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## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Salam Habhab, Planner  
**SUBJECT:** Proposed Ordinance Amendments - Initial Discussion  
**DATE:** February 24, 2021

As part of the Community Development Department's efforts to enhance the Township's ability to move toward its goals as identified in the Comprehensive Development Plan, staff has started to research areas for improvement to promote economic development and encourage high-quality commercial and industrial developments. Staff proposes various Zoning Ordinance amendments which deal with a variety of clarifications, improvements, and additions to the Ordinance. These proposed amendments will create appearance standards that may encourage new developments and uses and eventually expand the economic base of the Township.

### DEWITT TOWNSHIP COMPREHENSIVE DEVELOPMENT PLAN

#### Goal 3: Promote Economic Development

**Objective 3.1:** Encourage high-quality commercial, office, institutional, and industrial development (in terms of design material, construction, and management) to locate in appropriate areas with minimal impacts to residential areas.

#### Zoning Action Items:

Assess the Zoning Ordinance and amend as needed to create appearance standards for new development.

Assess the Zoning Ordinance and amend as needed to minimize and/or prohibit outdoor storage as appropriate, based on the location of businesses; establish screening standards for those businesses that require outdoor storage.

## PROPOSED AMENDMENTS

### Item 1: Buildings Height of the Industrial Districts

#### Article 3.0 Zoning Districts: Section 3.20. D IL, Light Industrial; Section 3.21. D IH, Heavy Industrial; Section 3.22. D I-P, Industrial Park

Currently, the maximum building height permitted in the industrial districts is 36 ft; except for structures such as elevator shafts, roof air, or heating equipment and chimney which are not included as part of the building height. Based on staff’s evaluation and analysis of the Industrial Zoning Districts (IL, IH, and I-P), staff feels that there may be benefits to increase the maximum building height to 45 feet to encourage new industrial developments to locate in the Township.

The table below summarizes the maximum building height permitted in each district within the Township. In the BSC, Shopping Center Business District the maximum building height is forty-five (45) feet and in the POD, Planned Office Development District the height of buildings and structures may be increased above thirty-five (35) feet by one (1) foot in height for each three (3) feet they are setback; for executive and administrative offices of a single entity, the building height can be increased up to ninety-five (95) feet.

Staff feels that increasing the building height in the industrial districts to forty-five (45) feet is reasonable and appropriate and may satisfy the height requirements for potential industrial uses and their operations. Furthermore, the proposed height of forty-five (45) is not in conflict with building height permitted in the residential or commercial districts within the Township and will not result in detrimental impacts to the surrounding lands or uses.

MAXIMUM BUILDING HEIGHT													
DISTRICT	AG	RESIDENTIAL			COMMERCIAL						INDUSTRIAL		
	A	R1 - R6	M1 - M4	MHP	PO	OP	POD	BL	BC	BSC	IL	IH	I-P
MAX. BUILDING HEIGHT	35	35	35	None	28	35	35*	28	35	45	36*	36*	36
NOTES	*POD: The height of buildings and structures may be increased above 35 feet by one foot in height for each three feet they are setback beyond the minimum setback distances, provided that buildings shall not exceed maximums based on the use.												
	*IH & IL: Elevator shafts, roof air or heating equipment and chimneys shall not be included as part of building height for the purposes of this section.												

Staff proposes the following ordinance amendments to increase the building height in the industrial districts to forty-five (45) feet:

**Development Standards: Section 3.20. D, IL, Light Industrial; Section 3.21. D, IH, Heavy Industrial; and Section 3.22.D I-P, Industrial Park**

DEVELOPMENT STANDARDS - INDUSTRIAL DISTRICTS				
DISTRICT	SECTION	ITEM	REQUIRED	PROPOSED
IL	3.20. D	Max. Building Height	36 ft*	45 ft*
IH	3.21 D	Max. Building Height	36 ft*	45 ft*
I-P	3.22 D	Max. Building Height	36 ft	45 ft
*Elevators shafts, roof air or heating equipment and chimneys shall not be included as part of building height for the purposes of this section.				

**Item 2: Outdoor Storage of Personal Recreational Vehicles**

**Article 4.0 Use Standards: Section 4.57 Mini-Warehousing**

At the December 7, 2020, Planning Commission meeting, based on a request from Mulder Property Investment, LLC, the Planning Commission directed the staff to draft a proposed amendment to allow for outdoor storage of recreational vehicles (RV’s) and to regulate their locations to ensure that such use will not have negative impacts on adjacent properties.

Currently, mini-warehousing is a permitted use (by right) within the Township in the IL, Light Industrial and BC, Community Businesses subject to Section 4.57 of the Zoning Ordinance. As per Section 4.57. G outdoor storage of any kind is prohibited. Staff feels that the IL and BC Districts are appropriate for outdoor storage/parking of personal recreational vehicles provided certain screening and landscaping standards are in place, specifically when adjoining residential districts or public roads.

The proposed outdoor storage of recreational vehicles is related exclusively to storing and parking recreational vehicles of “personal property” and not permitted for business activities or commercial purposes as defined in Section 2.2 of the Zoning Ordinance.

**Mini warehouse** means a building or portion thereof designed or used exclusively for storing personal property of an individual or family when such is not located on the lot with their residence. The term "personal property" may include, but is not limited to, passenger motor vehicles, house trailers, motorcycles, boats, campers which are generally stored in residential accessory structures

Staff proposes the following ordinance amendments to allow the outdoor storage of personal recreational vehicles:

## Section 4.57 Mini-Warehousing

G. Business activities. No business activity other than the rental of storage space or units shall be conducted and outdoor storage of any kind is prohibited ~~7~~, *except as provided in Section 4.57.K.*

*K. Outdoor storage and parking of personal recreational vehicles, such as campers, trailers, boats, and the like shall be permitted and subject to the following conditions:*

- 1. Outdoor parking areas, whether covered or uncovered, shall be designated within the site and identified on the site plan.*
- 2. All outdoor parking areas shall be paved with concrete, asphalt, or alternative materials such as permeable paving surfaces as approved by the Planning Commission and/or Planning Official, and maintained in accordance with the provisions of Section 5.10 of this chapter*
- 3. Outdoor parking areas shall be designed specifically for storing or parking personal recreational vehicles. No commercial repair work, servicing, or selling of any kind shall be conducted in any parking area.*
- 4. Each parking space shall be designed for a single vehicle, no multiple vehicles shall be permitted to park in one space.*
- 5. Each parking space shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of the required parking spaces and maneuvering lanes may vary depending on the size of the recreational vehicle and upon the proposed parking pattern and shall comply with Michigan Building Code and other state or local laws.*
- 6. Outdoor parking areas shall be designated within the rear and side yards. No recreational vehicles shall be parked or stored in the front yard area.*
- 7. Whenever a side or rear yard is used for outdoor storage or parking abuts a residential district or a public road, a masonry wall or solid fencing at least eight (8) feet high shall be placed along such boundary lines.*
- 8. Outdoor storage of recreational vehicles may not be located in an area which due to the topography of the site relative to the adjoining property is impossible to screen from the view of adjacent residential property or public roads.*
- 9. Landscaping and/or additional fencing may be required as shall be determined by the Planning Commission where deemed necessary to minimize adverse effects on adjoining properties.*

## Item 3: Outdoor Dining

### Article 2.0 Definitions, Article 3.0 Zoning Districts, and Article 4.0 Use Standards

To continue support and encourage food-service establishments such as restaurants and taverns while retaining and improving the physical character of the commercial district within the

Township. Staff is of the opinion to allow restaurants expanding their services into outdoor dining areas that may encroach into required parking spaces, private sidewalks, or minimum yard setbacks. The outdoor dining may refer to outdoor seating area in the open air that includes furniture such as tables, chairs, and umbrellas and fixtures such as planters, space heaters, fans, and similar objects associated with outdoor dining. Additionally, it may refer to structures such as igloos, tents, pergolas, and similar structures; whether fully or partially enclosed, subject to the approval of the DeWitt Charter Township Planning, Building, and Fire Departments.

Currently, the Township’s Codified Code of Ordinance does not address or regulate outdoor dining; establishing regulations for outdoor dining use would eventually enhance the social and economic aspects of the Township, furthermore, due to the COVID-19 pandemic, it would assist restaurants and food-service establishments to ease into operations and meet the limited seating capacity permitted under the current MDHHS epidemic order.

Staff finds that a temporary permit for a period of 120 days subject to renewal for a maximum of two permits per year is reasonable to cover the time frame from March 15<sup>th</sup> to November 15<sup>th</sup>. While leaving the option for businesses to choose the appropriate time that they would like to provide the outdoor dining services.

Staff proposes the following ordinance amendments to allow outdoor dining areas and structures:

## **Section 2.2 Definitions**

**Restaurant** means a building where food is prepared and consumed ~~only~~ within the building- *and may offer outdoor dining services, walk-up services, or drive-through services.*

***Outdoor Dining:** means an outdoor seating area or structure associated with restaurants or similar food-service establishments designated for providing outdoor dining services. The hours of operation shall be consistent with the hours of operation of the principal business. The outdoor dining may encompass outdoor dining furniture, fixtures, or devices such as dining tables, chairs, planters, waste receptacles, space heaters, and umbrellas that are suitable for the outdoor use, and/or structures such as tents, igloos, pergolas; whether fully or partially enclosed.*

### **Permitted Use:**

#### **Section 3.17. B BL, Local Business; Section 3.18. B BC, Community Business; and Section 3.19. B BSC, Shopping Center Business**

Restaurants, *with outdoor dining § 4.82, or* with drive-through facilities §4.44, and taverns

## Section 3.20. B LI, Light Industrial

Restaurants, *with outdoor dining § 4.82*, and taverns

### **4.81 Outdoor Dining**

*Outdoor dining services associated with restaurants are permitted by right in the BL, BC, BSC, and IL districts and by special use permit in the BL and BC districts when adjacent to residential. All outdoor dining shall be ancillary to a permitted, on-premises restaurant or similar food-service establishment. Restaurants may add new or expanded existing outdoor dining subject to the following:*

- 1. If the proposed outdoor dining occupies any required space for parking, loading, landscaping, buffering, yard setbacks, or private sidewalk, such use or structure shall be temporary in nature and shall be designated only for a limited period of 120 days subject to renewal for a maximum of two permits per year.*
  - a. If the proposed outdoor dining seating occupies a private sidewalk, a minimum of four (4) feet of unobstructed pedestrian access along the sidewalk shall be maintained.*
  - b. If the proposed outdoor dining seating or structure occupies any parking space, the remaining number of parking spaces shall comply with the minimum off-street parking requirement as set forth in Section 5.10. G of this chapter.*
    - i. Outdoor dining shall not encroach into the required barrier-free parking spaces. Barrier-free parking spaces shall comply with all applicable requirements of the Michigan Building Code.*
    - ii. Outdoor dining shall not interfere with safe pedestrian and vehicular circulation or with any emergency access.*
    - iii. Adequate ingress and egress to the parking area shall be maintained in accordance with the provision of Section 5.10 of this chapter.*
- 2. Approval of adjacent business owners or tenants is required when the outdoor dining encroaches into adjacent lands or uses.*
- 3. Outdoor dining seating shall not extend over or into the public right-of-way.*
- 4. Outdoor dining use shall comply with all applicable state, and local laws and regulations related to noise, odor, litter, or any livability matters. Compliance with the performance standards as provided in Section 5.2 is required.*
- 5. Outdoor dining shall not increase the total seating capacity or the maximum occupancy of the restaurant as permitted by the DeWitt Charter Township Building and Fire Departments and as approved by state or local authorities.*
- 6. The food and drink establishment shall be properly licensed by state and local authorities.*
- 7. Any sale or consumption of alcoholic beverages shall comply with any federal, state, and local laws.*

8. *The Planning Commission or the Zoning and Planning Official may impose other conditions that are deemed necessary to protect public health, safety, and general welfare of the people.*
9. *Approval Process:*
  - a. *For new outdoor dining associated with new restaurant development, the applicant shall comply with the provision of development procedures as set forth in Section 6.1 of this chapter.*
  - b. *For new or expanded outdoor dining associated with an existing restaurant, the applicant shall submit a Zoning Compliance application to ensure compliance with the applicable regulations of the Zoning Ordinance subject to the approval of the DeWitt Charter Township Building, Fire, and Police Departments.*
    - i. *The site plan shall clearly depict all of the outdoor seating furniture, fixtures, and any object associated with the outdoor dining and the distances between such objects to ensure adequate circulation is provided.*
    - ii. *The site plan shall identify the area where the outdoor furniture or fixtures will be stacked when the facility is closed. It shall be noted on the site plan if the furniture will be moved to the inside or left outside.*
    - iii. *The site plan shall identify the waste receptacle location and the manner the business will manage the waste on a daily basis.*
    - iv. *The site plan shall be reviewed and inspected by the Building Official for compliance with current township fire and state construction codes. A building permit may be required when deemed necessary by the DeWitt Charter Township Building Department.*

## **NEXT STEP**

For all of the proposed ordinance amendments: Item 1, building height of the industrial districts; Item 2, outdoor storage of personal recreational vehicles; and Item 3, outdoor dining, staff has provided some language for specific sections of the ordinance for the Planning Commission consideration.

Based on the outcome of the discussion, the planning commission may Set and Receive for Public Hearing for any or all of the proposed ordinance amendments that the Planning Commission feels comfortable to proceed with. If the Planning Commission feels that one or more of the proposed ordinance amendments needs further discussion, staff will continue researching, editing, and changing the ordinance language for the Planning Commission's consideration.

### **Attachments:**

Zoning Ordinance Sections: §3.20.D, §3.21.D, § 3.22.D, and §3.39 IL, § 4.57, §3.17.B, §3.18.B, § 3.19.B, §3.20.B



**Recreation vehicle** means small mobile units principally designed for recreational pastime, such as motor homes, camper trailers, pickup campers, tent trailers, and similar camping type vehicles or trailers.

**Refuse** means solid waste, as that term is defined in section 11506 of Public Act No. 451 of 1994 (MCL 324.11506).

**Refuse storage areas** means any exterior space designated by a site plan for containers, structures, or other receptacles intended for temporary storage of solid waste materials.

**Residential density**, means the square footage of gross site area per dwelling unit).

**Rest home.** See Convalescent home.

**Restaurant** means a building where food is prepared and consumed only within the building.

**Restaurant, drive-in**, means a location where food is prepared and consumed within or without the building or removed from the building and lot for consumption.

**Restaurant, takeout**, means a location where food is prepared or offered for sale, but must be removed from the building and lot for consumption.

**Retail services** means the sale of goods in small quantities and shall include the repair of household goods.

**Retail store** means any building or structure in which goods, wares or merchandise is sold to the ultimate consumer for direct consumption and not for resale.

**Retirement center** means any development whose primary purpose is to provide living facilities for retired persons.

**Riding academy or stable** means any establishment where horses are kept for training, riding, driving, or stabling, for compensation or incidental to the

operation of any club, association, ranch or similar establishment.

**Right-of-way** means a street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries. For the purposes of front yard setbacks along roadways, right-of-way shall not include Clear Vision Right of Way or Easement as defined, provided that no structures or buildings encroach into the Clear Vision right of way or easements unless granted permission by the agency having jurisdiction over the clear vision right of way or easement

**Road agency** means the agency with jurisdiction within the public street right-of-way, either the county road commission or the state department of transportation.

**Roadside stand** means a structure for the temporary display and sale of agricultural products, with no space for customers within the structure itself. The operation of a roadside stand shall not constitute a commercial district or use.

**Roadway, improved, hard-surfaced and/or paved.** The term "improved," "hard surfaced" or "paved" when used to describe roads or roadways means paved with concrete or asphalt.

**Roof** means the part of a building which protects occupants and/or property from damage caused by the weather.

**Roof, cornice.** See Roof line.

**Roofline** means the point at which the wall of a structure meets the roof. A parapet wall is considered to be above the roofline.

**Room** means any area used for sleeping, living or preparation of food. Dining areas may be included in any living room or kitchen. Kitchens, bedrooms and living rooms may not be combined. Kitchenettes which are enclosed and not larger than 20 square feet shall not be considered as rooms. Hidden beds, either in furniture or the walls, shall not be considered a combination of rooms.

1 Purpose and Introduction

2 Definitions

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A. INTENT

The BL, Local Business district is designed to provide convenient day to day retail and personal services to persons living in local adjacent residential areas with a minimum impact upon that surrounding residential development. This district will accommodate a major portion of existing strip commercial development, but it is the intent of this district that future local business development will be placed in planned centers rather than small scattered local business zones.

**i** User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PERMITTED BY RIGHT USES

The following uses are permitted by right, subject to **Section 4.41**.

1. **Retail food establishments** §4.49
2. Retail businesses, which supply commodities on the premises
3. Personal service establishments, which perform services on the premises
4. **Banks, credit unions, and other financial institutions, with drive-through facilities** §4.44
5. **Restaurants, with drive-through facilities** §4.44
6. Administrative and professional offices
7. Medical offices of doctors, dentists, and other health professionals.
8. **Accessory tower/structure mounted WECS** §4.80
9. **Wind energy monitoring station** §4.81
10. **Public buildings, such as post offices, libraries, or similar public office buildings** §4.22.C
11. **Dry cleaning establishments** §4.50
12. **Child care centers** §4.31
13. **Small wind energy conversion systems (WECS)** §4.80

D. SPECIAL USE PERMIT USES

1. **Gasoline service stations** §4.52
2. **Public buildings and public service installations** §4.22.C
3. **Carwashes** §4.51
4. **Banks, credit unions, and other financial institutions, with drive-through facilities** §4.44 (when adjacent to residential)
5. **Restaurants, with drive-through facilities** §4.44 (when adjacent to residential)
6. **Funeral homes and mortuaries** §4.42
7. **Mixed use development** §3.28
8. **Donation boxes** §4.78
9. **Wireless Communication towers and Appurtenances** §4.11
10. **Excavation of soils and minerals** §4.24
11. **Extraction of Minerals** §4.24



## A. INTENT

The BC, Community Business district is designed to facilitate the needs of a larger consumer population than is served by the local business districts; and, typically, accommodate those retail and business establishments that serve the community at large rather than localized residential areas as would be served by local business activity.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PERMITTED BY RIGHT USES

The following uses are permitted by right, subject to **Section 4.41**.

1. Retail establishments
2. Personal, professional and business services
3. **Banks, credit unions, and other financial institutions, with drive-through facilities** <sup>§4.44</sup>
4. Office building and other public utility services
5. **Restaurants** <sup>§4.44</sup>, **with drive-through** <sup>§4.44</sup> **facilities** <sup>§4.44</sup> and taverns
6. Colleges, trade schools, dancing and music studios
7. Hospitals <sup>§4.44</sup>, medical clinics <sup>§4.44</sup> and ambulance services
8. Printing, publishing, photographic reproductions, blue-printing and related trades and arts
9. Building supply and equipment stores
10. Pet shops and pet grooming services
11. Light carting and express services.
12. Monument sales
13. Bicycle and motorcycle sales and service
14. Retail services <sup>§4.44</sup>
15. **Aircraft hangers** <sup>§4.53</sup>
16. **Public buildings and public service installations** <sup>§4.22</sup>
17. **Accessory tower/structure mounted WECS** <sup>§4.80</sup>
18. **Wind energy monitoring station** <sup>§4.81</sup>
19. **Commercial recreation facilities** <sup>§4.54</sup>
20. **Outdoor vehicle sales, service and repair** <sup>§4.55</sup>
21. **Motel, motor-hotel, hotel, and transient lodging facilities** <sup>§4.56</sup>
22. **Mini-warehousing** <sup>§4.57</sup>
23. **Temporary seasonal sales** <sup>§4.58</sup>
24. **Construction contracting businesses** <sup>§4.59</sup>
25. **Athletic clubs and health spas** <sup>§4.47</sup>
26. **Roof and ground mounted communication antennas** <sup>§4.10</sup>

## B. PERMITTED BY RIGHT USES

27. **Child care centers** <sup>§4.31</sup>
28. **Greenhouses and nurseries** <sup>§4.12</sup>
29. **Drive-through facilities** <sup>§4.44</sup>
30. **Small wind energy conversion systems (WECS)** <sup>§4.80</sup>

## C. SPECIAL USE PERMIT USES

1. **Servicing and repair of motor vehicles, trailers and boats or equipment** <sup>§4.55</sup>
2. **Manufacturing and processing establishments** <sup>§4.61</sup>
3. **Freezer locker businesses** <sup>§4.62</sup>
4. **Open air uses** <sup>§4.60</sup>
5. **Miniature golf and outdoor public amusements** <sup>§4.20</sup>
6. **Drive-through facilities** <sup>§4.44</sup>
7. **Gasoline service stations** <sup>§4.52</sup>
8. **Carwashes** <sup>§4.51</sup>
9. **Funeral homes and mortuaries** <sup>§4.42</sup>
10. **Bus passenger terminals, taxi garages, and dispatch stations** <sup>§4.63</sup>
11. **Firewood sales or storage** <sup>§4.64</sup>
12. **Banks, credit unions, and other financial institutions, with drive-through facilities** <sup>§4.44</sup> (when adjacent to residential)
13. **Restaurants** <sup>§4.44</sup>, **with drive-through** <sup>§4.44</sup> **facilities** <sup>§4.44</sup> (when adjacent to residential)
14. **Indoor sport shooting** <sup>§4.33</sup>
15. **Mixed use** <sup>§3.28</sup> **development** <sup>§3.28</sup>
16. **Donation boxes** <sup>§4.78</sup>
17. **Wireless communication towers** <sup>§4.11</sup> **and appurtenances** <sup>§4.11</sup>
18. **Animal hospitals and clinics** <sup>§4.16</sup>
19. **Drive-in theaters** <sup>§4.65</sup>
20. **Excavation of soils and minerals** <sup>§4.24</sup>
21. **Extraction of Minerals** <sup>§4.24</sup>



## A. INTENT

The BSC, Shopping Center Business district is intended to provide for and encourage the development of grouped retail sales and service establishments at logical and sound locations within the township. Typically, such planned centers are located on a single unified site and are designed and constructed as an integrated unit for shopping and other business activity.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PERMITTED BY RIGHT USES

1. **Retail food establishments** §4.49
2. Retail businesses, which supply commodities on the premises
3. Personal service establishments, which perform services on the premises
4. **Banks, credit unions, and other financial institutions, with drive-through facilities** §4.44
5. **Restaurants**, with drive-through facilities §4.44
6. Administrative<sup>Ⓜ</sup> and professional offices<sup>Ⓜ</sup>
7. Medical offices of doctors, dentists, and other health professionals.
8. **Public buildings, such as post offices, libraries, or similar public office buildings** §4.22.C
9. **Dry cleaning establishments** §4.50
10. **Child care centers**<sup>Ⓜ</sup> §4.31
12. **Gasoline service stations**<sup>Ⓜ</sup> §4.52
13. **Public buildings and public service installations** §4.22.C
14. **Motor vehicle**<sup>Ⓜ</sup> cleaning or carwashes<sup>Ⓜ</sup> §4.51
15. **Drive-through facilities** §4.44
16. **Funeral homes and mortuaries** §4.42
17. Banks and other financial corporation offices.
18. Auditorium, assembly and indoor entertainment facilities.
19. **Temporary structures** §4.58
20. **Wireless Communication towers**<sup>Ⓜ</sup> and **Appurtenances** §4.11
22. **Accessory tower/structure mounted WECS**<sup>Ⓜ</sup> §4.80
23. **Wind energy monitoring station**<sup>Ⓜ</sup> §4.81
24. **Small wind energy conversion systems**<sup>Ⓜ</sup> (WECS) §4.80

## C. SPECIAL USE PERMIT USES

1. **Mixed use**<sup>Ⓜ</sup> **development** §3.28
2. **Donation boxes** §4.78
3. **Wireless Communication towers**<sup>Ⓜ</sup> and **Appurtenances** §4.11
4. **Large wind energy conversion systems**<sup>Ⓜ</sup> (WECS) §4.80
5. **Excavation of soils and minerals** §4.24
6. **Extraction of Minerals** §4.24



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### A. INTENT

The IL, Light Industrial district is primarily established to accommodate wholesale, warehouse, and industrial activities which, when properly buffered, can function with a minimum of undesirable and detrimental effects on surrounding districts. It is also intended to accommodate certain limited commercial uses that offer convenience to persons employed in the district as well as those commercial uses, while predominantly retail in nature, having characteristics that are recognized as being detrimental to other retail activities and residential uses. Such uses are therefore seen as being more compatible with the industrial uses permitted in the district, provided they meet the standards of this chapter. Within the district, residential uses and concentrations of retail uses are prohibited both to protect residences from an undesirable environment and to ensure reservation of adequate areas for light industrial development.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

### B. PERMITTED BY RIGHT USES

1. **Storage facilities for building materials, sand, gravel, stone, lumber and contractors equipment** §4.55

The following uses are permitted by right, subject to **Section 4.41**.

2. Any production, processing, clearing, testing, repair, storage, and distribution of materials, goods, foodstuffs and other semi-finished or finished products from previously prepared or raw material
3. Trade or industrial schools
4. Public utility installations and buildings
5. Truck or rail freight terminal
6. Contractors' establishment not engaging in retail activities on the site.
7. Lumber, fuel (including firewood) and building supplies, for wholesale or retail
8. Heating and electric power plants
9. **Customary accessory uses** §4.34
10. **Retail sales of finished products** §4.67
11. **Restaurants and taverns**
12. Convenience stores, up to 2,000 square feet of retail floor area
13. **Roof and ground-mounted communication antennas** §4.10
14. **Mini-warehousing** §4.57
15. **Wireless Communication towers and Appurtenances** §4.11
16. **Medical marihuana growing operation** §4.68
17. **Servicing and repair of motor vehicles, trailers, boats, or equipment** §4.55

### B. PERMITTED BY RIGHT USES

18. **Accessory tower/structure mounted WECS** §4.80
19. **Wind energy monitoring station** §4.81
20. **Small wind energy conversion systems (WECS)** §4.80

### C. SPECIAL USE PERMIT USES

1. **Wireless Communication towers and Appurtenances** §4.11
2. **Large wind energy conversion systems (WECS)** §4.80

The following uses are permitted by special use permit, subject to **Section 4.41**.

3. **Salvage yards** §4.69
4. **Excavation of soil and minerals** §4.24
5. **Gasoline service stations and carwashes** §4.52
6. **Servicing and repair of motor vehicles, trailers, boats, or equipment** §4.55
7. **Adult entertainment uses** §4.70
8. **Indoor sport shooting ranges** §4.33
9. **Excavation of soils and minerals** §4.24
10. **Extraction of Minerals** §4.24



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: Non specified  
 Minimum lot width<sup>Ⓜ</sup>: 100 ft.

### Lot Coverage<sup>Ⓜ</sup>

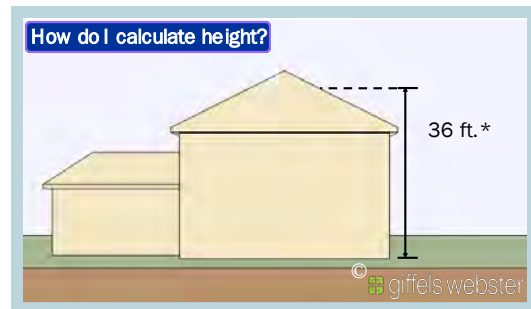
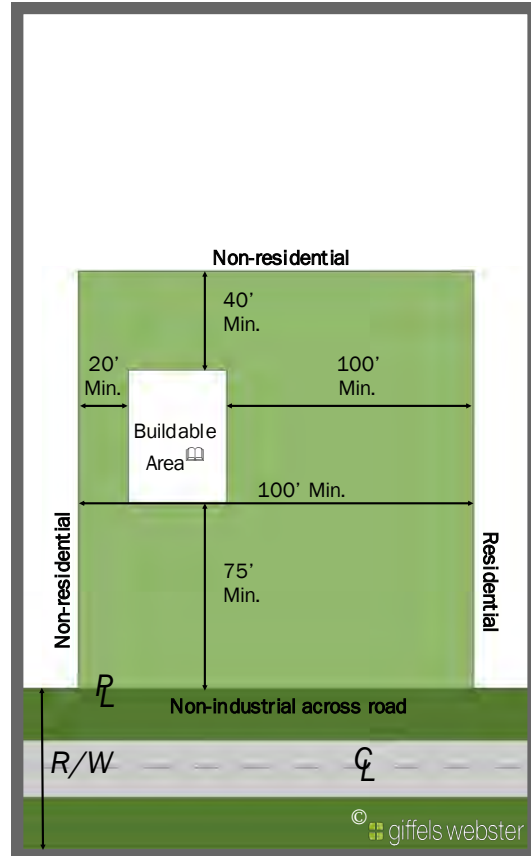
Maximum lot coverage: None Specified

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback:  
 Adjacent industrial 40 ft.  
 Adjacent non-industrial 75 ft.  
 Minimum rear yard setback:  
 Adjacent non-residential 40 ft.  
 Adjacent residential 100 ft.  
 Minimum side yard setback:  
 Adjacent non-residential 20 ft.  
 Adjacent residential 100 ft.

### Building Height<sup>Ⓜ</sup>

Maximum building height: 36 ft.\*



The above drawings are not to scale.

**Note to District Standards:**  
 Section 3.32.B.1, 2, 3, 12, 13, 14 and 15

\* Elevator shafts, roof air or heating equipment and chimneys shall not be included as part of building height for the purposes of this section.

See Section 3.39 - IL and IH District Regulations

## SELECTED REFERENCES

### 3. Zoning Districts

- Planned Unit Development §3.27
- IL and IH District Regulations §3.39
- Essential Services; Improvements §3.40

### 4. Use Standards

- Uses Specifically Prohibited §4.76

### 5. Site Standards

- Accessory Buildings §5.1
- Performance Standards §5.2
- Streets, Sidewalks and ... §5.3
- Signs §5.4
- Site Lighting §5.5
- Loading Spaces §5.9
- Off-Street Parking §5.10
- Coordinated Access §5.11
- Landscaping and Buffer Yards §5.12
- Access to a Street §5.13
- Required Water Supply... §5.14
- Fences, Walls, and Screens §5.15
- Clear Vision Triangle §5.16

### 6. Development Procedures

- Site Plan Review... §6.1
- Earth Change Development Procedures §6.7

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## A. INTENT

The IH, Heavy Industrial district is intended to encourage and facilitate the development of industrial enterprises in a setting conducive to public health; economic stability and growth; and to protect from blight, deterioration; and incompatible nonindustrial encroachment. The district will allow for heavier industrial enterprises that generally require larger areas, greater outside storage and inherently produce greater levels of noise, odor, dust and smoke. It provides land for these industries which because of their characteristics require a degree of isolation from other industries and zones for reasons of health, safety and welfare to the general public.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PERMITTED BY RIGHT USES

1. Heating and electric power generating plants
2. **Production, processing, cleaning, servicing, testing, or storage of goods, materials and products** §3.39
3. **Junkyards** §4.69
4. **Roof and ground-mounted communication antennas accessory** §4.10
5. **Wireless Communication towers and Appurtenances** §4.11
6. **Medical marihuana growing operation** §4.68
7. **Accessory tower/structure mounted WECS** §4.80
8. **Wind energy monitoring station** §4.81
9. **Small wind energy conversion systems (WECS)** §4.80

## C. SPECIAL USE PERMIT USES

1. **Wireless Communication towers and Appurtenances** §4.11
2. **Large wind energy conversion systems (WECS)** §4.80

The following uses are permitted by special use permit, subject to compliance with **Section 5.2 Performance Standards**.

2. Chemical processes, manufacture and metallurgical manufacture and production.
3. Metal stamping, punching, plating, hammering, forging
4. **Scientific research, pilot plant and testing** §4.71
5. Mineral extractions
6. **Sanitary landfills** §4.72
7. **Commercial livestock auctions, stockyards, the commercial slaughter and dressing of animals** §4.73
8. **Commercial composting operations**, excluding storage and recycling of paper, plastics, rubber, metals §4.74
9. **Indoor sport shooting ranges** §4.33
10. **Accessory uses** §4.34
11. **Excavation of soils and minerals** §4.24
12. **Extraction of Minerals** §4.24





## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: None specified  
 Minimum lot width<sup>Ⓜ</sup>: 100 ft.

### Lot Coverage<sup>Ⓜ</sup>

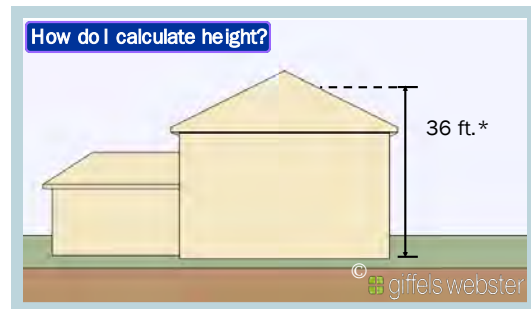
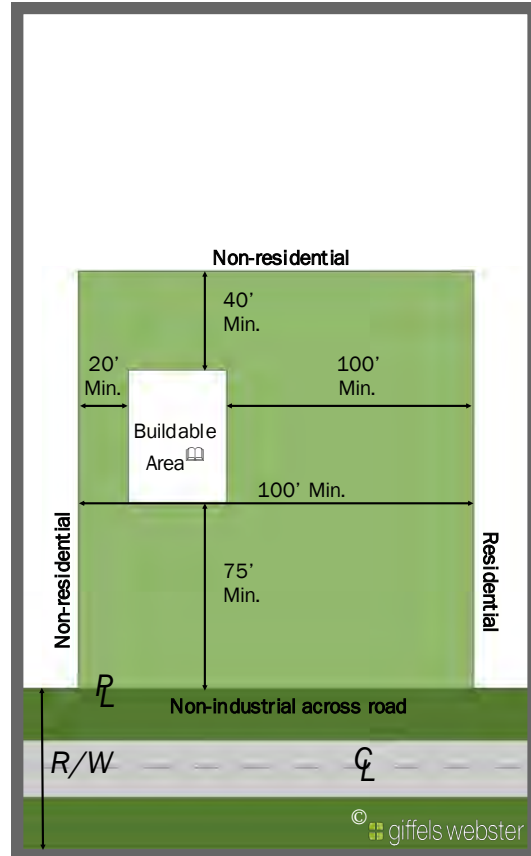
Maximum lot coverage: None Specified

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback:  
 Adjacent industrial 40 ft.  
 Adjacent non-industrial 75 ft.  
 Minimum rear yard setback:  
 Adjacent non-residential 40 ft.  
 Adjacent residential 100 ft.  
 Minimum side yard setback:  
 Adjacent non-residential 20 ft.  
 Adjacent residential 100 ft.

### Building Height<sup>Ⓜ</sup>

Maximum building height: 36 ft.\*



The above drawings are not to scale.

**Note to District Standards:**  
 Section 3.32.B.1, 2, 3, 12, 13, 14 and 15

\* Elevator shafts, roof air or heating equipment and chimneys shall not be included as part of building height for the purposes of this section.

See Section 3.39 - IL and IH District Regulations

## SELECTED REFERENCES

### 3. Zoning Districts

- Planned Unit Development §3.27
- IL and IH District Regulations §3.39
- Essential Services; Improvements §3.40

### 4. Use Standards

- Uses Specifically Prohibited §4.76

### 5. Site Standards

- Accessory Buildings §5.1
- Performance Standards §5.2
- Streets, Sidewalks and ... §5.3
- Signs §5.4
- Site Lighting §5.5
- Loading Spaces §5.9
- Off-Street Parking §5.10
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- Fences, Walls, and Screens §5.15
- Clear Vision Triangle §5.16

### 6. Development Procedures

- Site Plan Review... §6.1
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A. INTENT

Reserved



User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

1. Uses primarily engaged in research activities
2. Manufacturing, research, assembly, testing and repair of components, devices, equipment and systems and parts and components
3. Light manufacturing<sup>ⓘ</sup>
4. Distribution and warehousing facilities, not including mini/self-serve storage warehouses.
5. Executive, administrative and , professional office buildings
6. Blueprinting, photostatting, photoengraving, printing, publishing and bookbinding.
7. Banks, credit unions, savings and loan associations.
8. **Medical marihuana<sup>ⓘ</sup> growing operation** §4.68
9. **Wireless Communication towers<sup>ⓘ</sup> and Appurtenances** §4.11
10. **Accessory tower/structure mounted WECS<sup>ⓘ</sup>** §4.80
11. **Wind energy monitoring station<sup>ⓘ</sup>** §4.81
12. **Accessory retail** §4.75
13. **Roof and ground mounted communication antennas** §4.10
14. **Small wind energy conversion systems<sup>ⓘ</sup> (WECS)**§4.80

C. SPECIAL USE PERMIT USES

1. **Indoor sport shooting ranges** §4.33
2. **Wireless Communication towers<sup>ⓘ</sup> and Appurtenances** §4.11
3. **Large wind energy conversion systems<sup>ⓘ</sup> (WECS)** §4.80
4. **Excavation of soils and minerals** §4.24
5. **Extraction of Minerals** §4.24



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: 40,000 sq. ft.  
 Minimum lot width<sup>Ⓜ</sup>: 200 ft.

### Lot Coverage<sup>Ⓜ</sup>

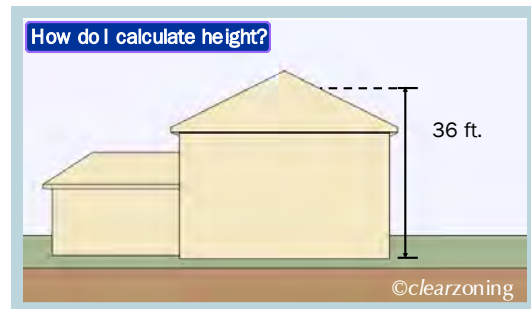
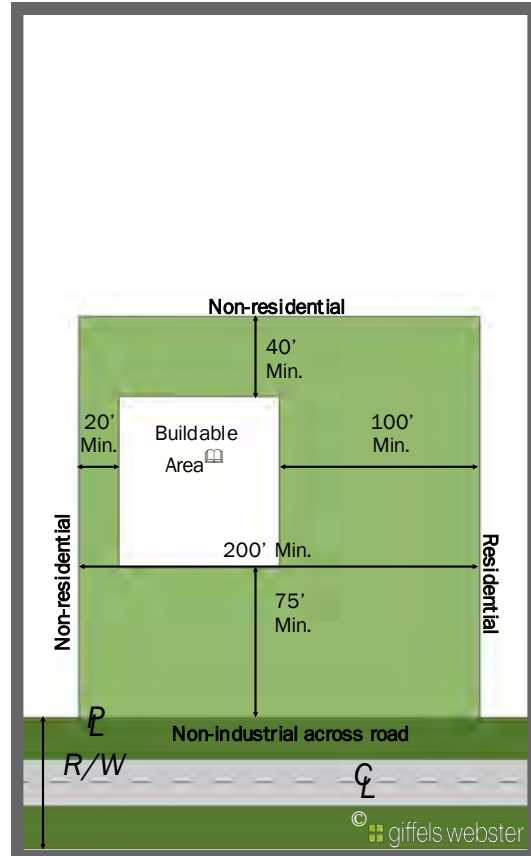
Maximum lot coverage: None Specified

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback:  
 Adjacent industrial 40 ft.  
 Adjacent non-industrial 75 ft.  
 Minimum rear yard setback:  
 Adjacent non-residential 40 ft.  
 Adjacent residential 100 ft.  
 Minimum side yard setback:  
 Adjacent non-residential 20 ft.  
 Adjacent residential 100 ft.

### Building Height<sup>Ⓜ</sup>

Maximum building height: 36 ft.



The above drawings are not to scale.

**Note to District Standards:**  
 Section 3.32.B.1, 2, 3, 12, 13, 14 and 15

See [Section 3.38 - I-P District Regulations](#)

## SELECTED REFERENCES

### 3. Zoning Districts

- [Planned Unit Development](#) §3.27
- [I-P District Regulations](#) §3.38
- [Essential Services; Improvements](#) §3.40

### 4. Use Standards

- [Uses Specifically Prohibited](#) §4.76

### 5. Site Standards

- [Accessory Buildings](#) §5.1
- [Performance Standards](#) §5.2
- [Streets, Sidewalks and ...](#) §5.3
- [Signs](#) §5.4
- [Site Lighting](#) §5.5
- [Loading Spaces](#) §5.9
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- [Fences, Walls, and Screens](#) §5.15
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### 6. Development Procedures

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#### 4.56 MOTEL, MOTOR-HOTEL, AND TRANSIENT LODGING FACILITIES

In the BC district, motel, motor-hotel, hotel, and transient lodging facilities (but not including trailer camps or tent sites) are permitted by right under the following conditions:

- A. Site screening. The site shall be enclosed by open structure wood or wire fences along any yard line, but shall not exceed six feet in height. Shrubs and/or trees may be used to screen alone or in combination with structural screens. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicle. Screening shall be erected to prevent headlight glare from shining on adjacent residential or agricultural property. No screening shall be closer than 75 feet to any street line, except for headlight screening which shall not be closer than 30 feet.
- B. Lighting. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site and streets which adjoin the site.
- C. Swimming pools and other outdoor recreational. Swimming pools and other outdoor recreational uses provided such facilities are an accessory use to a permitted use within this district and are located on the same site as the principal use to which they are accessory. The provisions of [Section 4.7](#) shall apply.
- D. Accessory uses. Accessory uses, such as meeting rooms, tavern, bar, or similar uses, provided such accessory use shall be carried on within the same building as the principal use. A caretaker's or proprietor's residence shall be permitted as an accessory use only when the principal use is a motel, motor-hotel, hotel, or other transient tourist facility.

#### 4.57 MINI-WAREHOUSING<sup>1</sup>

Mini-warehousing is permitted by right in the BC and IL districts, provided mini-warehouses meet all of the following:

- A. Minimum site area shall be not less than 30,000 square feet with not less than 100 feet of frontage.
- B. Lot coverage. Mini-warehousing structures including an office shall not cover more than 50 percent of the total lot area.

- C. Off-street parking shall be meet required off-street parking standards and be based on gross storage area and where applicable.
- D. Concrete and/or asphalt paving shall be provided for site access and vehicular movement on site and shall be as follows:
  - 1. Site access shall not be less than 24 feet.
  - 2. A minimum of 30 feet of paving shall abut any side of a building providing access to a storage compartment and a minimum of 24 feet shall be provided on any side of a structure not providing access to storage.
  - 3. Paving as required in subsections A and B of this section shall be connected to provide continuous forward movement through the site.
- E. Curbing shall be provided at drive entrance approaches to the site.
- F. Signs where provided shall be as permitted in [Section 5.4](#). All parking and drives for one-way traffic shall be clearly marked with appropriate signage above grade or on the pavement itself or some combination of both to ensure safe and appropriate use of paved area as designed.
- G. Landscaping and/or fencing may be required as shall be determined by the planning commission during site plan review where deemed necessary to minimize adverse effects on adjoining properties.
- H. Business activities. No business activity other than the rental of storage space or units shall be conducted and outdoor storage of any kind is prohibited.
- I. Hazardous materials. The storage of flammable, dangerous, toxic, or explosive materials shall be prohibited.
- J. Setbacks. All buildings or structures shall be set back a minimum of 75 feet from the right-of-way of state or federal highways and 40 feet from the right-of-way of all other roads. The first 40 feet off a road right-of-way may not be used for parking and shall remain clear. All other setbacks shall be as stipulated to in [Article 3](#).

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