

**CHAPTER XII
"C-2" COMMERCIAL**

**(Ord. No. 79-14; 10/16/79)
(Ord. No. 91-2; 2/28/91)
(Ord. No. 95-9; 11/2/95)
(Ord. No. 95-6; 07/27/95)
(Ord. No. 04-03; 5/7/04)
(Ord. No. 05-01; 10/07/05)**

SECTION 12.01 DESCRIPTION AND PURPOSE

The Commercial "C-2" District is primarily intended to provide for an orderly and concentrated development of business along M-37 and other major and minor arterial streets designated in the Township Master Plan in order to serve the needs of the motoring public and local residents.

SECTION 12.02 PERMITTED USES

Land and/or buildings in this district may be used for the following uses only:

- (a) Any use permitted in the "C-1" District.
- (b) Public or private clubs and lodges or similar places of assembly.
- (c) Indoor or outdoor commercial recreation facilities such as bowling alleys, indoor theaters, skating rinks, racquet clubs, miniature golf, or similar uses.
- (d) Mortuaries or funeral homes.
- (e) Motels and hotels.
- (f) Retail building supply sales.
- (g) Short-term open air businesses in accordance with Alpine Charter Township Ordinance 90-I.
- (h) Retail nurseries and garden centers.
- (i) Printing, lithography, publishing, and photostating establishments.
- (j) Business or professional college, or trade or vocation school.
- (k) Laboratory, medical or dental.

- (l) Self-storage facilities such as frozen food lockers and mini-warehouses.
- (m) Radio and television studios.
- (n) Electronic data processing centers.
- (o) Any use similar to the above uses as determined by the Zoning Administrator.

SECTION 12.03 SPECIAL USES

The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the provisions of Chapter XXI herein.

- (a) Special uses as permitted in the C-1 zone.
- (b) Establishments which have a drive-up window.
- (c) Open air businesses including but not limited to: the sale of motor vehicles, farm implement equipment sales and service, motor homes, mobile or modular homes, rental vehicles, and similar uses. (Ord. No. 05-01; 10/07/05)
- (d) Contractor equipment yards provided all equipment is stored indoors or otherwise screened from view of surrounding properties and roadways.
- (e) Veterinary clinics and commercial kennels.
- (f) Vehicle repair or body shops provided all work is performed within an enclosed building and storage of vehicles is within a completely screened area.
- (g) Automatic and self-serve vehicle wash facilities.
- (h) Outdoor movie theaters.
- (i) The assembly or manufacturing of a finished product from raw materials or finished parts, provided such use is clearly accessory to the principle permitted use. Such use may be permitted subject to the following conditions:
 - (1) The storage and display of the finished product or the parts used to produce the finished product shall be kept within a completely enclosed building.

- (2) The area devoted to assembly, manufacturing, and/or storage of the raw materials shall not occupy more than twenty-five (25) percent of the total gross floor area of the building(s) on the site.
 - (3) The emission of obnoxious odors, noise, dust, fumes, or vibrations of any kind which are contrary to the public health, safety, and general welfare shall not be permitted.
 - (4) No gas shall be emitted which is damaging to the public health, safety, and general welfare.
 - (5) Glare and heat from arc welding, acetylene torch cutting, or similar processes shall not have an adverse effect on adjoining property.
 - (6) The storage and handling of flammable liquids, liquified petroleum gases, and explosives shall comply with State rules and regulations.
- (j) Special controlled uses per Section 12.07 herein.
- (k) Municipal service buildings such as maintenance garages, public works buildings, and similar uses. Any outdoor storage or parking of large vehicles, equipment or materials shall be located or screened so as not to be visible from nearby properties.
(Ord. No. 95-9; 11/2/95)

SECTION 12.04 DISTRICT REGULATIONS

- (a) All business, service, or processing shall be conducted wholly within a completely enclosed building, except for automobile parking and/or off-street loading and limited outdoor display of merchandise.
- (b) FRONT YARD - All principal and accessory buildings constructed in this district shall have a setback from the street right-of-way of not less than seventy-five (75) feet. Where any existing adjacent commercial structures are closer than seventy-five (75) feet to the right-of-way, a setback equal to the average of seventy-five (75) feet and all commercial buildings within four hundred (400) feet on each side of the proposed building or between adjacent side streets, whichever is the lesser, will be allowed. In no case shall a front yard of less than fifty (50) feet be permitted.

For a corner lot, the setback along the principal street shall be the same as required for an interior lot while the setback along the secondary street shall be a minimum of thirty-five (35) feet. The Zoning Administrator shall determine which is the principal and which is the secondary street.

Generally, the principal street will have a greater volume of traffic than the secondary street.

- (c) SIDE YARD - There shall be no side yard requirement in this district except that where a building is not constructed to the property line there shall be maintained a minimum side yard of fifteen (15) feet for fire protection purposes. Where a "C-2" Commercial Zone abuts a residential zone on the side, a side yard of at least twenty-five (25) feet must be maintained.
- (d) REAR YARD - There shall be a rear yard of at least twenty-five (25) feet except that where a commercial zone abuts a residential zone in the rear a minimum of fifty (50) feet must be maintained.
- (e) LOT WIDTH - Each lot or parcel shall have a minimum width of one hundred fifty (150) feet.
- (f) GREENBELT - A greenbelt, as determined by the Alpine Township Landscape Guidelines, shall be erected and maintained on the side and rear of any commercial premises where the same abuts a residential or rural agricultural zone, and such greenbelts shall also be required where commercial premises and uses abut existing nonconforming residential uses.
- (g) SIDEWALKS – Sidewalks and walkways shall be installed consistent with Section 2.45. (Ord. 04-03;5/7/04)
- (h) STRUCTURE FACADE – Structure facades shall be designed consistent with Section 2.44. (Ord. 04-03;5/7/04)
- (i) FLAG POLES - As permitted by Section 11.04 (i)

SECTION 12.05 OFF-STREET PARKING

Off-street parking facilities must be provided for all uses in this district in accordance with the requirements of Chapter XIX.

SECTION 12.06 HEIGHT REGULATIONS

No building shall exceed thirty (30) feet or two stories in height, whichever is lesser.

SECTION 12.07 SPECIAL CONTROLLED USES

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable

operational characteristics, particularly when several of them are concentrated in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of this Ordinance. (Ord. No. 79-14; 10/16/79).

Uses subject to these controls are as follows:

- Adult book stores
- Adult cabarets
- Adult motion picture theaters
- Massage establishments
- Nude artist and photography studios

(a) Definitions - As used in this section, the following terms shall have the indicated meanings:

- (1) Adult Motion Picture Theaters: Any establishment, or part thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein for observation by patrons therein.
- (2) Adult Book Store: Any establishment, or part thereof, having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, or an establishment with a segment or section devoted to the sale of display of such material.
- (3) Specified Sexual Activities: Specified sexual activities are defined as:
 - a) Human genitals in a state of sexual stimulation or arousal;
 - b) Acts of human masturbation, sexual intercourse, or sodomy;
 - c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- (4) Specified Anatomical Areas: Specified anatomical areas are defined as :
 - a) Less than completely and opaquely covered:

- 1) Human genitals, pubic region,
 - 2) Buttock, and
 - 3) Female breast below a point immediately above the top of the areola; and
- b) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.
- (5) Cabaret: A cafe, restaurant, bar, or any establishment where patrons are entertained by performers who dance or sing or play musical instruments.
- (6) Adult Cabaret: A cabaret which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
- (7) Massage Establishment: Any establishment, or part thereof, having a fixed place of business where massages are administered solely or in combination with any other service or activity 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 barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. This definition shall not be construed to include exercise clubs exclusively for members without massages in any form.
- (8) Massage: A method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand or any instrument.
- (9) Nude Artist and Photography Studios: Any building, structure, premises, or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein, for artists and photographers for a fee or charge.
- (b) PERMITTED USE - Any of the regulated uses in Section 12.07 hereof are permitted only after a finding has been made by the Planning Commission at a public hearing, with notice in addition to that required in Section 21.02, mailed to all property owners within a five hundred (500) foot radius

of the property in question, stating the time, place, and purpose of the meeting, that the following conditions exist:

- (1) The use is located within only the "C-2" Commercial Zone.
 - (2) The parcel upon which the use is intended is located outside a five hundred (500) foot radius of any parcel upon which is located any residence, dwelling place, church, or school unless a petition requesting waiver of this requirement is received and certified by the Township Clerk signed by fifty-one (51) percent of those adult persons or institutions residing within or owning residential, school, or church property within a five hundred (500) foot radius of the proposed location in which case the Planning Commission may waive this requirement.
 - (3) The use is not located within a five hundred (500) foot radius of one other such use except that such restriction may be waived by the Planning Commission, 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 this section will be observed.
 - b) That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - c) That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program or urban renewal.
 - d) That all applicable state laws and local ordinances will be observed.
- (c) PROCEDURE - The procedure and requirements established within Sections 21.02 and 21.03 shall be followed and met.
- (d) LIMIT IN REAPPLICATION - No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

SECTION 12.08 SITE PLAN REVIEW

A site plan shall be required for all uses permitted in this zoning district according to the requirements of Chapter XVIII herein.

SECTION 12.09 VIOLATION OF SECTION 12.07

Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with Section 12.07 of this Ordinance, entitled "Special Controlled Uses", shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars (\$500.00), costs of prosecution, and/or imprisonment not exceeding ninety (90) days, or both. Each day on which any violation of Section 12.07 of this Ordinance continues, constitutes a separate offense, and shall be subject to penalties or sanctions as a separate offense. In addition to any remedies available to the may bring an action for an injunction or other process to restrain, prevent, or abate any violation of Section 12.07 of the Ordinance. (Ord. 95-6; 07/27/95)