

DIVISION 11. - B-3 GENERAL BUSINESS DISTRICTS

Sec. 46-425. - Intent.

The B-3 general business districts are designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the local business district or the community business district.

(Prior Code, § 5.121; Ord. No. 96-11, 8-5-1996)

Sec. 46-426. - Uses permitted.

In a general business district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) Any retail business or service establishment permitted in OS-1, OS-2, TS, B-1 and B-2 districts as principal uses permitted and uses permitted subject to special conditions.
- (2) Residential dwelling units, except units on the primary floor at grade level if the unit or units are located within the Downtown Development Authority District.
- (3) Auto washes when completely enclosed in a building.
- (4) Bus passenger stations
- (5) New and used car salesroom, showroom or office.
- (6) Other uses similar to the uses in this section.
- (7) Other structures and uses customarily incidental to the permitted uses in this section.

(Prior Code, § 5.122; Ord. No. 96-11, 8-5-1996; Ord. No. 2021-04, § 3, 3-1-2021)

Sec. 46-427. - Principal uses permitted subject to special conditions.

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the planning commission:

- (1) Outdoor sales space for exclusive sales of new or secondhand automobiles, house trailers, or rental of trailers and/or automobiles, all subject to the following:
 - a. The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - b. Access to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.

- c. No major repair or major refinishing shall be done on the lot.
 - d. All lighting shall be shielded from adjacent residential districts.
- (2) Motels, subject to the following conditions:
- a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - b. Each unit shall contain not less than 250 square feet of floor area.
- (3) Business in the character of a drive-in or open front store, subject to the following conditions:
- a. A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
 - b. Access points shall be located at least 60 feet from the intersection of any two streets.
 - c. All lighting shall be shielded from adjacent residential districts.
 - d. A five-foot high completely obscuring wall shall be provided when abutting or adjacent districts are zoned R, OS-1, OS-2, B-1, B-2, B-3 or TS districts. The height of the wall shall be measured from the surface of the ground. Said wall shall further meet the requirements of article IV of this chapter, supplemental regulations.
- (4) Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed main building; and, provided further, that all buildings are set back at least 200 feet from abutting residential districts on the same side of the street.
- (5) Plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies subject to the following conditions:
- a. The storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
 - b. All loading and parking shall be provided off-street.
 - c. The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent adverse effects on adjacent uses.
- (6) Warehousing and wholesale establishments, subject to the following conditions:
- a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - b. All lighting shall be shielded from adjacent residential districts.
 - c. The storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
 - d. All loading and parking shall be provided off-street.
- (7)

Automobile service stations for the retail sale of gasoline, oil, groceries or minor accessories, including the minor repair and maintenance and such other activities whose external effects would not adversely extend beyond the property line, not including vehicle body repair, painting, steam cleaning, undercoating or engine rebuilding.

- a. The curb cuts to a service station shall not be permitted at such locations that will tend to create traffic hazards, shall be located a minimum of 25 feet to a street intersection (measured from curblines), or to a residential district.
- b. Gas pumps and maneuvering lanes shall be located to allow a minimum vehicular stacking of three vehicles (20 feet times three equals 60 feet overall) for each pump location.
- c. The minimum lot area shall be 15,000 square feet, except stations having no facilities for repair or servicing may be permitted on lots a minimum of 10,000 square feet in area.
- d. Off-street parking, in addition to those requirements for gas pumps in subsection (7)b of this section, must be provided at a rate of two for each service stall, one for each employee, and one for each 150 square feet of retail area.
- e. Signage must comply with section 46-664.
- f. There shall be provided, on those sides abutting or adjacent to a residential district, a six-foot obscuring wall or fence, measured from the average surface grade of the abutting properties.
- g. All lighting shall be shielded from adjacent residential districts.
- h. Engine and body repair when conducted on the site shall be within a completely enclosed building. The storage of automobiles on the site shall be completely obscured from public view.
- i. Sufficient space shall be provided on site for the maneuvering and parking of delivery vehicles associated with the delivery of fuel and other products.
- j. Canopies are allowed over the fueling stations subject to the conditions in this subsection. The term "canopy" means structures without walls consisting of a roof supported by a minimum number of columns and/or cantilevered from the main building.
 1. Height restrictions:
 - (i) The maximum height of canopies is two-thirds of the maximum height allowed in the district.
 - (ii) The minimum height is seven feet, as measured from the ground to the lowest projection of the canopy roof.
 - 2.

Since canopies do not obstruct the visual streetscape as do walled structures, they will be allowed to project into the required yard not to exceed four-fifths of the required minimum setback; provided, however, said projection shall maintain a minimum setback of at least five feet.

3. The maximum depth or thickness of the roof shall not exceed three feet and shall be horizontal and parallel to the ground surface.
 4. The size/width of the columns shall not exceed that necessary for structural requirements.
 5. Advertising on the canopy or columns shall not project beyond the canopy or columns in any direction and the total sign area shall not exceed 15 percent of the surface on which installed.
 6. Canopy lighting shall be internal or placed on the underside such that said lighting is directed in a downward fashion towards the fueling stations.
 7. Canopy material shall be of rigid construction. Vinyl or cloth fabric shall not be permitted.
 8. Canopies shall be maintained in good repair.
- (8) Group shelter, subject to the requirements of Article VI—Special Land Uses.
- (9) Retailers authorized under the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq., subject to section 10-2 of the City Code and section 46-752 of this zoning ordinance, and subject to the following locational requirements:
- a. A retailer in the B-3 district must be located on a parcel that has frontage on Mitchell Street or Paluster Street, except that no retailers may be located on the section of Mitchell Street between Bremer Street and South Street unless the following two requirements are met: (1) the retailer must be located on an upper level or subgrade level of the building and not on the ground level (with "grade" and "ground level" measured at Mitchell Street); and (2) the entrance for the retailer must face the alley located behind the building and not Mitchell Street.
 - b. For purposes of subsection (a), Parcel No. 10-082-00-141-00, 621 S. Mitchell, is not deemed to be between Bremer Street and South Street because a portion of that parcel is located south of South Street.
 - c. The map in Table 1 identifies the areas within the B-3 district in which retailers may be located, subject to the other locational and distance requirements in this zoning ordinance, including section 46-752.
- (10) Provisioning centers authorized under the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27102 et seq., subject to section 10-3 of the City Code and section 46-753 of this zoning ordinance, and subject to the following locational requirements:

- a. A provisioning center in the B-3 district must be located on a parcel that has frontage on Mitchell Street or Paluster Street, except that no provisioning centers may be located on the section of Mitchell Street between Bremer Street and South Street unless the following two requirements are met: (1) the provisioning center must be located on an upper level or subgrade level of the building and not on the ground level (with "grade" and "ground level" measured at Mitchell Street); and (2) the entrance for the provisioning center must face the alley located behind the building and not Mitchell Street.
- b. For purposes of subsection (a), Parcel No. 10-082-00-141-00, 621 S. Mitchell, is not deemed to be between Bremer Street and South Street because a portion of that parcel is located south of South Street.
- c. The map in Table 1 identifies the areas within the B-3 district in which provisioning centers may be located, subject to the other locational and distance requirements in this zoning ordinance, including section 46-753.

(Prior Code, § 5.123; Ord. No. 87-17, 10-2-1987; Ord. No. 92-22, 12-7-1992; Ord. No. 96-11, 8-5-1996; Ord. No. 2017-05, § 9, 4-17-2017; Ord. No. 2019-14, § 4, 11-18-2019; Ord. No. 2019-15, § 4, 11-18-2019)

Sec. 46-428. - Area and bulk requirements.

See division 18 of this article, schedule of regulations limiting the height and bulk of buildings, the minimum size of a lot by permitted land use, and providing minimum yard setback requirements.

(Prior Code, § 5.124; Ord. No. 96-11, 8-5-1996)

Secs. 46-429—46-454. - Reserved.