

# **ARTICLE X. NEIGHBORHOOD COMMERCIAL DISTRICT “C-I”**

## **Section 1001. INTENDED PURPOSES**

The purpose of the Neighborhood Commercial District is to provide for the orderly development and accommodation of local community needs for general retail sales and service facilities. The regulations are designed to permit development of the enumerated functions as limited to protect the abutting and surrounding properties.

## **Section 1002. PERMITTED USES**

- A. Retail stores and shops offering chiefly new merchandise when conducted within a building having a roof, floor and four (4) sides (but not excluding antique shops).
- B. Business and personal services including barber shops; beauty parlors; shoe repair shops; dry cleaning agencies; self-service laundries; printing shops; dressmaking; tailoring; florist shops; gift shops; photographic shops; radio and television shops; real-estate sales; insurance and similar businesses and services.
- C. Professional offices, show rooms, banks, undertaking establishments, public utility buildings, publicly owned buildings, fraternal, civic, social organizations buildings and contractor offices.
- D. Food service establishments
- E. Motels, hotels
- F. Theaters
- G. The sale and servicing of agricultural machinery.
- H. Gas and oil service stations and garages for vehicle repair and storage meeting the following requirements:
  - 1. The proposed use shall be on a designated state highway.
  - 2. The minimum lot width and depth shall be a minimum of one hundred (100) feet.
  - 3. Any part of a structure where oils, fuels, lubricants, gases and other flammable materials are used or stored shall be set back a minimum of twenty (20) feet from any property line and a minimum of three hundred (300) feet from any residential building, school, church, hospital, playground, public building, theater, any other

public assembly building, or any other gas and oil service stations and garages or similar use using or storing such materials.

I. Essential services

**Section 1003. USES PERMITTED AS SPECIAL LAND USES**

- A. Public utility buildings, telephone exchanges, transformer stations, substations with service yards but without storage yards.
- B. Outdoor advertising media, and signs not pertaining exclusively to the business conducted within the building on the premises.
- C. Automobile sales agency and adjoining outdoor sales area of new or used cars.
- D. Other uses similar in character to the above and not listed specifically.
- E. Tattoo parlors
- F. Psychic/fortune telling
- G. Adult bookstore
- H. Adult motion picture theater
- I. Adult mini motion picture theater
- J. Massage establishments
- K. Establishments for consumption of beer or intoxicating liquor on the premises and having adult entertainment
- L. Steam baths
- M. Health clubs
- N. Taxi dance halls
- O. Topless bars
- Q. Businesses featuring nude entertainment
- R. Nudity clubs

**Section 1004. LOT AREA, WIDTH AND YARD REQUIREMENTS**

The following lot area, width and yard requirements apply to the “C-1” District:

Minimum Lot Area:	Not Applicable
Minimum Lot Width:	Not Applicable
Minimum Front Yard:	30 feet
Minimum Side Yard:	15 feet
Minimum Rear Yard:	25 feet

**Corner lot owners should also see Section 1814.**

**Section 1005. BUILDING HEIGHT AND AREA REGULATIONS**

The following building height and floor area requirements apply to the “C-1” District:

Minimum Floor Area:	Not Applicable
Maximum Building Height:	40 feet
Maximum Lot Coverage:	50 percent

**Section 1006. VISION CLEARANCE**

Vision clearance requirements will be in accordance with the provisions of Article XVIII, Sections 1807 and 1818 of this Ordinance.

**Section 1007. OFF-STREET PARKING**

Off-street parking requirements will be in accordance with the provisions of Article XVI of this Ordinance.

**Section 1008. SIGNS**

Sign requirements will be in accordance with the provisions of Article XVII of this Ordinance.

**Section 1009. SUPPLEMENTAL STANDARDS**

A. Additionally Regulated Uses

1. **Purpose:**

In the development of a community it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Additional regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or

downgrading of the surrounding neighborhood. These additional regulations are itemized in this ordinance. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e. not more than two (2) such uses within one thousand (1,000) feet of each other which would create such effects.

**2. Zoning:**

**A. Application to Establish a Special Regulated Use:**

Application to establish any of the special regulated uses as itemized in Section I shall be made to the office of the Zoning Administrator who shall not approve any such request unless the locational standards listed in the following sections are adhered to.

**B. Locational Standards - Relationship to Similar Uses:**

1. Group "A" special regulated uses (Section I): An application to establish a group "A" special regulated uses shall not be approved if there is already in existence two (2) or more group "A" special regulated uses within one thousand (1,000) feet of the boundaries of the site of the proposed regulated uses, excepting as provided for in Section II, C.

2. Group "A" special regulated uses (Section I): An application to establish a group "A" special regulated use shall not be approved if the proposed location is within one thousand (1,000) feet of any residentially zoned district, trailer park, K through 12 school, day care center, park or church, excepting as provided for in Section II, C, 1.

**C. Waiver of Location Standards:**

1. Relationship of similar uses: The Planning Commission may waive the locational standards of section II, B, limiting the location of group "A" uses as they relate to similar uses if the following findings are made:

a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of the article will be observed.

b. That the proposed use will not enlarge or encourage the development of a "skid row" area.

- c. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.
- d. That all applicable regulations of the article will be observed.

2. Relationship to residential areas and other uses: The Planning Commission may waive the locational standards of Section II, B, limiting the location of group "A" uses as they relate to residentially zoned districts, trailer parks, K through 12 schools, day care centers, parks, or churches provided that a validated petition requesting such a waiver, signed by the owners or purchasers of at least fifty-one (51) percent of the parcels of land within five hundred (500) feet of the proposed location is presented to the Planning Commission.

- a. The circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition and the same were affixed to the petition by the person whose name appeared thereon.
- b. The petition will be so worded that the signers of the petition will attest to the fact that they are the owners or purchasers of the parcel of land identified by the permanent parcel number opposite their signature.
- c. For the purpose of this section, parcels of land shall equate to the permanent parcel numbers assigned by Wayne Township to all property within the said five hundred (500) feet.

**D. Application to the Planning Commission**

An applicant requesting a waiver of the location requirements of Section II, B shall file an application with the Zoning Administrator for validation. The Zoning Administrator shall notify the Building Inspector of the status of the petition within fifteen (15) days of its filing in the office of the Zoning Administrator.

**E. Conditions on Waivers**

Prior to the granting of a waiver of locational requirements, the Planning Commission may impose any conditions or limitations

upon the establishment, location, construction, maintenance, or operations of regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

3. **Definitions for the Purpose of This Provision of the Wayne Township Zoning Ordinance:**

- A. **Adult Bookstore:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.
- B. **Adult Motion Picture Theater:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below), for observation by patrons therein.
- C. **Adult Mini Motion Picture Theater:** An enclosed building with a capacity of less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below), for observation by patrons therein.
- D. **Adult Entertainment:** Any conduct which presents materials by books, films, slides or the like or by live presentation which includes services to the patron of an establishment, which material is distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below).
- E. **Massage Establishment:** Any establishment where massages are administered for pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the State of Michigan, nor barbershop or beauty shop in which massages are

administered only to the scalp, the face, the neck or the shoulders. This definition shall not be construed to include a public or nonprofit organization such as a school, parks department, swimming pool or other educational, cultural, recreational facilities for residents of the area.

- F. **Specified Sexual Activities:** Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- G. **Specified Anatomical Areas:** Less than completely covered (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola. Also, human male genitals in a discernibly turgid state, even if completely and opaquely covered.

4. **Zoning Districts Requirements for Special Regulated Uses:**

The special regulated uses itemized in this ordinance shall be limited to the following zoning districts:

- (a) C-1

Also, each special regulated use shall be subject to the specific requirements of each zoning district and all other applicable regulations.

- B. All uses shall comply with the supplemental provisions of Article XVIII as applicable.
- C. A Site Plan review shall be submitted in accordance with the requirements of Article XIV.
- D. Businesses conducted on properties within an area zoned Neighborhood Commercial District (C-1) shall meet the criteria established in Article X, Sections 1001.00, 1002.00, 1003.00, 1004.00, 1005.00, 1006.00, 1007.00, 1008.00, and 1009.00 of the Wayne Township Zoning Ordinance.

Businesses in C-1 zoned areas shall apply for a permit from the Zoning Administrator. The permit shall be reviewed annually to determine if conditions are being met.