

STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF SYLVAN LAKE

ORDINANCE NO. 363

AN ORDINANCE TO AMEND THE CITY OF SYLVAN LAKE CODE OF ORDINANCES, CHAPTER 78, ZONING, ARTICLE I, IN GENERAL, SECTION 78-1, DEFINITIONS, IN ORDER TO ADD A DEFINITION FOR "HEALTH AND PERSONAL FITNESS FACILITIES"; ARTICLE IV, DISTRICT REGULATIONS, DIVISION 10, I-1 LIMITED INDUSTRIAL DISTRICT, SECTION 78-497, PERMITTED PRINCIPAL USES, TO ADD HEALTH AND PERSONAL FITNESS FACILITIES, AND SECTION 78-498, PRINCIPAL USES AFTER SPECIAL APPROVAL, TO REMOVE REFERENCE TO INDOOR PERSONAL SPORTS TRAINING FACILITY; AND ARTICLE V, OFF-STREET PARKING AND OFF-STREET LOADING, DIVISION 2, OFF-STREET PARKING, SECTION 78-571, TO ADD A REFERENCE TO HEALTH AND PERSONAL FITNESS FACILITIES.

THE CITY OF SYLVAN LAKE ORDAINS:

Section 1. Ordinance Amendment

The City Code of the City of Sylvan Lake, Chapter 78, "Zoning," Article I, "In General," Section 78-1, Definitions is hereby amended to add the following:

Health and personal fitness facilities means an establishment which is equipped and arranged to provide instruction or activities which improve or affect a person's physical condition through movement. This may include, but shall not be limited to, personal training facilities; yoga, Pilates and barre studios; martial arts; dance; sports training and the like.

Section 2. Ordinance Amendment

The City Code of the City of Sylvan Lake, Chapter 78, "Zoning," Article IV, "District Regulations," Division 10, "I-1 Limited Industrial District," Section 78-497, "Permitted Principal Uses," is hereby amended to read as follows:

Section 78-497 – Permitted principal uses in the I-1 limited industrial district.

In the I-1 limited industrial 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 use charged with the principal function of basic research, design and pilot or experimental project development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.

- (2) Any of the following uses:
- a. Warehousing and wholesale establishments.
 - b. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge, and machining shops.
 - c. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to, bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, precious or semiprecious metals or stone, sheet metal, shell, textiles, tobacco, wax, wire, wood, and yarns.
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - e. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products.
 - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, phonographs and television.
 - g. Laboratories; experimental, film, or testing.
 - h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
- (3) Central dry cleaning plants or laundries.
- (4) Nonaccessory signs, limited to an area of 100 square feet.
- (5) Kennel, commercial or noncommercial.
- (6) Health and personal fitness facilities, subject to the following conditions:
- a. The Facility may not operate between the hours of 9 p.m. and 6 a.m.
 - b. Outdoor activities are not permitted before 8 a.m. nor after 7 p.m.
- (7) Uses which are similar to the uses in subsections (1) through (6) of this section.
- (8) Accessory off-street parking and buildings and uses customarily incident to the permitted uses in subsections (1) through (7) of this section.

Section 3. Ordinance Amendment

The City Code of the City of Sylvan Lake, Chapter 78, "Zoning," Article IV, "District Regulations," Division 10, "I-1 Limited Industrial District," Section 78-498, "Principal Uses After Special Approval," is hereby amended to read as follows:

Sec. 78-498 – Permitted uses after special approval in the I-1 limited industrial district.

The following uses are permitted in the I-1 district after special approval subject to article II, division 6, of this chapter after review and approval of the use and a site plan by the planning commission, after public hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the planning commission:

- (1) Storage and transfer, and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and propane tank holders. Railroad transfer and storage tracks. Railroad rights-of-way.
- (2) Retail uses which have an industrial character in terms of either their outdoor storage requirements of activities, such as, but not limited to, lumberyards, building materials outlets, garage sales, upholsterers, cabinetmaker; outdoor boat, recreational vehicle sales or service; house trailer sales; automobile or agricultural or construction implement sales.
- (3) Lumber and planting mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 district.
- (4) Metal plating, buffering and polishing.
- (5) Reserved.
- (6) Railroad buildings, loading and storage facilities, and off-street vehicular parking.
- (7) Automobile detailing shop, subject to the following:
 - a. Off-street parking shall be provided at the rate of one space per employee, plus three outdoor spaces per service bay, plus one space for every 200 square feet of usable floor area of any customer service/waiting area.
- (8) Automotive repair garages (major repair), subject to the following:
 - a. A major automotive repair garage shall be located on a lot having not less than 140 feet of frontage along a major thoroughfare and having a minimum area of not less than 14,000 square feet.
 - b. No major automotive repair garage shall be located nearer than 500 feet as measured from any point on the property line to any church, public or private school, or playground.
 - c. All buildings and structures shall be located no closer than 40 feet to property zoned or used for residential purposes.

- d. All public restroom facilities shall be accessed from within an enclosed building.
- e. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists, and pits shall be enclosed entirely within a building.
- f. Ingress and egress drives shall be a minimum of 30 feet and a maximum of 40 feet in width. No more than one such drive or curb opening shall be permitted for every 75 feet of frontage (or fraction thereof) along any street.
 - 1. The nearest edge of any such drive shall be located at least 25 feet from the nearest point of any property zoned or used for residential purposes.
 - 2. No driveway shall be located closer than 25 feet from the intersection of any public or private street right-of-way.
 - 3. No driveway shall be located closer than 30 feet, as measured along the property line, to any other access drive to the same site.
 - 4. Curb openings for access drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or adjacent to pedestrian crossings.
- g. Except for access drives, a curb of at least six inches in height shall be installed to prevent vehicles from being driven onto or parked with any part of the vehicle extending within two feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property.
- h. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material, or, if any part of the lot is not so surfaced, then that area shall be landscaped and separated from all paved areas by a six-inch concrete curb.
- i. Parking shall be provided, in lieu of the standards of section 78-571, at the rate of one space per employee, plus two outdoor spaces per service bay, plus one space for every 200 square feet of usable floor area of any customer service/waiting area.
- j. Where a major automotive repair garage adjoins any property located in any residential zone, a decorative masonry wall six feet in height shall be erected and maintained along the common lot line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
- k. Overhead doors shall not face residential districts or uses. The planning commission may modify this requirement upon determining that there is no reasonable alternative and that adequate screening has been provided.

- l. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
 - m. All lighting fixtures under any canopy shall be fully recessed into the canopy structure. A maximum illumination intensity of ten footcandles shall be permitted under the canopy.
 - n. There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of any automotive service building. Building walls facing any residential districts or uses shall be of masonry construction with soundproofing.
 - o. The storage, sale, rental or display of new or used cars, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this section and chapter.
 - 1. Inoperable vehicles may be stored or parked outside an automotive repair garage during hours of operation only.
 - 2. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
 - p. Accessory retail uses shall conform to any applicable standards for such uses, as specified in this section.
 - q. A traffic impact study may be required by the planning commission.
- (9) Accessory off-street parking and buildings and uses customarily incidental to any of the permitted uses in subsections (1) through (9) of this section.
- (10) Uses similar to the uses in subsections (1) through (10) of this section, as determined by the planning commission.

Section 4. Ordinance Amendment

The City Code of the City of Sylvan Lake, Chapter 78, "Zoning," Article V, "Off-Street Parking And Off-Street Loading," Division 2, "Off-Street Parking," Section 78-571, is hereby amended to read as follows:

Section 78-571(d)(12) – Parking Schedule

Indoor recreation facilities, athletic Facilities, physical exercise establishments, skating rinks, exhibit or assembly halls, court recreation, health and personal fitness studios/Facilitys, sauna baths and similar uses, per each 3 patrons based on maximum occupancy as established by local, county, or state fire, building or health codes, whichever is greater: 1 parking space

PLUS, per employee at peak shift: 1 parking space

PLUS, such spaces as are required for affiliated uses such as bar, restaurant, etc.

Section 5. Repealer

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the Sylvan Lake Ordinance Code shall remain in full force and effect, amended only as specified above.

Section 6. Severability

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 7. Savings

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 8. Effective Date

Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within ten (10) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Sylvan Lake stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:30 A.M. to 4:30 P.M., Local Time. The provisions of this Ordinance shall become effective ten (10) days after its publication.

Section 9 Enactment

This Ordinance is declared to have been enacted by the City Council of the City of Sylvan Lake at its meeting duly called and held on the 28th day of June, 2023, and shall be given publication in accordance with applicable law.

Ayes: Buchanan, Clarke. Segal, Zubrzycki
Nays: None
Abstentions: None
Absent: Cowper

Adopted: June 28, 2023
Published: July 12, 2023
Effective: July 12, 2023
Posted: June 29, 2023

I, Dennise Dryden, City Clerk for the City of Sylvan Lake, Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Sylvan Lake City Council of the City of Sylvan Lake at a Regular City Council Meeting, held on June 28, 2023, the original of which is on file in my office.

I have hereunto affixed my official signature this 29th day of June, 2023.

Dennise Dryden, City Clerk
City of Sylvan Lake