

ARTICLE XIII - B-4 GENERAL BUSINESS DISTRICTS

PREAMBLE

The B-4 General Business District is designed to provide for a wide variety of business activities including automotive services and goods, and is generally incompatible with the uses in the B-1, B-2, and B-3 Business Districts. Placement along presently developed major traffic arteries prevents the conflict of traffic and pedestrian movement since the General Business District is characterized by a minimum of pedestrian flow. The B-4 General Business Districts have been located in areas designated on the adopted Land Use Plan.

SECTION 1300: PRINCIPAL USES PERMITTED

In the B-4 General Business District, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise providing in this Ordinance:

1. Veterinarian clinics, without outdoor kennels.
2. Bus passenger stations.
3. Stores selling second hand merchandise.
4. Funeral homes.
5. Automobile car wash, when completely enclosed in a building.
6. Auto service stations for the sale of gasoline, oil, and accessories, subject to the following:
 - a. The curb for ingress and egress to a service station shall not be permitted at such location that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - b. The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.
 - c. Major automobile repair, engine and body repair, steam cleaning and undercoating may be allowed when conducted on the site, and said uses shall be within a completely enclosed building. The storage of wrecked automobiles on the site shall be obscured from public view. No automobile or vehicle of any kind shall be stored in the open for a period exceeding one (1) week.
 - d. All rest rooms doors shall be shielded from adjacent streets and residential districts.

- e. Dispensing pumps shall be set back twenty (20) feet from the right-of-way line.
- 7. Self service laundry and dry cleaning establishments.
- 8. Amusement, entertainment, and recreational, including bowling alleys and skating rinks.
- 9. Storage of non-hazardous and non-toxic materials or goods provided such storage is within a building or is enclosed as not to be visible to the public from any abutting residential district or public street.
- 10. Theaters, when completely enclosed.
- 11. Banks, with or without drive-in facilities.
- 12. Restaurants, cocktails lounges and brewpubs. [amended 3/12]
- 13. Micro breweries, small wineries and small distilleries [amended 3/12]
- 14. Motels and hotels.
- 15. Residential uses as part of a building in this business zone shall be allowed upon issuance of a Certificate of Occupancy from the Department of Inspections, but provided that the minimum lot area requirements of the RM-3 District are met.
- 16. Assembly of small parts provided that there shall be no machining, painting, cutting, grinding, or welding of parts.
- 17. Business schools, or private schools operated for profit. Examples of private schools permitted herein include, but are not limited to, the following: dance schools, music and voice schools, and art studios: [amended 5/02]
 - a. Parking is required to be provided on the same site as the building. Shared parking will be allowed, if it is irrevocable, and if it will not consume any parking needed for a separate use.
- 18. Principal Uses as permitted in B-2 Districts.
- 19. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
- 20. Uses similar to the above Principal Uses Permitted.

SECTION 1301: SPECIAL LAND USES PERMITTED

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission. A site plan shall not be required when there is no change to buildings or existing facilities.

1. Sales space for the sale of new and used automobiles, house trailers, travel trailers, and recreational vehicles, subject to the following.
 - a. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets:
 - b. No major repair or major refinishing shall be done on the lot, such use of land being only permitted in the I-1 or I-2 Industrial Districts.
2. Flea markets and auctions.
3. Business in the character of a drive-in restaurant or open front store, subject to the following:
 - a. A setback of at least sixty (60) feet from the street right-of-way line of any existing or proposed major thoroughfare shall be maintained.
 - b. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
4. Outdoor recreational space for amusement parks, miniature golf courses, and other outdoor recreation activities subject to the following: [amended 2/02]
 - a. Amusement parks or amusement facilities must be fenced on all sides with a four foot six inch (4'-6") high wall or fence.
5. Outdoor theaters subject to the following conditions:
 - a. Points of ingress and egress for the outdoor theater shall be on major thoroughfares and shall not be accessible from any residential street.
 - b. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated road right-of way.
6. Private clubs, lodges, social and similar facilities.

7. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100 may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.
8. Commercial Kennels [amended 5/96]
9. Mini Storage (warehouse facilities) [amended 10/98]:
 - a. The parcel shall have direct access to a major thoroughfare.
 - b. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee on site.
 - c. Between warehouses, there shall be a minimum of twenty five (25') feet for internal access drives. Traffic direction and parking shall be designated by signaling or painting.
 - d. The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.
 - e. All lighting shall conform to lighting standards of this ordinance.
 - f. A ten foot landscaped berm shall be required in the front setback of areas adjacent to any residential zone or use.
 - g. Retail, wholesale, fabrication, manufacturing, or service activities may not be conducted from the storage units by the lessees.
 - h. Storage of goods shall be limited to personal property with no commercial distribution allowed and no operation which requires the regular delivery or pick-up of goods in truck in excess of one and one-half (1.5) ton rated capacity shall be permitted.

- i. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling.
 - j. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.
10. Live music concert halls, under the following conditions: [amended 8/02]
- a. The business will operate in such a manner as to comply with the Noise Ordinance enacted by the City of Muskegon. No music (either live or piped) will be permitted outside the building.
 - b. The business will maintain security staff, both inside and outside the building, at all times when open to customers. Loitering will not be permitted on or around the site.
 - c. The business will not operate between the hours of 3:00 a.m. and 8:00 a.m. No person of 16 years of age or younger will be permitted within the business after midnight and must directly exit the premises after that time.
 - d. The site and general vicinity will be maintained and litter-free, and will be checked for litter every day before opening.
 - e. Security lighting will be provided for the site.
11. Taxi/Limousine Services [amended 5/04].
12. Craft Shops [amended 7/08].
13. Wind Turbine Facilities [amended 10/09].
14. Accessory uses and accessory buildings customarily incidental to the above Special Land Uses Permitted.
15. Uses similar to the above Special Land Uses Permitted.

SECTION 1302: PLANNED UNIT DEVELOPMENTS [amended 10/98]

Planned Developments may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the B-4 General Business Districts is to allow mixed land uses, which are compatible to each other, while prohibiting nonresidential uses which would not be compatible or harmonious with residential dwellings or permitted commercial uses.

SECTION 1303: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 10,890 sq. feet.
2. Maximum lot coverage:
Buildings: 70 %
Pavement: 25 %
3. Lot width: 100 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
5. Height Limit:
Maximum height: 2 stories or 35 feet
Minimum height: 2 stories or 35 feet.

Minimum heights are in the form of an "overlay district" on the following street corridors:

Western Avenue; from Ninth Street to Pine Street.
Clay Avenue; from Seventh Street to Fourth Street.
Pine Street; from Western Ave. to Apple Avenue.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

6. Front Setbacks: [amended 1/05]
Minimum:
Expressway or Arterial Street: 30 feet
Collector or Major Street: 20 feet
Minor Street: 10 feet
Maximum:
Expressway, Arterial Street or Major Street: 50 feet
Collector Street: 40 feet
Minor Street: 30 feet
7. Rear setback: 10 feet
8. Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).

9. Side setbacks:
1-story: 8 feet and 12 feet
2-story: 10 feet and 14 feet

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]

10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]
- a. The building has an approved fire rating for zero-lot line development under the building code.
 - b. The building has adequate fire access preserved pursuant to fire code requirements.
 - c. The zero lot line side is not adjacent to a street.
 - d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
 - e. It is not adjacent to wetlands, or waterfront.
11. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage. [amended 12/01, amended 10/02]

B-5 CENTRAL GOVERNMENTAL SERVICE DISTRICT [amended 3/98]

PREAMBLE

The B-5 Central Governmental Services District is designed to provide for a wide variety of uses associated with county and city governmental services, businesses and residential uses appropriate for the downtown area. The Central Governmental Service District recognizes the city's multiple roles as the county seat, employment center, the urban core of a larger metropolitan area and home of historic, stable neighborhoods.

SECTION 1304. PRINCIPAL USES PERMITTED:

In the B-5 Central Governmental Services District, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Municipal, county and state administrative offices.
2. Municipal fire stations.
3. Sheriff or police department offices and facilities, not including jail or correctional facilities.
4. Community centers.
5. Retail businesses which supply retail foods, drugs, dry goods, appliances, notions, books, newspapers, gifts, furniture, hardware or similar retail businesses, not including "adult" or sexually oriented businesses.
6. Professional and business offices including medical clinics.
7. Banks, with or without drive-in facilities.
8. Single family detached dwellings.
9. An Adult Foster Care Facility for any number of people.
10. Child care or day care center.
11. Residential apartments associated with or accessory to a permitted use provided the residential use is not on the main floor and constitutes no more than 50% of the total floor area of the principal structure.
12. Expansion of an existing secure correctional facility operated by the Muskegon County Sheriff's Department.

13. Restaurants, cocktail lounges and brewpubs. [amended 3/12]
14. Micro breweries, small wineries and small distilleries. [amended 3/12]
15. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.

SECTION 1305: PROHIBITED USES

All uses not specifically permitted are prohibited. However, certain uses, which may seem otherwise compatible with permitted uses or special uses listed in this Article, are deemed by the city to be particularly unacceptable:

1. Halfway houses or other unsecured facilities for parolees or persons serving any criminal sentence, probation or parole violation, including privately owned and operated facilities, or similar facilities which house persons in a building under the jurisdiction of, or (if State law does not preempt), operated by, the Michigan Department of Corrections; similar unsecured facilities operated by or under the jurisdiction of the Sheriff's Department or the Courts.
2. Any unsecured facilities for the holding or residence of juvenile or youthful offenders subject to the Juvenile Division of Probate Court, or the Family Court.
3. Outdoor storage, warehouses, garages, except for garages which are deemed by the zoning administrator or Zoning Board of Appeals to constitute accessory structures to permitted or previously approved special uses.

SECTION 1306: SPECIAL LAND USES

The following uses, and their accessory buildings and accessory uses, shall be permitted as special uses under Section 2332 after review and approval of the use (and a site plan) by the Planning Commission, after Public Hearing, subject to the applicable conditions imposed by the Planning Commission.

1. Correctional facilities provided:
 - a. The facility meets national, state, and local codes and design criteria for correctional facilities including, without limitation, construction and security requirements.
 - b. The facility is secure, "lock-up," and operated by the County Sheriff's Department or City of Muskegon Police Department.
 - c. The facility shall be screened from residential uses, using materials and fencing compatible with residential uses and practice.

- d. Lighting, access and security devices shall be located and screened to avoid negative effects on, and achieve compatibility with, surrounding and adjacent uses and properties.
 - e. Facilities for transportation of prisoners must be located inside the secured areas of the building.
2. Youth homes provided the facility meets the same requirements as a Secured Correctional facility approved as a special use in this District.
3. Transitional Living Centers provided: [amended 12/10]
 - a) The center must be associated with a governmental agency or bona fide charitable association, such as a 501 (c) organization.
 - b) The residents must be provided with information on supplemental services, such as re-housing assistance and substance abuse treatment.
 - c) Staff must be located on site twenty-four hours a day, seven days a week for programs that provide on site overnight sleeping accommodations.
 - d) Residents may not be housed for more than six (6) consecutive months.
 - e) The center does not conflict with any of the prohibited uses stated in Section 1305.
4. Parking Structures.
5. Multiple family residential uses.
6. Temporary uses, which shall be applied for and utilized in accordance with reasonable special conditions limiting the duration of the use. Such conditions may include, without limitation, imposition of the time limit for the use, the requirement of dismantling, restoration of improvements to their former configurations, consent to and execution of documents giving unconditional rights of entry to the city to carry out eviction, dismantling and restoration activities and the requirement of bonding or other security to assure the discontinuance and structural changes needed or appropriate in the judgment of the Planning Commission to terminate the use. Temporary uses may include, in the sole discretion of the Planning Commission, uses which are not permitted uses or special uses enumerated in this Ordinance, as well as permitted and special uses in this district. The Planning Commission may determine to limit the duration of any special use under consideration in accordance with this paragraph.
7. Wind turbine Facilities [amended 10/09].

[Original SECTION 1307 (Signs) was REPEALED in 10/98]

SECTION 1307: PLANNED UNIT DEVELOPMENTS [renumbered 10/98]

Planned Unit Developments may be allowed by the Planning Commission and City Commission pursuant to Section 2101. The intent of Planned Unit Developments in the B-5 Central Governmental Services District is to allow mixed land uses, which are compatible with adjacent and nearby uses in existence, with a particular concern to protect residential uses and commercial uses. The following combinations of uses are authorized in Planned Unit Developments. Distance requirements and provisions of the B-5 District shall be observed:

1. Permitted and special uses in the B-5 zone and:
2. Clubs, lodge halls, social and similar organizations including assembly or rental halls.

SECTION 1308: AREA AND BULK REQUIREMENTS [renumbered 10/98, amended 4/00]

1. Minimum lot size: 10,890 sq. feet.
2. Maximum lot coverage:
Buildings: 80%
Pavement: 25%
3. Lot width: 40 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
5. Height Limit:
Maximum height: 4 stories or 60 feet.
Minimum height: 2 stories or 35 feet.

Minimum heights are in the form of an "overlay district" on the following street corridors:

Western Avenue from Ninth Street to Pine Street.
Clay Avenue from Seventh Street to Fourth Street.
Pine Street; from Western Ave. to Apple Avenue.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

6. Front Setbacks: [amended 1/05]
 - Minimum:
 - Expressway or Arterial Street: 30 feet
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 - Minor Street: 10 feet
 - Maximum:
 - Expressway, Arterial Street or Major Street: 50 feet
 - Collector Street: 40 feet
 - Minor Street: 30 feet
 7. Rear setback: 10 feet
 8. Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).
 9. Side setbacks:
 - 1-story: 8 feet and 12 feet
 - 2-story: 10 feet and 14 feet
 - 3-story: 12 feet and 16 feet
 - 4-story: 16 feet and 20 feet
- Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]
10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]
 - a. The building has an approved fire rating for zero-lot line development under the building code.
 - b. The building has adequate fire access preserved pursuant to fire code requirements.
 - c. The zero lot line side is not adjacent to a street.
 - d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
 - e. It is not adjacent to wetlands, or waterfront.
 11. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage. [amended 12/01, amended 10/02]

ARTICLE XIV - I-1 LIGHT INDUSTRIAL DISTRICTS

PREAMBLE

The I-1 Light Industrial Districts are designed so as to permit wholesale, warehousing, and manufacturing facilities whose external, physical effects have a minimum detrimental effect on the adjacent districts. It is the intent of this article to permit, in addition to specific uses enumerated, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material. The uses permitted are those which meet a higher standard of restrictions than those imposed in the I-2 Zoning District, and shall be of a type other than those which produce hazardous material as defined in the Fire Code.

SECTION 1400: PRINCIPAL USES PERMITTED

All principal uses of land and buildings which are erected or structurally altered or occupied shall be those specified in this article:

1. The manufacture, compounding, processing of food, and pharmaceuticals.
2. The manufacture, compounding, or assembly of products from previously prepared materials, including but not limited to fabrics, glass, leather, paper, metal, or plastics.
3. Machine shops and metal finishing shops, including the incidental of casting of metal products and alloying of furnace ready non-ferrous metals which are free of paint, oils or other organic substances.
4. Crematories.
5. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities such as: lumber yards or motor vehicle, boat, or implement sales.
6. Storage yards.
7. Warehousing of materials not highly hazardous as defined in the Fire Code.
8. Veterinary clinics and outdoor kennels.
9. Lumber and planing mills.
10. Municipal buildings, public service buildings, auto equipment repair shops doing major repair.
11. Micro breweries, breweries, small wineries, wineries, small distilleries and distilleries.
[amended 3/12]