning point being 182.0 feet east of the northwest corner of the east half of the northwest quarter of said section; thence east, along the north line of said section, 183.0 feet; thence south, at right angles to said section line, 238.04 feet; thence west 183.0 feet; thence north 238.04 feet to the place of beginning. Containing one acre, more or less.

(Code 1979, § 15.013)

Sec. 66-197. - Use regulations.

Unless otherwise provided in this chapter, all buildings and premises within the areas or districts termed commercial districts may be used for any purpose permitted in residential districts, and for any other lawful purpose except the following:

- (1) Blacksmith or horseshoeing shop.
- (2) Building material or contractor's storage yard.
- (3) Coal, coke, lumberyard or woodyard.
- (4) Storage or baling of scrap paper, iron, bottles, rags or junk, as a business.
- (5) Any kind of manufacturing or treatment that is either objectionable or detrimental to the locality or which employs more than eight people.
- (6) All uses that are excluded from the industrial districts as provided in this article.

(Code 1979, § 15.032)

Sec. 66-198. - Uses subject to special approval.

- (a) The following uses may be permitted in commercial districts, subject to the conditions imposed for each use in this division, and subject to the review and approval of the use by the planning commission, and/or by the

city commission where indicated. Before approving any such uses, the planning commission and the city commission shall find that:

- (1) The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the zoning district in which it is situated, and shall be compatible with the orderly development or use of adjacent land and/or districts.
 - (2) The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serves its locations.
 - (3) Nothing in this division shall be construed to limit or deny to the city commission the power or authority to reject the proposed use or activity where in its discretion good cause exists.
- (b) In order to limit the disruption and economic hardship that relocation may impose, the city commission, following a review and report from the planning commission, may permit manufacturing uses which employ more than eight people, subject to the following conditions, and subject to the findings as indicated in subsection (a) of this section:
- (1) The use originally employed less than eight people for no less than six months;
 - (2) The use will not result in any objectionable or detrimental influences on the surrounding areas including but not limited to noise, vibration, odor, dust, smoke, drainage or traffic congestion;
 - (3) No outside storage is permitted;
 - (4) All operations other than parking and loading are conducted within the building;
 - (5) The use conforms to any special conditions, as determined by the planning commission, to be compatible with the orderly development or use of adjacent land and/or the district, such as screening, buffering, lighting restrictions, etc.

(Code 1979, § 15.032; Ord. No. 90-3, - 1990)

Secs. 66-199—66-220. - Reserved.

DIVISION 4. - B-1 BUSINESS SERVICE DISTRICTS

Sec. 66-221. - Intent.

The B-1 business service districts are designed to meet shopping and service needs in areas deemed to be sensitive, where more restrictive guidelines are warranted to preserve the integrity of the surrounding land uses. The following regulations shall apply in all B-1 districts and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered or used except for one or more of the uses specified in this division.

(Ord. No. 90-8, § 15.036, 10-22-1990)

Sec. 66-222. - Permitted principal uses.

Principal uses permitted in B-1 districts shall be:

- (1) Retail businesses in which the sale of merchandise is conducted in an enclosed building.

- (2) Specialty shops such as, but not limited to, antique shops, craft shops and shops for the sale of gifts and not
- (3) Personal service establishments which perform services on the premises such as, but not limited to, repair shops (watches, radios, televisions, shoes, etc.) beauty parlors, barbershops and self-service laundries.
- (4) Dry cleaning establishments or pickup stations dealing directly with the consumer. Central drycleaning plants serving more than one retail outlet shall be prohibited.
- (5) Business establishments which perform services on the premises such as, but not limited to, banks, credit unions, savings and loan associations, loan companies, insurance companies and real estate offices. Banks, savings and loan associations and credit unions may include drive-up facilities only as an accessory use, subject to the provisions of back-up or waiting space, apart from required off-street parking areas, at the rate of four car spaces for each service window or pedestal, in addition to the space at the window or pedestal.
- (6) Professional services including medical clinics (outpatient only), and offices of doctors, dentists, osteopaths and similar or allied professions.
- (7) Restaurants, except those having the character of a drive-in or open-front use.
- (8) Post offices and similar governmental office buildings, serving persons living in the adjacent residential area, and other similar uses.
- (9) Accessory structures and uses customarily incidental to the permitted uses.
- (10) Those uses permitted in residential districts.

(Ord. No. 90-8, § 15.037, 10-22-1990)

Sec. 66-223. - Uses subject to special conditions.

The following uses shall be permitted, subject to the conditions imposed in this section for each use, and subject to the review and approval of the planning commission:

(1) *Conditions.*

- a. The uses shall be established so as to have a minimum negative effect on adjacent thoroughfares.
- b. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the zoning district in which it is situated, and shall be compatible with the orderly development or use of adjacent land and/or districts.
- c. The land use or activity under consideration shall be within the capacity limitations of the existing or proposed public services and facilities which serve its location.

(2) *Uses.*

- a. City and school district buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewer pumping stations.
- b. Nursery schools, day nurseries and child care centers (not including dormitories) which are licensed by the state.
- c. Drive-up windows or service facilities, as accessory to principal uses within B-1 districts, apart from

restaurants, subject to the following conditions:

1. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the zoning district in which it is situated, and shall be compatible with the orderly development or use of adjacent land and/or districts.
 2. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.
- d. Drive-up windows or service facilities, as an accessory to restaurants permitted within this district, subject to the following conditions:
1. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.
 2. Back-up or waiting space for drive-up windows or service facilities shall be provided, in a manner physically separated from off-street parking areas and drives, at the rate of eight car spaces for each service window or facility, in addition to the space at the service window or facility. Drives providing such waiting spaces shall have a minimum clear width of 13 feet.
 3. The consumption of food within vehicles parked on the premises is prohibited.
- e. Automobile service stations for the sale of engine fuel, oil and minor accessories only, and where no repair work is done.
1. Curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards.
 2. The lot area shall be arranged so that ample space is available for motor vehicles which are required to wait.
- f. Auto washes, where the entire operation is completely enclosed within a building or structure.

(Ord. No. 90-8, § 15.038, 10-22-1990)

Sec. 66-224. - Developmental standards.

- (a) All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on such premises.
- (b) All business, service or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building. The outdoor storage and display of goods for sale shall be expressly prohibited, except the city commission by resolution, may extend temporary permission for sidewalk sales.
- (c) The planning commission may require the provision of the following kinds of circulation and access facilities, when they determine that such facilities will serve to significantly reduce potential traffic congestion and improve safety conditions both on and adjacent to the subject site, and the uses to be served by such facilities are compatible, and no interior circulation problems will result:
 - (1) Joint-access driveways or driveways located so as to provide access to more than one site.
 - (2) Cross-access interior drives or drives that will allow vehicles to move from one site to another without re-entering the frontage street.

Where the provision of such facilities will require the grant of easements between abutting property owners to ensure proper vehicular circulation between properties, such easements over the applicant's property shall be presented in a form acceptable to the city attorney prior to the granting of a building permit, and shall be recorded prior to the granting of any certificate of occupancy. No construction or grade variation shall be permitted which will restrict the proper operation of such vehicular circulation facilities, and no certificates of occupancy shall be issued until the construction of such facilities within the applicant's site are complete.

(Ord. No. 90-8, § 15.040, 10-22-1990)

Sec. 66-225. - Environmental standards.

Environmental standards shall be as stated in article VI, division 2 of this chapter.

(Ord. No. 90-8, § 15.041, 10-22-1990)

Cross reference— Environment, ch. 22.

Sec. 66-226. - Site plan review.

All site plans for the development property within a B-1 district shall be subject to the review and approval of the planning commission.

(Ord. No. 90-8, § 15.042, 10-22-1990)

State Law reference— City may require the submission and approval of a site plan before authorization of a land use or activity regulated by a zoning ordinance, MCL 125.584d.

Sec. 66-227. - Area and bulk requirements.

(a) Area and bulk requirements in the B-1 district are:

Height		Setback			Building Size
Stories	Feet	Front	Side	Rear	Minimum (square feet)
1	20	30	10	20	500

(b) Side yards may be reduced to zero along the interior side lines of the district, or along side lot lines in common with other B districts, if all related conditions of this chapter are complied with. If walls of structures facing such interior or common side lot lines contain windows, or other openings, side yards of not less than ten feet shall be provided.

(c) On a corner lot having frontage on the side or intersecting street, the setback on that street shall be equal to

the front yard setback required on the abutting lot.

(d) When rear yards include parking, loading or property maintenance facilities, necessary access to such rear yards shall be provided by means of at least one side yard drive. Such drives shall have a minimum width of 22 feet for two-way service or 15 feet for one-way service, and shall be kept free of any obstruction.

(e) On an interior side yard abutting a residential district there shall be provided a minimum setback of 20 feet in width.

(Ord. No. 90-8, § 15.043, 10-22-1990)

Sec. 66-228. - Parking.

Parking in the B-1 district shall be as set forth in article VII of this chapter.

(Ord. No. 90-8, § 15.044, 10-22-1990)

Secs. 66-229—66-250. - Reserved.

DIVISION 5. - INDUSTRIAL DISTRICTS

Sec. 66-251. - Boundaries.

Industrial districts shall include all of the following property, parcels, areas or districts:

All those parcels within the area bounded on the east by the city limits of the City of Coloma, and on the south by the Pere Marquette Railroad right-of-way, and on the west and north by Paw Paw Street (sometimes known as River Street) as it winds and turns from the Pere Marquette Railroad right-of-way northeasterly to the city limits.

Also lots 39, 48 and 49 of the original Town (now City) of Coloma.

Also all other parcels within the area bounded on the north by the city limits of the City of Coloma, and on the east by Park Street, and on the south by Center Street, and on the west by the city limits of the City of Coloma.

Also all those parcels within the area bounded on the north by Washington Street, and on the east by West Street, and on the south by High Street, and on the west by the city limits of the City of Coloma.

Also all those parcels within the area bounded on the north by Center Street, and on the east by the west bank of the creek running from the Mill Pond, and on the south by U.S. Highway 12, and on the west by Paw Paw Street.

Lots 11 and 12, Baker and Jones Addition to the City of Coloma, Berrien County, Michigan.

H73 of the original plat of Coloma, now known as the City of Coloma.

Lot 24 of Baker and Jones Addition to the City of Coloma, Berrien County, Michigan.

(Code 1979, § 15.014)

Sec. 66-252. - Use regulations.

In industrial districts, buildings and premises may be used for any purpose whatsoever not in conflict with any ordinance of the city regulating nuisances.

(Code 1979, § 15.033)

Sec. 66-253. - Uses subject to special approval.

No building shall be erected or premises used for any of the following uses until and unless the location of such use shall have been approved by the board of appeals after public notice and hearing:

- (1) Abattoir.
- (2) Crematory.
- (3) Creosote treatment or manufacture.
- (4) Fat rendering or distillation of bones.
- (5) Glue, sizing or gelatin manufacture.
- (6) Incineration or reduction of garbage, dead animals, fat or refuse.
- (7) Paint or varnish manufacture.
- (8) Petroleum refining or bulk storage facilities.
- (9) Slaughterhouse.
- (10) Storing, tanning or curing of leather, rawhide or skins.
- (11) Any other use which has been declared a nuisance in any court of record, or which may be noxious or offensive by reason of odor, dust, gas, smoke or noise.

(Code 1979, § 15.033)

Sec. 66-254. - Screening.

Wherever property zoned industrial shall abut or adjoin property zoned primarily for residential or multiple dwelling use, the property zoned industrial for a depth of 15 feet adjoining any such residential property or multiple dwelling property, shall be reserved for the planting of trees and bushes.

(Code 1979, § 15.015)

Secs. 66-255—66-285. - Reserved.

ARTICLE VI. - SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 66-286. - Communication and other towers.

- (1) *Intent to provide for wireless communication services.* It is the intent of this section to allow communication and other similar towers to serve the ever-changing technology in the field of personal and business

communications for wireless communications as defined in the Telecommunications Act of 1996 which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed. The term "tower" shall include all communication towers, other antenna support structures, antennas, buildings/facilities and any similar structures necessary for the provision of wireless communication services.

- (2) *[Site plan to accompany applications.]* All applications for the erection of a tower in the City of Coloma shall be submitted with a site plan. All site plans shall be subject to the review and approval of the city commission. The city commission shall hold any required public hearings, issue findings concerning the proposed location and compliance with these standards.
- (3) *[Special use conditions.]* Communication towers are permitted as a special use in all zoning districts under the following conditions:
- (a) The location of a proposed communication tower shall not be approved unless the building inspector determines that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building located within the applicant's search radius of the proposed tower due to one or more of the following reasons:
 1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 3. Existing or approved towers and buildings within the search area cannot accommodate the planned equipment at a height necessary to provide reasonable coverage and/or capacity as documented by a qualified and licensed professional engineer.
 4. Other reasons that make it infeasible to locate the planned equipment upon an existing or approved tower or building, including but not limited to documented proof that the owner of such tower or building will not lease space to the applicant, that there is insufficient ground, building, roof or tower area on which equipment may be installed, existing towers or building would not provide required setback distances, etc.
 - (b) A tower shall be located on a parcel of land so as to provide a fall zone of not less than 110 percent of the height in the tower to any lot line. This fall zone shall be maintained throughout the existence of the communication tower. No land division shall be approved which would violate this provision.
 - (c) A tower shall be of a monopole or self-supporting lattice design, unless the city commission finds that an alternative design will not adversely impact the surrounding area.
 - (d) Proposed towers of the guyed or self-supporting lattice type shall be structurally designed to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Proposed monopole towers shall be structurally designed to accommodate both the applicant's antennas

and comparable antennas for at least one additional user. All towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

- (e) All other zoning requirements shall be enforced.
- (f) Engineering plans and specifications for the tower, prepared by a State of Michigan Registered Engineer specializing in structural engineering, shall be provided with the application for the special use.
- (g) The applicant shall provide inspection and verification that the installation of the tower, mount and foundation have been installed in compliance with the plans and specifications and all applicable codes and standards. A statement, including the date of the physical inspection, from a State of Michigan Registered Professional Engineer shall be provided to the city building inspector prior to the issuance of a certificate of occupancy for use of the tower indicating that the tower has been installed in compliance with all applicable codes and standards.
- (h) Additional requirements:
 1. Discontinuance and abandonment: The holder of a special use permit for a communications tower shall remove all discontinued communication towers, including the foundations and all support structures, and give notice of discontinuance of use of a tower within 90 days of the date that the use of the tower ceases. If at any time the use of the tower is discontinued for more than 365 consecutive days, the building inspector may declare the tower abandoned. Notice of abandonment shall be sent by first class mail to the applicant instructing the applicant that the tower must either be reactivated or dismantled and removed from the site within 120 days of the date the notice is sent to the applicant. If reactivation or dismantling and removal of the tower does not occur, the city may contract to remove the tower and assess all costs on the property taxes of the owner of the tower.
 2. The applicant shall incur all cost associated with the city review of the application for the special use.
 3. Upon approval or upon meeting all of the standards and qualifications set forth above, the applicant shall provide to the city or the owner of the proposed and approved site a lease agreement or other suitable legal document setting forth the terms and conditions for the use of said site. If city-owned property is involved, said lease shall be reviewed by the city attorney. Applicant shall reimburse the city for its legal appraisal, not to exceed \$1,500.00. The terms and conditions of any agreement with respect to city-owned property shall be approved by the city commission pursuant to its Charter and ordinances. In the case of privately held property, it shall be the responsibility of the applicant to obtain an agreement with the property owner with respect to the use of the proposed site. The applicant is required to file with the city clerk any such agreement.
 4. The base of the tower and wire/cable supports shall be fenced with a minimum six-foot climb-resistant fence.
 5. A vegetative buffer shall be required where the property adjoins any residentially zoned property or land use. The tower owner shall plant and maintain two alternating rows of evergreen trees with a minimum height of five feet on 20-foot centers along the entire perimeter, and 20 feet beyond but not further than the property line, of the tower and structure, to provide a visual sight barrier from the adjoining residential zoned properties and the tower and structures. In no case shall the evergreens be any closer than ten feet to the tower or structure.

Secs. 66-287—66-310. - Reserved.

DIVISION 2. - ENVIRONMENTAL PROVISIONS

Sec. 66-311. - Walls.

- (a) For those use districts and uses listed in this section there shall be provided and maintained on all sides abutting or adjacent to a residential district or city park an obscuring wall as follows:

	Use	Requirements
(1)	Off-street parking areas in residential districts	Four feet six inch high wall
(2)	B-1, B-2 and I	Six feet zero inch high wall

- (b) Required walls shall be located on the lot line except where underground utilities interfere. The location of such walls may further be revised where, in the opinion of the planning commission, such relocation will effectively serve the intended screening or obscuring function of such wall.
- (c) Such walls and screening barriers shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except as may be approved by the chief of police and the chief building inspector. All walls required in this section shall be constructed of common or face brick, poured or precast masonry or decorative block the design of which shall be approved by the planning commission. Such wall shall be uniform in appearance to the owner of any single or combined residential lot. The planning commission may authorize alternate materials including earth berms when in its opinion such alternates will effectively meet the intent of this chapter.
- (d) The planning commission may authorize a screening fence to be used in place of a required wall for uses:
- (1) Which do not remain open later than 9:00 p.m. nor earlier than 8:00 a.m.;
 - (2) Where all activities are conducted within an enclosed building; and
 - (3) The number of off-street parking spaces is less than 16.

Screening fences shall be a minimum of six feet in height, completely obscure the use from the abutting property and decorative in design.

- (e) The city commission may waive or modify the requirements of this section where cause can be shown that no good purpose would be served. When the city commission determines that a wall is required, in no instance shall such a wall be permitted to be less than four feet six inches in height. In consideration of requests to waive wall requirements between nonresidential and residential districts, the commission shall obtain a determination from the planning commission as to the future use of the abutting property.

(Ord. No. 90-10, § 15.314, 10-22-1990)

Sec. 66-312. - Land use buffers and landscaping.

- (a) Land use buffers and landscaping shall be installed and maintained according to the standards contained in this division.

- (b) All land use buffers, landscaping, screening and open space areas, as required under the terms of this division s reviewed by the planning commission as to compliance with the intent of this chapter.

(Ord. No. 90-10, § 15.322, 10-22-1990)

Sec. 66-313. - Landscape area installation and maintenance.

Where a greenbelt or landscape area is required, it shall be placed within four months from the date of issuance of a certificate of occupancy, and shall be reasonably maintained in a healthy, neat and orderly appearance.

(Ord. No. 90-10, § 15.330, 10-22-1990)

Sec. 66-314. - Natural feature preservation.

Plans submitted for all developments where the site plan is required shall include information as to the location of natural features such as watercourses, bodies of water, stands of trees and individual trees, apart from stands of trees, having a minimum base diameter of four inches. The site plans for development sites involving such features shall then take into consideration the means by which these features can be preserved and enhanced in conjunction with site development, all in compliance with city codes. In the course of site plan review, the planning commission shall consider and encourage the location of required landscape areas in a manner which will facilitate the preservation and enhancement of such natural features.

(Ord. No. 90-10, § 15.340, 10-22-1990)

Sec. 66-315. - Nonresidential developments.

The following standards shall apply to developments occurring in the B-1 districts, unless otherwise provided in this chapter.

(1) *Greenbelt.*

- a. A strip of land, a minimum of ten feet in depth, located between the abutting public street or major thoroughfare right-of-way and the development area, shall be landscaped with a minimum of one tree, not less than ten feet in height, or a minimum caliper of two inches at the time of planting, for each 30 lineal feet, or major portion thereof, of property abutting such right-of-way. The remainder of the landscape strip shall be landscaped in grass, ground cover, shrubs and other living plant material, or other durable nonliving landscape material. No more than 20 percent of the area may consist of durable nonliving landscape material.
- b. Necessary accessways from public rights-of-way through required landscape strips shall be permitted, but such accessways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- c. Earth berms may be used in order to increase the screening function of such landscape areas adjacent to off-street parking areas and vehicular use areas. In instances where outside storage areas are permitted to occur adjacent to freeway rights-of-way, this landscape strip shall be designed to create a visual screen between the storage area and the adjacent freeway.

(2) *Landscaping.*

- a. In addition to any landscape buffer required by this division, the remaining front yard area in B-1 district existing and/or proposed thoroughfare rights-of-way, shall be developed as landscaped open space. Per vehicular accessways, plazas, planters and other decorative elements may be included in such landscape more than 20 percent of the required landscaped area may consist of durable nonliving landscape material.
 - b. The planning commission may modify the percent of durable nonliving landscape material when it determines that such modification will serve to provide more effective and desirable areas for pedestrians or building occupants, or will enable a more reasonable and desirable building setting.
 - c. Storm drainage areas shall be landscaped with materials which will not be damaged by the intermittent water conditions, and shall be maintained in a healthy, growing condition, neat and orderly in appearance.
- (3) *Street margin.* The land area which lies between the designated landscape strip and the edge of the pavement of the adjacent public street shall be landscaped with grass and/or live ground cover as a minimum. The detail treatment of the street margin area, including the provision of any durable nonliving landscape material, shall be subject to the review and approval of the city commission. Sidewalks shall be provided within this area.
- (4) *Development interconnection.* Developments occurring within nonresidential districts shall utilize the required landscape areas to provide, insofar as possible, pedestrian connections to adjacent developments. The planning commission may further require the provision of the easement for pedestrian walkway/bikeway purposes, having a width of at least 15 feet, when such facilities are indicated on a plan for such facilities which has been adopted or accepted by the city commission. Those proposing developments within nonresidential districts shall consult with the planning commission during the course of development of the site plans to determine the location of potential walkway/bikeway easements, and the standards for their development. The land area used for such walkway/bikeway facilities shall be countable in the computation of the required landscape area on a given site.
- (5) *Maintenance.* Required landscaped areas shall be maintained in a healthy, growing condition, neat and orderly in appearance. Failure to maintain required landscaped areas in such a manner, and to remove and replace dead and diseased plant materials, shall constitute a violation of this division.
- (6) *Trash receptacle area screening.* Trash receptacle or dumpster areas shall be indicated on site plans, and shall be screened on at least three sides with an opaque fence or masonry wall at least equal to the height of the trash receptacles. Such obscuring elements shall be constructed of materials which are similar to or compatible with the exterior materials utilized in the construction elsewhere on the site, and shall be maintained so as to remain structurally sound, opaque throughout and neat and clean in appearance. In locating trash receptacle facilities, primary consideration shall be given to access for service, minimizing on-site traffic congestion and minimizing visibility or other negative effects on those utilizing the site or adjoining properties where sites of restaurants or food sales establishments abut residentially zoned land.

(Ord. No. 90-10, §§ 15.350, 15.352, 15.354—15.358, 10-22-1990)

DIVISION 3. - SATELLITE DISH ANTENNAS

Sec. 66-336. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Satellite dish antenna means one of the disc-shaped or other type of structures commonly used to intercept signals for television reception.

(Code 1979, § 15.060)

Cross reference— Definitions generally, § 1-2.

Sec. 66-337. - General provisions.

The following provisions shall apply to structures known as satellite dish antennas as defined in this division:

- (1) No satellite dish antenna shall exceed a height of 15 feet, including its mounting structure.
- (2) Except as described in subsection (3) of this section, satellite dish antennas shall be located in the rear yard and not attached to the principal building, its attachments or accessory structures, except for conduit purposes to the receiving television set.
- (3) No satellite dish antenna over 36 inches in diameter shall be attached to the roof of any building or other structures.
- (4) No more than two satellite dish antennas shall be placed on any residential lot.
- (5) The satellite dish antenna shall be at least seven feet from any property line.
- (6) Satellite dish antennas shall be permanently anchored to a foundation or structure.
- (7) All satellite dish antennas shall require a building permit prior to erection. The application for a permit must include a sketch showing the proposed location, height and anchoring details of the antenna, and a \$15.00 fee.

(Code 1979, § 15.061)

Secs. 66-338—66-370. - Reserved.

ARTICLE VII. - OFF-STREET PARKING

Footnotes:

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Cross reference— *Traffic and vehicles, ch. 54.*

Sec. 66-371. - Parking requirements.

- (a) There shall be provided in all districts at the time of erection or enlargement of any main building or

structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a certificate of occupancy, as provided in this section.

- (b) Off-street parking for other than residential use shall be either on the same lot or on an abutting lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- (c) Required off-street parking spaces shall be located within nonrequired yard areas.
- (d) Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
- (e) Off-street parking existing at the effective date of the ordinance from which this article is derived, in connection with the operation of an existing building or use shall not be reduced to an amount less than required in this article for a similar new building or new use.
- (f) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- (g) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the board of appeals may grant an exception.
- (h) The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited on an off-street parking facility.
- (i) For those uses not specifically mentioned in this section, the requirements for off-street parking facilities shall be in accord with a use which the planning commission deems similar in type.
- (j) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (k) For the purpose of computing the number of parking spaces required, the definition of usable floor area shall be the area used, or intended to be used, for the sale of merchandise or service, or for the use to serve patrons, clients or customers. Floor area used for storage or processing shall be excluded.
- (l) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following:

	Use	Minimum Number of Parking Spaces Per Unit of Measure
<i>Residential</i>		
(1)	Two-family	One for each dwelling unit.
(2)	Multifamily	Two for each dwelling unit.
(3)	Housing for the elderly	0.65 for each unit, and one for each employee. Should units revert to general occupancy then two spaces per unit shall be provided.
(4)	Trailer court	One for each trailer site and one for each employee of the trailer court.
<i>Institutional</i>		
(1)	Churches or temples	One for each three seats or six feet of pews in the main unit of worship.

(2)	Hospitals	Two for each bed.
(3)	Homes for the aged and convalescent homes	One for each two beds.
(4)	Elementary and junior high schools	One for each teacher, employee or administrator, in addition to the requirements of the auditorium.
(5)	Senior high schools	One for each teacher, employee or administrator and one for each ten students, in addition to the requirements of the auditorium.
(6)	Nursery schools and child care centers	One for each ten students or children cared for, and one for each employee.
(7)	Private clubs or lodge halls	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
(8)	Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One for each two member families and/or individual members, unless otherwise provided in this chapter.
(9)	Fraternity or sorority	One for each five permitted active members, or one for each two beds, whichever is greater.
(10)	Stadium, sports arena or similar place of assembly	One for each three seats or six feet of benches.
(11)	Theaters and auditoriums	One for each three seats plus one for each two employees.
<i>Business and Commercial</i>		Gross Floor Parking Spaces Area Requirements (square feet)
(1)	Planned commercial or shopping center	Greater than 20,000, one per 140 square feet. 20,000 or less, one per 170 square feet. When the amount of area to be occupied as places of assembly exceeds 25 percent of the gross floor area, the parking requirements for such places of assembly shall be determined in accordance with their individual requirements as provided in this section. The parking requirement for the remaining portion of the planned commercial or shopping center shall be in accordance with that indicated in this section.
		The term "place of assembly" shall include, but shall not be limited to, uses such as restaurants, indoor commercial recreation facilities, theaters and exhibition or assembly halls.
(2)	Auto wash	One for each employee. In addition, reservoir parking spaces equal in number to five times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length of feet of each wash line by 20.

(3)	Beauty parlor or barbershop	Three spaces for each of the first two beauty or barber chairs and 1½ spaces for each additional chair.
(4)	Bowling alleys	Five for each bowling lane.
(5)	Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls without fixed seats	One for each three persons allowed at the maximum occupancy load as established by local, county or state fire, building or health codes.
(6)	Establishments for sale consumption on the premises of beverages, food or refreshments	One for each two persons within the seating capacity of the establishment, plus one employee parking space for each ten seats within the seating capacity, or one for each 35 square feet of usable floor area, whichever is greater.
(7)	Furniture and appliance, household equipment repair shops, plumber's showroom, decorator, electrician or similar trade, shoe repair and other similar uses	One for each 800 square feet of usable floor area (for that floor area used in processing, one additional space shall be provided for each two persons employed).
(8)	Automobile service stations	Two for each lubrication stall, rack or pit, and one for each gasoline pump.
(9)	Laundromats and coin-operated dry cleaners	One for each two machines.
(10)	Miniature or par-3 golf courses	Three for each one hole plus one for each employee.
(11)	Mortuary establishment	One for each 50 square feet of assembly room usable floor space, parlors and slumber rooms.
(12)	Motel, hotel or other commercial lodging establishments	One for each occupancy unit plus one for each employee.
(13)	Motor vehicle sales and service establishments	One for each 200 square feet of usable floor space of sales room and one for each auto service stall in the service room.
(14)	Retail stores except as otherwise provided in this section	One for each 150 square feet of usable floor space.
(15)	Court-type recreation uses (tennis, handball, etc.)	Two for each person permitted by the capacity of the courts.
<i>Offices</i>		
(1)	Banks and other financial institutions	One for each 100 square feet of usable floor space within the customer service/teller area, and one for each 200 square feet of usable floor space within other office areas.
(2)	Business offices or professional offices except as indicated in subsection (3) below	One for each 200 square feet of usable floor space.
(3)	Professional offices of doctors, dentists or similar professions	One for each 100 square feet of usable floor space.
(4)	Offices of engineers, architects, landscape architects and similar professions with drafting area	One for each 125 square feet of usable floor area.
<i>Industrial</i>		

(1)	General industrial	Five plus one for every 1½ employees in the largest work shift, or one for every 450 square feet of gross space, whichever is determined to be the greater. When the amount of the office area exceeds 25 percent of the gross floor area, the parking requirement for such office area shall be determined in accordance with the parking requirements for business and professional offices. The parking requirement for the remainder of the building shall be one space for every 550 square feet in gross floor area.
(2)	Wholesale or warehouse	Five plus one for every employee in the largest work shift, or one for every 1,700 square feet of usable floor space, whichever is greater. In addition designated unimproved space must be provided on the site to enable compliance with general industrial parking requirements.

(Ord. No. 90-7, §§ 15.501—15.512, 10-22-1990)

Sec. 66-372. - Parking as limitation.

Following approval of site and building plans providing parking in accordance with section 66-371(l), the chief building inspector shall have the authority to limit the occupancy of a building or establishment, both in relation to use and number of occupants, based upon the number of parking spaces provided. The inability to provide parking adequate to accommodate all occupants of a building or establishment shall result in a reduction in the number of occupants permitted.

(Ord. No. 90-7, § 15.513, 10-22-1990)

Sec. 66-373. - Off-street parking space layout, standards, construction and maintenance.

Where the off-street parking requirements in section 66-371(l) requires the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following:

- (1) No parking lot shall be constructed unless and until a permit is issued by the building inspector. Applications for a permit shall be submitted to the building department in such form as may be determined by the building inspector and shall be accompanied with two sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- (2) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Angle (degrees)	Stall Width (feet)	Aisle Width (feet)	Parking Stall Length (feet)	Curb to Curb (feet)
0—15	9	12	23	30
16—37	9.5	11	19	46.6

38—57	9.5	13	19	53.2
58—74	9.5	18	19	60.4
75—90	9.5	24	19	<u>62</u>

Such stalls shall be clearly striped and separated by double four-inch lines (two feet on center), in order to facilitate movement and to help maintain an orderly parking arrangement. Parking stalls related to shortterm uses such as convenience commercial uses and visitor parking shall be placed at a width of 9.5 feet.

- (3) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- (4) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- (5) All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way traffic.
- (6) The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the city engineer. The parking area shall be surfaced within six months of the date of issuance of an occupancy certificate for the related use. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area, in such a way as to preclude drainage of water onto an adjacent property or toward buildings, and plans shall be approved by the planning commission.
- (7) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed only onto the parking area and the property which it serves. No lighting shall be so located or visible as to be a hazard to traffic safety.

(Ord. No. 90-7, §§ 15.514—15.521, 10-22-1990)

Sec. 66-374. - Exceptions.

The following lots located in the downtown area shall be exempt from the parking requirements of this article:

- (1) Lots 25—30 of Baker and Jones Subdivision;
- (2) Lots 37—50 of the original plat of the city; and
- (3) Lots 1—4 of Gilson's Addition.

(Ord. No. 90-7, § 15.522, 10-22-1990)