

CHAPTER 1348

T - Transportation District

The Transportation (T) District is for the purpose of accommodating special areas for the moving of goods and people, and supporting aeronautical and non-aeronautical uses that benefit the operation of the Cherry Capital Airport as approved by the Northwestern Regional Airport Commission and in compliance with the Airport Zoning Act, Ac No. 23 of the Public Acts of 1950.

(ord. 1033 passed 5-2-16)

CROSS REFERENCES

Zoning and planning in home rules cities - MCLA 117.4i

Regulation of location of trades, buildings and uses by local authorities - MCLA 125.581

Regulation of buildings; authority to zone - MCLA 125.582

Regulation of congested areas - MCLA 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - MCLA 125.583a

Airport Zoning Act, MCLA 259.431 et seq

Signs - B & H Chapter 1476.06

1348.01	Uses allowed.	1348.06	Building height.
1348.02	Uses allowed by special land use permit.	1348.07	Accessory buildings.
1348.03	Lot, density and impervious surface provisions.	1348.08	Parking, loading and driveways.
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1348.01 USES ALLOWED.

The following uses of land and buildings, together with accessory uses, are allowed in the Transportation Zone:

- OS District uses, including buildings 3,000 square feet or larger in gross floor area;
- GP District uses;
- I District uses, except C-2 District Uses;
- Air transportation, including airports and airport terminals;
- Amusement and recreation services (indoor only)
- Automobile gasoline/convenience stores;
- Automobile, motorcycle, trailer, recreational vehicle or boat showrooms;
- Brew pubs;
- Business services;
- Drugstore;
- Engineering, accounting, research, management and related services;
- Finance, insurance and real estate services;

- Finance services without drive-throughs;
- Indoor fruit and vegetable markets;
- Landing areas;
- Laundromats;
- Legal services;
- Lodging facilities;
- Microbrewery;
- Motorized vehicle dealers, mobile home dealers, watercraft dealers and recreational vehicle dealers subject to the following conditions:
 - (1) All outdoor display and storage in front or on the side of a building shall meet landscape requirements for parking areas.
 - (2) Outdoor display areas shall be differentiated from parking areas using contrasting surface material and shall be designated on a site plan.
 - (3) Any display platforms shall not be elevated more than three feet higher than the adjacent public right of way.
- Parcel packing services;
- Parking areas, public or private,
- Passenger transportation services;
- Personal services;
- Pet grooming services without outdoor runs or kennels;
- Repair services;
- Restaurants, family, fine and fast without drive-throughs;
- Retail use of 10,000 square feet or more;
- Security services
- Services stations and repair stations;
- Theaters;
- Theatrical producers, entertainers, bands and orchestras;
- Transportation service;
- Vehicle wash facilities as permitted in the C-3 District;
- Veterinary Services, without outdoor runs;
- Water transportation.

(ord. 1033 passed 5-2-16)

1348.02 USES ALLOWED BY SPECIAL LAND USE PERMIT.

The following uses of land and buildings, together with accessory uses, are allowed in the Transportation District if a special land use permit is issued according to the standards of this Code:

- Communication towers.
- Wind Energy Pole/Tower-Mount
- Wind Energy Building Mount

(Ord. 938. Passed 4-2-12)

1348.03 LOT, DENSITY AND IMPERVIOUS SURFACE PROVISIONS.

<u>Lot width (min.)</u>	<u>Lot area (min.)</u>	<u>Density (maximum)</u>	<u>Impervious surface</u>
20 feet	No minimum.	No maximum.	70% maximum.

1348.04 SETBACKS.

(a) **Front setbacks.**

Building: Minimum setbacks are 25 feet.

Parking area: Behind or to the side of the principal building and set back a distance equal to the setback of the principal building or 25 feet, whichever is greater. For through lots, parking may be provided streetward of the principal building on the street that carries less traffic, but in no case closer than 25 feet from the front property line. Parking may be provided street ward of the building along South Airport Road provided a minimum 25 foot vegetative buffer area that will effectively screen the parking area from public view as set forth in Section 1372.04 is maintained where a vegetative buffer exists or, if no other vegetative buffer exists, other screening is provided as set forth in Section 1372.04 within the 25 foot buffer area.

(b) **Side setbacks (minimum): Building:** None except as follows:

(1) 25 feet if abutting or adjacent to an R- District

(2) 50 feet if a loading dock is abutting or adjacent to an R-District

Parking area: If contiguous to an R-district, a minimum of 10 feet. Otherwise, 5 feet. If shared parking is developed, these setbacks would affect only the perimeter of the combined parcels.

(c) **Rear setbacks:**

Building: 5 feet, except as follows:

(1) 25 feet if abutting, or adjacent to an R - District.

Parking area: 5 feet, except 20 feet if abutting, adjacent to or across a public alley from an R-District.

(d) **Corner lots and through lots** having a frontage on two streets shall provide the required front setback on both streets.

(ord. 1033 passed 5-2-16)

1348.05 ENCROACHMENTS INTO THE SETBACKS.

No encroachments into the setbacks are allowed.

1348.06 BUILDING HEIGHT.

Building height: The lesser of 45 feet or the approach, transitional, conical and inner horizontal surfaces which establish the height limitation under this Ordinance are denoted on the Airport Zoning Plan, and are established in conformance with approach standards or regulations of the Michigan Aeronautics Commission or the Federal Aviation Administration. In acting upon applications for permits, the Zoning Administrator will arrive at proper height limitations by insuring FAA Form 7460-1 is completed with Federal Aviation Administration determination of no hazard to aviation. Air traffic control towers are exempt from this height requirement.

(ord. 1033 passed 5-2-16)

1348.07 ACCESSORY BUILDINGS.

Accessory buildings shall:

(a) Not exceed the Building Height limitation as set forth in Section 1348.06.

(b) Not be closer than 5 feet to any side or rear property line or 25 feet if abutting or adjacent

to an R – District
(ord. 1033 passed 5-2-16)

1348.08 PARKING, LOADING AND DRIVEWAYS.

Requirements for parking, loading and driveways are contained in Chapter 1374. In addition, athletic fields may provide up to 50% of the required number of organized parking on an area developed in turf grasses. Grassed parking areas are considered as providing one parking space for every 350 square feet of continuous turf-covered area. All grassed parking areas shall be maintained in a healthy, vigorous growing condition and shall not be used more than 12 times per calendar year. When use requires more frequent parking, an impervious surface or approved pervious hard surface parking area shall be developed.

(Ord. 476. Passed 7-6-99)

1348.09 SPECIAL REQUIREMENTS.

To preserve and reinforce the development patterns of the Transportation District, the following special requirements shall apply.

- a) The predominant building wall and entryway shall face the public or private street.
- b) Street-facing building facades shall incorporate permanent architectural elements which create shadow patterns and surface textures which, in turn, enhance visual interest.
- c) Any rooftop equipment shall be enclosed or screened from street level view using the same materials used for the building walls or a material which is approved by the Planning Director as visually compatible with the building.
- d) Commercial and industrial outdoor lighting shall not exceed one foot candle or cause glare onto neighboring properties.
- e) Driveways on South Airport Road shall be limited to one per parcel and shall be no closer than 400 feet to the nearest driveway on the same side of the street or 150 feet from the nearest intersection.
- f) All properties developed shall allow for internal access to other abutting industrial or commercial properties.
- g) All utilities shall be placed underground and shall follow private or public streets or the primary maneuvering lanes within a parking area.

(ord. 1033 passed 5-2-16)

1348.10 FEDERAL LAWS.

Notice of construction or alteration shall be provided to the Federal Aviation Administration on Form 7460-1 for the following:

- (a) Any construction or alteration exceeding 200 ft above ground level.
- (b) Any construction or alteration:
 - within 20,000 ft of the Cherry Capital Airport which exceeds a 100:1 surface from any point on the runway of the Cherry Capital Airport with at least one runway more than 3,200 ft.
 - within 10,000 ft of the Cherry Capital Airport which exceeds a 50:1 surface from any point on the runway of the Cherry Capital Airport with its longest runway no more than 3,200 ft.

- within 5,000 ft of the Cherry Capital Airport which exceeds a 25:1 surface
- (c) Any highway, railroad or other traverse way whose prescribed adjusted height would exceed that above noted standards.
- (d) When requested by the FAA.
- (e) Any construction or alteration located on the Cherry Capital Airport regardless of height or location.

(ord. 1033 passed 5-2-16)

1348.11 UNLAWFUL LAND USE.

Notwithstanding any other provisions of this Zoning Ordinance, no person may use any lands within any area of land or water, or both, lying within a ten mile radius from the established center of the Cherry Capital Airport which:

- (a) Would create electrical interference with radio communications between the airport and aircraft or create interference with navigational aids employed by aircraft;
- (b) Would make it difficult for flyers to distinguish between airport lights and others or result in glare to the eyes of flyers using the airport;
- (c) Would create air pollution in such amounts as to impair the visibility of flyers in the use of the airport;
- (d) Would locate or permit the operation of a dump, waste disposal site, sanitary landfill, hazardous waste facility, solid waste transfer station or recycling facility within 10,000 feet of any runway at the airport, unless the construction, location and operation of the site is approved or authorized by the Federal Aviation Administration as not being in violation of its orders, rules or regulations applicable to the airport, or unless a waiver is issued by the Federal Aviation Administration;
- (e) Would otherwise endanger the landing, taking off, or maneuvering of aircraft;
- (f) Would attract birds;
- (g) Would raise the descent minimums of any instrument approach procedure to the airport, or otherwise limit operations at the airport, as determined by an airspace study conducted by the Federal Aviation Administration;
- (h) Would violate the rules of the Federal Aviation Administration or the Michigan Department of Transportation Aeronautics Division.

(ord. 1033 passed 5-2-16)