



City of Fraser

Building & Code Enforcement Department

Sec. 32-141. - Provisions applicable to Industrial Districts.

(a)Exterior facing materials. The exterior of all buildings hereafter erected shall be constructed of aesthetically pleasing brick and/or stone building materials. The architecture and approved exterior finish of any building shall be of uniform finish on all sides of its exterior when the site is adjacent to any non-industrial district. Within the industrial districts, the architecture and approved street side(s) exterior finish shall be returned on the building side(s) equal to the office depth or fifty (50) feet, whichever is greater.

(b)Rear and side yard access and parking. Required rear and side yards may be used for off-street parking, provided there is adequate access to the rear of the building for fire-fighting and emergency equipment, as approved by the fire marshall.

(c)Landscaping. Portions of the site not used for parking, driveways and buildings shall be provided with landscaping and lawn (see section 5.03 [section 32-84]), approved by the planning commission, and so maintained in an attractive condition.

(d)Roof-mounted fixture screening. Roof-mounted appliances, including, but not limited to, air conditioners, heating apparatus, dust collectors, filters, transformers, and any other such appliance or apparatus, shall be enclosed on all sides by view-obscuring screening equal to the height of the rooftop unit so as not to be visible from off the site. The design of the screening shall be approved by the planning commission as being compatible with the architectural design of the building upon which it is located. Where such equipment is located on the ground, it shall be shown on the site plan and screened in accordance with this subsection.

(e)Off-street loading space. Loading and unloading uses, spaces and docks shall be provided in such a manner that no backing in from a major, secondary or collector street will occur and, further, no loading or unloading space shall be provided within the required front or street side yard space. Such space shall consist of an area as required in section 6.06 [section 32-97] with the loading space and any drive or maneuvering area thereto paved with a durable hard-surface. For the purposes of this article, overhead doors shall be considered loading and unloading areas.

(f)Lighting limitations. Lighting of parking areas shall be as approved by the planning commission in accordance with section 5.05 [section 32-86] and as specified for each district. Such plans shall not include floodlighting. Floodlighting, whether building mounted or otherwise, shall not be permitted (except for small parking lots of twenty (20) spaces or less).

(g)Signs. Signs shall be governed by section 5.04 [section 32-85] of this chapter.

(h)Screening. Screening between the proposed development and any abutting properties shall be provided as specified in section 5.01 [section 32-82], in addition to the requirements specified in article VII, site plan review requirements and procedures.

(i) Lot coverage. Maximum lot coverage shall be governed by compliance with all requirements for yard space, landscaping, screening, off-street parking and loading.

(j) Fences. Barbed wire and electric fences shall not be permitted without special land use approval and as deemed necessary in the interests of public safety by the planning commission.

(Ord. No. 302, § 1, 10-1-2000)

Sec. 32-142. - Office research district, OR.

The OR office research district is designed to primarily accommodate scientific, business and industrial research operations, related testing and production operations, and operations where technology and production activities are mutually dependent or developmental in nature, and the result shall be development planned in a coordinated manner, according to an approved plan.

(1) Permitted uses. All permitted uses in this district shall be constructed and conducted wholly in accordance with the standards of this section and limited to those listed on the approved site plan.

a. Research, development and testing facilities for industrial, scientific and business establishments.

b. Corporate headquarter offices, administrative, professional and/or business offices of principal permitted uses.

c. Production facilities and operations with a high degree of technological input, and determined to be an integral part of or essential to a permitted operation.

d. Manufacture of light products, such as industrial controls; electronic components and accessories; measuring, analyzing and controlling instruments; photographic (except chemicals and sensitized materials); medical, optical goods; and other similar forms of light products assembly, as determined by the planning commission.

(2) Special land uses. Any use similar to those set forth in this article as a permitted uses may be permitted in this district only as a special land use and if determined by the planning commission to be in compliance with the special land use section, and being of no more objectionable character than the listed permitted uses.

(3) Minimum yard requirements.

a. Minimum size each lot:

1. Lot area (square feet): 20,000.

2. Lot width (linear feet): 50.

b. Minimum yard setbacks per lot:

1. Front and street-side building setbacks shall be measured from the centerline of each road right-of-way (R.O.W.) in accordance with the city's master plan, as follows:

Distance from centerline (in feet):

Buildings

(a) Major 135

- (b) Secondary 135
- (c) Collector 118
- (d) Local 105
- (e) Cul-de-sac 135
- (f) Private roads 75

Parking shall not be permitted in the required front and street side setback(s).

2.Side: Twenty (20) feet. Side yards abutting any residential district shall provide a setback of fifty (50) feet, plus the height of the building.

3.Rear: Thirty (30) feet, plus the height of the building. Rear yards abutting any residential district shall provide a setback of fifty (50) feet, plus the height of the building.

(4)Building requirements.

a.Distances between buildings. The location of buildings and uses and distances between buildings and uses shall not be less than thirty (30) feet. Distances between buildings shall be sufficient to meet fire regulations and to provide for natural light, air circulation and solar access.

b.Height limits. The proposed height of each building shall be shown on the site plan. No building shall exceed two and a half (2½) stories or thirty (30) feet in height above the established grade.

(5)Additional site requirements. In addition to those requirements cited in section 11.00 [section 32-141], the following additional site requirements also apply to this district:

a.No part of any building, parking access and/or service area may be located closer to any property line adjacent to a residential district than specified in subsection C.2.b and c. [subsection (3)b.2 and 3.] above.

b.Outdoor storage of vehicles, equipment, supplies or products; outdoor processing, assembly, repair or other operations; or outdoor display of goods, materials, products, equipment or processes shall be prohibited. Trash and other waste materials shall be stored within a principal or accessory building or shall be screened from view from a street and adjacent lots, and shall not be located in a required yard. Utility meters and control devices shall also be so located and screened.

c.General regulations and limitations on uses.

1.Noise. Noise shall not exceed sixty (60) decibels [db(A)] equivalent daytime and fifty-five (55) decibels [db(A)] equivalent nighttime, as measured at any property line which is adjacent to any residential, office or commercial district or use. In no case shall the maximum noise level exceed sixty (60) db(A) and shall comply with chapter 14.5 of the Fraser City Code.

2.Odors. Odors from any use shall not be discernible at the property line to a greater degree than odors from plants for the manufacture of electronic equipment. The values given in Table III (Odor Thresholds) in the latest revision of Chapter 5, "Physiological Effects," in the "Air Pollution Abatement Manual," by the Manufacturing Chemists' Association, Inc., Washington, D.C., copyright 1951, shall be used as standard in case of doubt concerning the character of odors emitted. In such case the smallest value given in Table III shall be the

maximum odor permitted. Detailed plans for the prevention of odors crossing property lines may be required before approval of a final site plan by the planning commission.

3.Glare. Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.

4.Exterior lighting. Any lights used for exterior illumination shall comply with the requirements of section 5.05 [section 32-86] of this chapter.

5.Vibration. Vibration shall not be discernible at any property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour. No discernible vibration should be detectable at all at any residential district boundary. Vibration at any time shall not produce an acceleration of more than one tenths (.1) gravities or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7 United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting," on any structure. The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of this provision.

6.Smoke. Emission of smoke on the site shall be controlled so that a nuisance will not result. Emission of smoke shall not exceed the number 1 standard as established by the Ringlemann Chart.

7.Dust, dirt and fly ash. No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating while using said process or furnace or combustion device, recognized and approved equipment, means, methods, device or contrivance to reduce the quantity of gas-borne or air-borne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas-borne or air-borne solids shall not exceed two-tenths (0.20) grains per cubic foot of the carrying medium at the temperature of five hundred (500) degrees Fahrenheit. For the purpose of determining the adequacy of such device, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured at the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The planning commission and/or building official may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

8.Gases. Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. The values given in Table I (Industrial Hygiene Standards - Maximum Allowable Concentration for eight-hour day, five (5) days per week), Table III (Odor Thresholds), Table IV (Concentrations of Substance Causing Pain in the Eyes), and Table V (Exposures to Substances Causing Injury to Vegetation) in the latest revision of Chapter 5, "Physiological Effects," that contains such tables, in the "Air Pollution Abatement Manual," by the Manufacturing Chemists' Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentration or amounts. Detailed plans for the elimination of fumes or gases may be required before approval of a final site plan by the planning commission.

9.Hazard. Operations shall be carried on with reasonable precautions against fire and explosion hazards.

10.Radiation and radioactivity. All activities involving radioactive materials shall be conducted according to state and federal rules and regulations adopted for human safety. Operations shall cause no dangerous

radiation, as specified by the regulations of the United States Nuclear Regulatory Commission, at any property line.

11. Electrical radiation. Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.

12. Waste. All sewage and industrial wastes shall be handled, stored, treated, and/or disposed of in compliance with all federal and State of Michigan and city laws and regulations.

13. Heat. Operations generating heat shall be contained within a building. In no case shall the generated heat raise the ambient temperature at a property line higher than the prevailing normal temperature at the time of occurrence.

14. Storage. Above ground outside storage shall not be permitted. The storage of explosives shall not be permitted. Underground storage of flammable materials shall not be permitted unless it is accessory to the principal use and specifically approved by the planning commission, fire department and the state as established by Act No. 207 of the Public Acts of Michigan of 1941 (MCL 29.1 et seq., MSA 4.559(1) et seq.), as amended. In no case shall the underground storage of flammable materials be closer than fifty (50) feet to residential property.

(6) Environmental and off-street parking. Environmental (landscaping, lighting, screening and signs) and off-street parking improvements shall be provided in accordance with articles V and VI of this chapter. Notwithstanding requirements of article VI, herein, the number of parking spaces required for office and technological uses shall be based on the rate of one (1) space for each three hundred (300) square feet of floor area. Loading areas shall be screened from view from any street or property line.

The site plan shall contain a signed certified statement by the owner of the property indicating compliance with all performance standards.

(Ord. No. 302, § 1, 10-1-2000)

Sec. 32-143. - Industrial restricted district, IR.

The IR industrial restricted district is established so as to primarily accommodate wholesale activities, warehouses and industrial operations whose external, physical effects are restricted to the lot or parcel and in no manner affect in a detrimental way any of the surrounding lots or parcels. The IR district is so structured as to permit, along with specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material.

(1) Permitted uses. All uses in this district shall be conducted wholly within a building with a landscaped front yard and with the side or rear yard used for loading and customer and employee parking.

a. Any one or more permitted uses in the OR district and uses permitted in the CG district, as regulated in section 32-135, except those listed in subsections 10.40.A.1, 2, 5, 6, 7 and 9 [subsections 32-135(1)a., b., e., f., g., and i.].

b. Warehousing and wholesale establishments, storage (other than accessory to a permitted retail use) and mini warehouses.

c.The compounding, processing, packaging, or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery.

d.The manufacture, compounding, assembling, or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, shells, textiles, tobacco, wax, wire, wood and yarns or such other similar materials as approved by the planning commission.

e.The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

f.Manufacture of musical instruments, toys, novelties, and metal, plastic or rubber stamps, or other small molded products.

g.Manufacture or assembly of electrical appliances, electronic instruments and devices, telecommunications equipment and products (excluding large stampings).

h.Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

i.Utility service buildings, water supply and water and gas tanks.

j.Wireless communication towers meeting the requirements of section 32-193

k.Contractors offices with garages for maintenance and storage of equipment.

l.Accessory uses and accessory outside storage customarily incidental to any of the above uses. Outside storage shall be limited to currently licensed and operable cars, trucks, and recreation vehicles, finished and semi-finished manufactured materials produced on the premises and equipment necessary as an accessory to the principal use, provided the following conditions are complied with:

1.All storage will be located not less than one hundred (100) feet from any street line or adjacent residential district.

2.A chainlink fence or masonry wall, not less than four (4) feet high nor more than eight (8) feet high, shall enclose the storage area. The height and choice of fence or wall and the requirements of decorative slats to be used with the fence to most appropriately screen the stored materials from view shall be determined by the planning commission.

3.The area located between the street property line and the fence or wall shall be sodded and landscaped and maintained in a neat and orderly manner.

4.It is mutually understood by the property owner and the planning commission that whenever a different material is to be stored than that agreed upon in the original request, a new approval shall be required from the planning commission.

5.The planning commission shall also find, before granting this approval, it will not tend to further:

(a)Impair the adequate supply of light and air to adjacent property.

(b)Increase the hazard from fire, flood and other dangers.

(c)Diminish the market value of adjacent land and buildings.

(d) Increase the congestion on the public streets.

(e) Otherwise impair the public health, safety, comfort, and general welfare.

m. Uses expressly prohibited under this article include the following:

1. Junkyards, including the storage of wrecked motor vehicles or mobile equipment.

2. Used auto parts and used building materials.

3. Storage of loose minerals, including soil, stone, sand, gravel, coal, cinders and similar materials.

4. Incubation, raising, killing or storage of poultry.

5. Residential uses, including dwelling.

No use in this district shall be permitted whose operation may violate the performance standards set forth in this section of the ordinance.

No outdoor storage shall be permitted, unless it is part of an approved site plan. If no outdoor storage will be created, then the site plan shall contain a signed certified statement to that effect by the owner of the property.

(2) Special land uses. The special land uses and any use similar to those set forth in this article as permitted uses shall be permitted in this district only after proper notice has been given as required by state law and when determined by the planning commission to be in compliance with the provisions of this section, the articles of this ordinance, of no more objectionable character than permitted uses, and which, in the opinion of the planning commission, meet the standards of article XII of this chapter.

a. Automobile heavy repair garage (section 12.06 [section 32-158]).

b. Outdoor storage (section 12.31 [section 32-181]).

c. Planned unit development (section 12.32 [section 32-183]).

d. Public utility buildings (section 12.36 [section 32-187]).

e. Various retail uses (section 12.41 [section 32-192]).

(3) Site, area and placement requirements.

a. Minimum size each lot:

1. Lot area (square feet): 20,000.

2. Lot width (linear feet): 80.

b. Minimum yard setbacks per lot:

1. Front and street-side building setbacks shall be measured from the centerline of each road right-of-way (R.O.W.) in accordance with the city's master plan, as follows:

Distance from centerline (in feet):

Buildings

- (a) Major 100
- (b) Secondary 100
- (c) Collector 83
- (d) Local 70-80
- (e) Cul-de-sac 100
- (f) Private roads 40

*Where the front yard of two (2) or more permitted principal structures in any block in existence on the effective date of this article, within this district and on the same side of the street, are less than the minimum front yard, then the front yard setback of any building subsequently erected within the block on this side of the street shall not be greater than the average depth of the front of all structures on that side of the street.

**In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot.

Parking shall not be permitted in the required front and street side setback(s).

2.Side yard: No side yard is required along one interior side lot line, except as otherwise specified in the Building Code and provided, further, that no side yard of less than five (5) feet in width shall be left between the lot line and building. The openings (windows and doors) side or other side of the lot shall have a side yard of not less than twenty (20) feet. Corner lot side yards must equal the setback required for the front yards on the street to which they side. If an exterior side yard borders any residential district there shall be provided a yard setback of not less than fifty (50) feet.

3.Rear yard: Twenty (20). No building shall be closer than one hundred (100) feet to the outer perimeter (property lines) of this district where said rear property lines abut any residential district. Such space shall only be used for the parking of individual passenger vehicles and/or small trucks, provided that a twenty (20) foot greenbelt be provided along said property line.

(4)Building requirements.

a.Building height. No building shall exceed thirty-five (35) feet in height except as otherwise provided in article IV of this chapter.

b.Number of stories. No building shall contain more than two (2) stories above the ground level except as otherwise provided in article IV of this chapter.

(5)Additional site requirements. In addition to those requirements cited in section 11.00 [section 32-141], the following additional site requirements also apply to this district:

a.General regulations and limitations on uses.

1.Sound levels. Sound pressure levels resulting from any use of a site which exceed the maximum sound pressure levels established by this section for the designated land use districts shall be prohibited.

(a)The maximum slow response steady sound pressure levels for the following octave band center frequencies, as measured in accordance with this subsection, of any site in industrial restricted district (IR) shall be as follows:

Maximum Sound Pressure Level (dB)

Octave Band Center

Frequency

(Cycles per Second) At the Residential,

Commercial or

Industrial Research

Boundary IR

District

31.5 72 79

63 71 78

125 65 72

250 57 64

500 51 58

1000 45 52

2000 39 46

4000 34 41

8000 32 39

(b)The maximum A scale (slow response) steady sound pressure levels as measured in accordance with this subsection, of any site shall be as follows:

Maximum Sound Pressure

Abutting Zoning District Level [dB(A)]

Residential, Commercial & Office Research 55 (At District Boundary)

IR Industrial Restricted 62 (Along District Boundary)

IC Industrial Controlled 66 (Along Property Line)

(c)The octave band center frequency levels shall be applied in order to determine compliance with this subsection whenever the measured A scale (slow response) steady sound pressure levels do not exceed the applicable fifty-five (55) [dB(A)] and sixty-two (62) [dB(A)] levels.

(d)Sound pressure levels shall be measured along both the zoning district boundary and along the property line of the site where the site is located within one hundred twenty-five (125) feet of a zoning district other than restricted or controlled industrial. The sound pressure levels shall be measured along the property line of the

site where the site is not located within one hundred twenty-five (125) feet of a zoning district other than restricted or controlled industrial.

Maximum steady sound pressure levels for all land use districts between the hours of 10:00 p.m. and 7:00 a.m. shall be seven (7) dB(A) lower than the levels set forth above. Maximum repetitive impulse sound pressure levels shall be ten (10) dB(A) lower than the values established for steady sound pressure levels in all land use districts. Sound pressure level measurements shall be made with a sound level meter and an octave band analyzer conforming to the specifications of the American National Standards Institute.

2.Odors and gases. No obnoxious odors or gases shall be emitted which may be harmful or irritating to the public health and/or safety.

3.Glare and heat. Glare and heat from arc welding, acetylene torch cutting or similar processes shall be shielded in such a manner as to prevent any danger or discomfort to persons outside of any building where such operation is being conducted.

d.Exterior lighting. Any lights used for exterior illumination shall comply with the requirements of section 32-86 of this chapter.

e.Vibration. Shall not cause a ground displacement exceeding .003 inch as measured at any site line of the premises and not detectable at any residential district boundary.

f.Smoke. Emission of smoke shall not exceed the number two (2) standard as established by the Ringelmann Chart for periods aggregating four (4) minutes in any thirty (30) minutes.

g.Dirt, dust and fly ash. The emission of dirt, dust and fly ash shall not exceed three tenths (.3) grains per cubic foot of flue gas as measured at stack temperature of five hundred (500) degrees Fahrenheit with not to exceed fifty (50) percent excess air. No haze shall be caused by such emission which would impair visibility.

h.Radioactive materials. No radioactive materials shall be emitted in excess of standards established by the U.S. Bureau of Standards for human safety.

i.Power. Power utilized in any industrial activity shall be derived only from electrical energy or smokeless fuels containing less than twenty (20) percent volatile content on a dry basis. Bituminous coal shall be fired only by mechanical equipment.

j.Electrical radiation. Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.

k.Waste. All sewage and industrial wastes shall be handled, stored, treated, and/or disposed of in compliance with all federal, State of Michigan and city laws and regulations.

l.Bulk storage of flammable liquids, liquefied petroleum gases and the like.

(a)Above ground. Not permitted.

(2)Underground. Bulk storage accessory to the principal use may be permitted underground provided that storage tanks shall be located not less than thirty (30) feet from any site line of the premises and fifty (50) feet from any residential use or district line.

(6) Environmental and off-street parking.

Environmental (landscaping, lighting, screening and signs) and off-street parking improvements shall be provided in accordance with articles V and VI of this chapter.

The site plan shall contain a signed certified statement by the owner of the property indicating compliance with all performance standards.

(Ord. No. 302, § 1, 10-1-00; Ord. No. 327, § 1, 2-10-05; Ord. No. 345, § 1, 1-8-09)

Sec. 32-144. - Industrial controlled district, IC.

The IC industrial controlled district is established primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The district is so structured as to permit, in addition to IR industrial restricted uses, the manufacturing, processing and compounding of semi-finished or finished products from raw materials.

(1) Uses permitted. In all IC industrial controlled districts, no building shall be erected or land used, except for one (1) or more of the following uses:

a. Any principal and special land use permitted in an IR district, (with the exception of any commercial uses allowable in the IR district) such uses shall be regulated by the provisions of sections 11.20.C and D [sections 32-143(3) and (4)].

b. Industrial uses to be conducted wholly within a building or within a building and/or an area enclosed within a chainlink fence; the fence shall be not less than six (6) feet high, located not less than fifty (50) feet from the front property line or side street property line; outside of the fence shall be planted a twenty (20) foot greenbelt planting strip, which shall be not less than eight (8) feet or more in height, to screen view of storage materials from the street and adjacent properties. On a side and/or rear property line abutting residential, the fence shall be located on the property line and a ten (10) foot greenbelt planting strip, not less than eight (8) feet in height, shall be planted and maintained along the fence inside of the property to screen view of storage materials from adjacent properties.

1. Building materials storage yards.

2. Equipment rental or storage yards.

3. Feed and fuel yards.

4. Trucking terminals and transfer warehouses with outside storage for trucks, trailers, etc., when direct access is available to county or state highways.

5. Any use permitted under subsection c. below requiring outside storage areas.

c. Industrial uses conducted wholly within a building, with a landscaped front yard and with the side or rear yard used for loading and unloading and parking.

d. No use in this district shall be permitted whose operation may violate the performance standards set forth in this section of this chapter.

No outdoor storage shall be permitted unless it is part of an approved site plan. If no outdoor storage will be created, then the site plan shall contain a signed certified statement to that effect by the owner of the property.

(2)Special land uses. The special land uses and any use similar to those set forth in this article as permitted uses shall be permitted in this district only after proper notice has been given as required by state law and when determined by the planning commission to be in accord with the provisions of this section, the articles of this chapter, of no more objectionable character than permitted uses, and which, in the opinion of the planning commission, meet the standards of article XII of this chapter.

a.Accessory uses, including heliports unlimited use (see definition).

b.Bulk storage of flammables (section 12.08).*

c.Junk yards (section 12.28).*

d.Planned unit development (section 12.32 [section 32-183]).

e.Public utility buildings (section 12.36 [section 32-187]).

f.Refuse disposal incinerators and transfer stations (section 12.37).*

g.Any lawful use of land or buildings not expressly prohibited or provided for (as a permitted or special approval use) shall be a lawful use in all IC districts when such uses comply with this chapter and the following sections of this article.

Storage of used rags, waste paper or similar combustible materials, as a business, shall be permitted when enclosed within a masonry building of four (4) hour fire construction and no part of which shall be located closer than one hundred (100) feet from any adjoining property line. The storage of lumber, coal or other combustible materials shall not be less than twenty (20) feet from any interior lot line. A roadway shall be provided, graded and maintained from the street to the rear of the property to permit free access of fire trucks at all times.

*Note—It should be noted that sections 12.08, 12.32 and 12.37 [sections 32-159, 32-179 and 32-188 of this chapter] were apparently deleted with the 1996 amendment of the zoning ordinance. See the editor's footnote to Ch. 32.

(3)Site, area and placement requirements.

a.Minimum size each lot:

1.Lot area (square feet): 20,000.

2.Lot width (linear feet): 100.

b.Minimum yard setbacks per lot:

1.Front and street-side building setbacks shall be measured from the centerline of each road right-of-way (R.O.W.) in accordance with the city's master plan, as follows:

Distance from centerline (in feet):

Buildings and Parking

- a. Major 110
- b. Secondary 110
- c. Collector 93
- d. Local 80
- e. Cul-de-sac 120
- f. Private road ** 75

* Where the front yard of two (2) or more permitted principal structures in any block in existence on the effective date of this chapter, within this district and on the same side of the street, are less than the minimum front yard, then any building subsequently erected in the block on this side of the street shall not be less and need not be greater than the average depth of the front of all structures on that side of the street in the block.

** In the case of private roads, the front yard setback shall be measured from the road easement or common usage line abutting the subject lot. Parking shall not be permitted in the required front and street side setback(s).

b.Side yard (linear feet): Twenty (20). Corner lot side yards must equal the setback required for the front yards on the street to which they side. If an exterior yard borders a residential district there shall be provided a yard setback of not less than one hundred (100) feet.

3.Rear yard (linear feet): Twenty (20).

No building shall be closer than one hundred (100) feet to the outer perimeter (property lines) of this district where said property lines abut any residential district and such space shall only be used for the parking of individual passenger vehicles and/or small trucks.

(4).Building requirements.

a.Building height. No building shall exceed thirty-five (35) feet in height except as otherwise provided in article IV of this chapter.

b.Number of stories. No building shall contain more than three (3) stories above the ground level except as otherwise provided in article IV of this chapter.

c.Maximum lot coverage is equal to the remainder of the site after all right-of-way, parking, and yard space requirements are deducted from the gross site area.

d.The distance, at the closest point, between any two (2) buildings on the same site shall not be less than forty (40) feet.

(5)Additional site requirements. In addition to those requirements cited in article XII, the following additional site requirements also apply to this district:

a.No part of any building, parking access and/or service area may be located closer to any property line adjacent to a residential district than specified above.

b.General regulations and limitations on uses.

1.Sound levels. Sound pressure levels resulting from any use of a site which exceed the maximum sound pressure levels established by this article for the designated land use districts shall be prohibited.

(a)The maximum slow response steady sound pressure levels for the following octave band center frequencies, as measured in accordance with this subsection, of any site in industrial controlled districts (IC) shall be as follows:

Maximum Sound Pressure Level (dB)

Octave Band Center

Frequency

(Cycles per Second) At the Residential,

Commercial or

Industrial Research

Boundary IR

District IC

District

31.5 72 79 80

63 71 78 79

125 65 72 74

250 57 64 69

500 51 58 63

1000 45 52 57

2000 39 46 52

4000 34 41 48

8000 32 39 45

(b)The maximum A scale (slow response) steady sound pressure levels as measured in accordance with this subsection, of any site shall be as follows:

Maximum Sound Pressure

Abutting Zoning District Level [dB(A)]

Residential, Commercial & Office Research 55 (At District Boundary)

IR Industrial Restricted 62 (Along District Boundary)

IC Industrial Controlled 66 (Along Property Line)

(c)The octave band center frequency levels shall be applied in order to determine compliance with this subsection whenever the measured A scale (slow response) steady sound pressure levels do not exceed the applicable fifty-five (55) [dB(A)], sixty-two (62) [dB(A)] and sixty-six (66) [dB(A)] levels.

(d)Sound pressure levels shall be measured along both the zoning district boundary and along the property line of the site where the site is located within one hundred twenty-five (125) feet of a zoning district other than industrial controlled. The sound pressure levels shall be measured along the property line of the site where the site is not located within one hundred twenty-five (125) feet of a zoning district other than industrial controlled.

Maximum steady sound pressure levels for all land use districts between the hours of 10:00 p.m. and 7:00 a.m. shall be seven (7) dB(A) lower than the levels set forth above. Maximum repetitive impulse sound pressure levels shall be ten (10) dB(A) lower than the values established for steady sound pressure levels in all land use districts. Sound pressure level measurements shall be made with a sound level meter and an octave band analyzer conforming to the specifications of the American National Standards Institute.

2.Odors and gases. No obnoxious odors or gases shall be emitted which may be harmful to public health and/or safety.

3.Glare and heat. Glare and heat from arc welding, acetylene torch cutting or similar processes shall be deflected in such a manner as to prevent any danger to persons outside of any building where such operation is being conducted.

4.Exterior lighting. Any lights used for exterior illumination shall comply with the requirements of section 5.05 [section 32-86] of this chapter.

5.Vibration. Shall not cause a ground displacement exceeding .003 inch as measured at any property line of the premises.

6.Smoke. Emission of smoke shall not exceed the number 2 standard as established by the Ringlemann Chart for periods aggregating three (3) minutes in any fifteen (15) minutes when starting a new fire.

7.Dirt, dust and fly ash. The emission of dirt, dust and fly ash shall not exceed three tenths (.3) grains per cubic foot of flue gas as measured at stack temperature of five hundred (500) degrees Fahrenheit with not to exceed fifty (50) percent excess air. No haze shall be caused by such emission which would impair visibility.

8.Radioactive materials. No radioactive materials shall be emitted in excess of standards established by the U.S. Bureau of Standards for human safety.

9.Power. Power utilized in any industrial activity shall be derived only from electrical energy or smokeless fuels containing less than twenty (20) percent volatile content on a dry basis. Bituminous coal shall be fired only by mechanical equipment.

10.Electrical radiation. Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.

11.Waste. All sewage and industrial wastes shall be handled, stored, treated, and/or disposed of in compliance with all federal, State of Michigan and city laws and regulations.

12.Bulk storage of flammable liquids, liquefied petroleum gases and explosives.

(a)Above ground. Not permitted unless special permit obtained under section 12.08 [section 12.08] of this chapter.

(b)Underground storage is permitted provided that storage tanks for explosives shall be located not less than one hundred fifty (150) feet from any site line of the premises and liquefied petroleum gas and flammable liquid storage tanks shall be located not less than thirty (30) feet from any site line of the premises.

13.Storage.

(a)Inside and underground storage, other than junk, is permitted provided compliance is made with all applicable fire and safety and health regulations.

(b)Outside storage, other than junk, is permitted in connection with or part of any industrial use. Such use shall be stored, located or deposited in a manner so as not to obstruct or interfere with any roadway on the premises which could be used as a means of access for fire-fighting equipment (see this section A.2. [section 1.b.], above).

(c)Outside storage of junk and/or industrial waste incident to an industrial use shall not exceed ten (10) days and shall be completely enclosed within a tight, unpierced masonry, wood or metal fence and shall comply with the requirements of sections 11.30.C. and E.2.(m)(2) [sections 32-144(3) and (5)b.13.(b)] above.

(6)Environmental and off-street parking. Environmental (landscaping, lighting, screening and signs) and off-street parking improvements shall be provided in accordance with articles V and VI of this chapter.

The site plan shall contain a signed certified statement by the owner of the property indicating compliance with all performance standards.

(Ord. No. 302, § 1, 10-1-00; Ord. No. 327, § 2, 2-10-05)

Sec. 32-145. - Uses with locational restrictions to avoid secondary effects.

It is recognized that certain uses as a result of their nature have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to assure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In connection with the adoption of this section, council has received information, including information associating blight and increased crime with sexually-oriented businesses, including studies in the City of Detroit, Michigan, in the early 1970s, the City of St. Paul, Minnesota in 1978, the City of Phoenix, Arizona in 1979, the City of Minneapolis, Minnesota in 1980, the City of Austin, Texas in the early 1980s, the City of Indianapolis, Indiana in 1987, Oklahoma City, 1986, 1992, the City of Los Angeles, California in 1984, Adams County, Colorado in 1988, the report of the Minnesota Attorney General issued in 1989, Times Square, New York 1974, Dallas, Texas 1994, 1997, and Newport News, Virginia 1996. In connection with the adoption of this section, council has received further information that certain types of skid-row businesses, including tattoo parlors, pawnbrokers, and used goods businesses have through studies in the City of Detroit been found to have deleterious effect upon the use and enjoyment of adjacent areas, including information associating blight.

(1)Sexually-oriented business. It has been demonstrated that the establishment of sexually-oriented businesses in business districts which are immediately adjacent to and which serve residential neighborhoods have a deleterious effect on both businesses and residential segments of the neighborhood, causing blight, down-grading property values, and in some instances crime increasing in the vicinity. Such prohibition fails to

avoid the deleterious effects of blight and devaluation of both business and residential property values resulting from the establishment of sexually-oriented businesses in a business district which is adjacent to and which serves residential neighborhoods and uses. The orderly planning, development and preservation of neighborhoods residential uses should be encouraged and fostered by properties and persons which comprise the business and residential segments of each neighborhood.

Sexually-oriented businesses defined herein shall only be permitted in the IC zoning district, subject to the following requirements and conditions:

a. Such uses shall be permitted only in the IC district provided no portion of the property upon which such business is situated is within one thousand one hundred (1,100) feet of any of the following:

1. A residentially-zoned district;
2. Property upon which a residential use exists;
3. A church;
4. A school;
5. Pool or billiard hall;
6. Coin-operated amusement centers;
7. Roller skating rinks or ice rinks;
8. Night clubs or dance halls permitting the congregation of persons under twenty-one (21); or
9. Any public park.

The method of measurement shall utilize the two (2) property edges closest to each other, measured with a direct line.

b. This distance prohibition is subject to waiver upon presentation to the Fraser Planning Commission of a valid petition requesting waiver signed by fifty-one (51) percent, or more, of each of the following categories:

1. Persons owning property within one thousand one hundred (1,100) feet of the proposed location;
2. Persons residing with or occupying any dwelling unit within one thousand one hundred (1,100) feet of the proposed location;
3. Persons or entities operating any of the uses described in subsection 32-145(1)a 1—9 within one thousand one hundred (1,100) feet of the proposed location

(2) Pawnbroker and tattoo. It has been demonstrated that the establishment of tattoo, and pawnbroker uses in business districts which are immediately adjacent to and serve residential neighborhoods have a deleterious effect on both business and residential segments of the neighborhood causing blight. Such prohibition fails to avoid the deleterious effects of blight and devaluation to both business and residential property values resulting from the establishment of these businesses in a business district which is immediately adjacent to and serves residential neighborhoods. The orderly planning, development and preservation of neighborhoods should be encouraged and fostered by properties and persons which comprise the business and residential segments of each neighborhood.

Pawnbroker and tattoo defined herein shall only be permitted in the IC zoning district, subject to the following requirements and conditions:

a. Such uses shall be permitted only in the IC district provided no portion of the property upon which such business is situated is within one thousand one hundred (1,100) feet of any of the following:

1. A residentially-zoned district;
2. Property upon which a residential use exists;
3. A church;
4. A school;
5. Pool or billiard hall;
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2. Persons residing with or occupying any dwelling unit within one thousand one hundred (1,100) feet of the proposed location; and
3. Persons or entities operating any of the uses described in subsection 32-145(1)a 1—9 within one thousand one hundred (1,100) feet of the proposed location.

(Ord. No. 328, § 3, 2-10-05)

Secs. 32-146—32-150. - Reserved.

(90) Editor's note— Ord. No. 302, § 1, adopted Oct. 1, 2000, deleted and replaced Art. XI, §§ 32-141—32-144, to read as herein set out. Formerly, Art. XI, §§ 32-141—144, pertained to similar subject matter and was derived from Ord. No. 279, § 11.20, adopted Dec. 12, 1996. (Back)