

**CITY OF CEDAR SPRINGS
CITY COUNCIL
Kent County, Michigan**

Councilmember **Gross** supported by Councilmember **Conley** moved the adoption of the following ordinance:

ORDINANCE NO. 216

**AN ORDINANCE TO AMEND Chapter 40- ZONING OF THE CITY CODE OF
ORDINANCES**

THE CITY OF CEDAR SPRINGS ORDAINS:

Section 1. Amendment to Modify Chapter 40-Zoning. That the Code of Ordinances of the City of Cedar Springs is amended to;

Is amended to add "Brew Pub" to Sec. 40-2. - Definitions—A—B. and to add "Restaurant" and "Tavern" to Sec. 40-6. - Definitions—N—Z.

Is amended to modify SEC. 40-176. PURPOSE, SEC. 40-177. - USES PERMITTED, SEC. 40-178. -SPECIAL LAND USES, SEC. 40-200 PURPOSE, SEC. 40-201 USES PERMITTED, SEC. 40-202 SPECIAL LAND USES, SEC. 40-223 PURPOSE, SEC. 40-224 USES PERMITTED, SEC. 40-225 SPECIAL LAND USES, SEC. 40-246 PURPOSE, SEC. 40-247 USES PERMITTED, SEC. 40-248 SPECIAL LAND USES, SEC. 40-316, PURPOSE, SEC. 40-317. - USES PERMITTED, SEC. 40-318. - SPECIAL LAND USES, SEC. 40-292. – PURPOSE, SEC. 40-293. - USES PERMITTED, SEC. 40-294. - SPECIAL LAND USES, SEC. 40-340. – PURPOSE, SEC. 40-341. - USES PERMITTED, SEC. 40-342. - SPECIAL LAND USES, SEC. 40-363. PURPOSE, SEC. 40-364. - USES PERMITTED, SEC. 40-365. - SPECIAL LAND USES, SEC. 40-385 PURPOSE, SEC. 40-386 PERMITTED USES, SEC. 40-387 SPECIAL LAND USES.

to read in its entirety as follows:

Sec. 40-2. - Definitions—A—B is amended to add the definition "Brew Pub."

Brew Pub: A restaurant that sells alcoholic beverages brewed on the premises. This term also includes uses licensed by the State of Michigan as" Micro Brewer", "Small Wine Maker", "Small Distiller", and "Licensed Tasting Room".

Sec. 40-6. - Definitions—N—Z is amended to add the definitions "Tavern" and "Restaurant."

Restaurant: a structure that is maintained, operated, and advertised or held out to the public as a place where food and beverage are served, and consumed, primarily within the structure. The majority of the restaurant's income derives from food and non-alcoholic beverage sales but may serve alcohol if properly licensed by the State of Michigan and may also include areas dedicated for the use of stages, dance floors, standing-room areas, seating, pool tables and other mechanical amusement devices

Tavern: A restaurant licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises using a barrier or counter at which any alcoholic beverages and food are sold or served to and consumed by customers, and the majority of their income derives from alcohol sales and may also include areas dedicated for the use of stages, dance floors, standing-room areas, seating, pool tables and other mechanical amusement devices

SEC. 40-176. PURPOSE, SEC. 40-177. - USES PERMITTED, SEC. 40-178. -SPECIAL LAND USES, SEC. 40-200 PURPOSE, SEC. 40-201 USES PERMITTED, SEC. 40-202 SPECIAL LAND USES, SEC. 40-223 PURPOSE, SEC. 40-224 USES PERMITTED, SEC. 40-225 SPECIAL LAND USES, SEC. SEC. 40-246 PURPOSE, SEC. 40-247 USES PERMITTED, SEC. 40-248 SPECIAL LAND USES, SEC. 40-292. – PURPOSE, SEC. 40-293. - USES PERMITTED, SEC. 40-294. - SPECIAL LAND USES, SEC. 40-316, PURPOSE, SEC. 40-317. - USES PERMITTED, SEC. 40-318. - SPECIAL LAND USES, SEC. 40-340. – PURPOSE, SEC. 40-341. - USES PERMITTED, SEC. 40-342. - SPECIAL LAND USES, SEC. 40-363. PURPOSE, SEC. 40-364. - USES PERMITTED, SEC. 40-365. - SPECIAL LAND USES, SEC. 40-385 PURPOSE, SEC. 40-386 PERMITTED USES, SEC. 40-387 SPECIAL LAND USES are modified to read as follows:

SEC. 40-176. PURPOSE **R-1**

This district is intended to provide for a sound and stable residential environment with its neighborhood-related utilities, facilities, and services. Through this district, relatively low- density urban development will be permitted. This R-1 district includes the older established neighborhoods of the City and applies to large undeveloped areas planned for residential development in the Master Plan. R-1 zoned areas should be served by public water and sanitary sewer with sidewalks, street lights and street trees to create a quality residential environment.

SEC. 40-177. - USES PERMITTED.

- a) Single-family dwellings.
- b) Home occupations in accordance with the Section 40-461 herein.
- c) The following uses are permitted in accordance with Section 40-458 herein:
 - 1) Adult Foster Care Family Home (1-6 adults)
 - 2) Family Day Care Home (1-6 minor children)
 - 3) Group Day Care Homes (7-12 minor children)
 - 4) Foster Family Home (4 or fewer foster children)

- 5) Foster Family Group Home (5 or 6 foster children)
- d) Public parks, playgrounds, community buildings, swimming pools and open spaces.
- e) Private non-commercial recreation facilities which are located within and accessory to a platted subdivision or site condominium and are owned and maintained by a legal entity such as a homeowner's association per 40-576(f) herein.
- f) Accessory uses and structures customarily incidental to the principal use.

SEC. 40-178. -SPECIAL LAND USES.

The following uses may be permitted in the R-1, Single Family Residential District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Article VIII herein.

- a) Bed and breakfast operations per Section 40-575(e) herein.
- b) Residential Planned Unit Developments per Section A1iicle IX herein.
- c) Community centers owned and operated by a public or nonprofit agency.
- d) Churches, mosques, synagogues and similar places of religious worship per Section 40- 575(b) herein.
- e) Municipal buildings, utility buildings and regulating substations and pressure control stations per Section 40-575(h) herein.
- f) Private schools.
- g) Adult Day Care Home. (1-6 adults)
- h) The following uses are permitted in accordance with Section 40-458 herein:
 - 1. Adult Foster Care Small Group Home. (7-12 adults)
 - 2. Adult Foster Care Large Group Home. (13-20 adults)
 - 3. Child Care Center and Day Care Center. (More than 6 children less than 24 hours/day)

SEC. 40-200 PURPOSE R-2

The R-2 district is intended to provide the same character stability, and sound residential environment as intended for the R-1 district. The difference is that a higher residential density is permitted in the R-2 district through the construction of single-family dwellings on smaller lots and by permitting two-family dwellings.

SEC. 40-201 USES PERMITTED.

- a) Single-family dwellings.
- b) Two family dwellings including the conversion of a single-family dwelling.
- c) Home occupations in accordance with the Section 40-461 herein.
- d) The following uses are permitted in accordance with Section 40-458 herein:
 - 1. Adult Foster Care Family Home (1-6 adults)
 - 2. Family Day Care Home (1-6 minor children)
 - 3. Group Day Care Homes (7-12 minor children)
 - 4. Foster Family Horne (4 or fewer foster children)
 - 5. Foster Family Group Home (5 or 6 foster children)
- e) Public parks, playgrounds, community buildings, swimming pools and open spaces.

- f) Private non-commercial recreation facilities which are located within and accessory to a platted subdivision or site condominium and are owned and maintained by a legal entity such as a homeowner's association per 40-576(£) herein.
- g) Accessory uses and structures customarily incidental to the principal use.

SEC. 40-202 SPECIAL LAND USES.

The following uses may be permitted in the R-2, Single- & Two-Family Residential District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Article VIII herein.

- a) Bed and breakfast operations per Section 40-575(e) herein.
- b) Residential Planned Unit Developments per Section Article IX herein.
- c) Community centers owned and operated by a public or nonprofit agency.
- d) Churches, mosques, synagogues and similar places of religious worship per Section 40- 575(b) herein.
- e) Municipal buildings, utility buildings and regulating substations and pressure control stations per Section 40-575(h) herein.
- f) Private schools.
- g) Adult Day Care Home. (1-6 adults)
- h) The following uses are permitted in accordance with Section 40-458 herein:
 - 1. Adult Foster Care Small Group Home. (7-12 adults)
 - 2. Adult Foster Care Large Group Home. (13-20 adults)
 - 3. Child Care Center and Day Care Center. (More than 6 children less than 24 hours/day)

SEC. 40-223 PURPOSE R-3

This district is intended primarily for a variety of multiple-family and attached dwelling units of sustained desirability and stability, which will be-compatible with adjacent properties. Single- and two-family dwelling units are also permitted to allow for infill development on individual lots that are not suitable for multi-family buildings. R-3 developments shall be served by public water and sanitary sewer with sidewalks, street lights, street trees, and landscaped grounds to create a quality residential environment.

SEC. 40-224 USES PERMITTED.

- a) Single-family dwellings.
- b) Two family dwellings including the conversion of a single-family dwelling.
- c) Multiple family dwellings.
- d) Single-family attached dwellings such as townhouses and row houses.
- e) Home occupations in accordance with the Section 40-461 herein.
- f) The following uses are permitted in accordance with Section 40-458 herein:
 - 1. Adult Foster Care Family Home (1-6 adults)
 - 2. Family Child Day Care Home (1-6 minor children)
 - 3. Group Day Care Homes (7-12 minor children)
 - 4. Foster Family Home (4 or fewer foster children)
 - 5. Foster Family Group Home (5 or 6 foster children)

- g) Public parks, playgrounds, community buildings, swimming pools and open spaces.
- h) Private non-commercial recreation facilities which are located within and accessory to a platted subdivision, site condominium, or multi-family development and are owned and maintained by a legal entity such as a homeowner's association per 40-576(f) herein.
- i) Accessory uses and structures customarily incidental to the principal use.

SEC. 40-225 SPECIAL LAND USES.

The following uses may be permitted in the R-3, Multiple Family Residential District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Article VIII herein.

- a) Bed and breakfast operations per Section 40-575(e) herein.
- b) Residential Planned Unit Developments per Section Article IX herein.
- c) Community centers owned and operated by a public or nonprofit agency.
- d) Churches, mosques, synagogues and similar places of religious worship per Section 40- 575(b) herein.
- e) Municipal buildings, utility buildings and regulating substations and pressure control stations per Section 40-575(h) herein.
- f) Private schools.
- g) Adult Day Care Home. (1-6 adults)
- h) The following uses are permitted in accordance with Section 40-458 herein:
 - 1. Adult Foster Care Small Group Home. (7-12 adults)
 - 2. Adult Foster Care Large Group Home. (13-20 adults)
 - 3. Child Care Center and Day Care Center. (More than 6 children less than 24 hours/day)
 - 4. Congregate Care Facility. (More than 20 adults)

SEC. 40-246 PURPOSE R-4

The purpose of this district is to allow for the establishment of mobile home parks and related accessory uses. A mobile home park within this zoning district shall comply with all applicable procedures and requirements of the Mobile Home Commission Act, being Act 96 of 1987, as amended, and the Michigan Administrative Code.

SEC. 40-247 USES PERMITTED

- a) Mobile home parks as regulated by Article X of this Ordinance and the requirements of the Mobile Home Commission Act, being Act 96 of 1987, as amended, and the Michigan Administrative Code.
- b) Home occupations in accordance with the Section 40-461 herein.
- c) Family Child Day Care Home (1-6 minor children) in accordance with Section 40-458 herein.
- d) Accessory uses and structures customarily incidental to the principal use.

SEC. 40-248 SPECIAL LAND USES.

The following uses may be permitted in the R-4, Mobile Home Residential District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Article VIII herein.

a) The following uses are permitted in accordance with Section 40-458 herein:

1. Adult Foster Care Family Home (1-6 adults)
2. Group Day Care Homes (7-12 minor children)
3. Foster Family Home (4 or fewer foster children)
4. Foster Family Group Home (5 or 6 foster children)

SEC. 40-292. – PURPOSE B-2

This district is intended to concentrate community retail and service activities in a single core area. The creation of this district reflects the city's commitment to strengthening the central business district as an economic center for the city and the neighboring communities.

SEC. 40-293. - USES PERMITTED.

- a) Generally recognized retail businesses that supply commodities on the premises within a completely enclosed building, such as but not limited to foods, pharmacy, liquor, furniture, clothing, dry goods, appliances or hardware.
- b) Personal service establishments that performs services on the premises within a completely enclosed building, such as but not limited to repair shops for electronics, watches, shoes and similar items, tailor shops, print shops, hair and nail salons, barbershops, therapeutic massage pet grooming, and photographic studios but **excluding tattoo or piercing parlors**.
- c) Professional and business offices.
- d) Banks, credit unions, and other financial institutions, but not including those with drive-through facilities.
- e) Health and fitness establishments, martial arts and boxing schools.
- f) Offices and showrooms of plumbers, electricians, decorators, or other similar trades.
- g) Commercial schools including art, music, dance business, professional and trade.
- h) Restaurants, coffee shops, bakeries, **taverns** and similar retail food establishments including those with walk up window service and those which allow dancing, live entertainment, or the consumption of alcoholic beverages on the premises but not including such establishments with drive through facilities. Outdoor dining is permitted in accordance with Sections 40-465 and Section 470 herein. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers, provided they do not exceed a height of 36 inches including plant material.
- i) Brew pubs,
- j) Farmers Market per Chapter 24 of the Code of Ordinances of Cedar Springs.
- k) Medical, optical, dental, and veterinary offices and clinics.
- l) Government office buildings and post office.
- m) Public and institutional uses such as libraries, museums, civic centers, and auditoriums.
- n) Catering establishments

- o) Video gaming establishments
- p) Dwelling units located above a non-residential use subject to the following requirements except that any single-family detached dwelling units and other residential uses existing as of the effective date of this ordinance are exempt from these requirements:
 - 1. A dwelling unit shall not be located on the ground floor.
 - 2. Each dwelling unit shall contain a minimum of 600 square feet of floor area.
 - 3. One parking space shall be provided for each bedroom within the dwelling unit. These spaces may be provided as follows:
 - i. On site; or
 - ii. In a City of Cedar Springs operated parking lot as may be approved by the City Council; or
 - iii. The off-street space or spaces may be within 300 feet of the dwelling unit served. The 300 feet measurement shall be taken in a straight line from the parking space to the building containing the dwelling unit.
 - iv. Documentation of the required parking spaces shall be provided to the Zoning Administrator prior to issuance of a building permit.
 - 2. Direct access to dwelling units shall be provided by a doorway located on the outside of the building, which is separate from the doorway used to access the first-floor use.
 - 3. Window air conditioning units shall not project beyond the face of the building for that portion of the building that fronts on a street.
 - 4. Prior to establishing an upper story dwelling unit, approval must be obtained from the Zoning Administrator to determine compliance with the requirements of this section.
 - 5. A building permit shall be obtained from the City in order to establish a dwelling unit in an upper story. All units shall comply with the requirements of the Americans with Disabilities Act.
- q) Outdoor display of merchandise subject to Section 40-444(5) herein.
- r) Conversion of existing single-family dwellings to a commercial, office or non-residential use including the enlargement of an existing dwelling shall comply with the following:
 - 1. The proposed use shall be subject to site plan review by the Planning Commission.
 - 2) The primary entrance to the building shall face the street from which the address of the building is derived or be located on the side of the building.
 - 3) The building shall comply with the requirements of the Cedar Springs Building Code.
 - 4) Exterior defects in the building or property such as cracked, chipped or peeling siding or paint, cracked sidewalk, unkempt lawn or landscaping shall be identified as part of the site plan review process and corrected before the building is occupied.
 - 5) A walkway shall be provided from the existing or proposed sidewalk within the right-of-way to the primary building entrance.
 - 6) Required parking shall be provided on the site, on the street or within a City owned parking lot located within 300 feet of the site.
 - 7) Retail items offered for sale on the site may be displayed outdoors behind the front lot line but only during business hours of operation.
- s) Municipal parking lots not directly associated with a principal use
- t) Fraternal or social club or lodge.

- u) Incubator facilities.
- v) Parks, public open spaces, swimming pools and community building.
- w) Accessory uses and structures customarily incidental to the principal use.

SEC. 40-294. - SPECIAL LAND USES.

The following uses may be permitted in the B-2, Central Business District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Article VIII herein.

- a) Establishments with drive-through facilities per Section 40-574(e)-(f) herein.
- b) Non-residential planned unit developments per Article IX.
- c) Private parking lots not directly associated with a principal use per 40-576(c) herein.
- d) Indoor commercial recreation facilities such as theaters, bowling alleys, skating rinks, rock climbing, ball sports, pool and billiard hall, but excluding firearm and archery ranges per Section 40- 574(d) herein.
- e) Community centers owned and operated by a public or nonprofit agency.
- f) Churches, mosques, synagogues and similar places of religious worship per Section 40-575(b) herein.
- g) Municipal buildings, utility buildings and regulating substations and pressure control stations per Section 40-575(h) herein.
- h) Public garages and automobile repair establishments per Section 40-576(g) herein.
- i) Hotel and motel.
- j) Hotels and motels including accessory uses such as restaurants, taverns, conference rooms, exercise rooms, swimming pools, and banquet facilities.
- k) Gas station/convenience stores with or without restaurants.
- l) Establishments for the repair of small engines, appliances and similar equipment.
- m) Repair of motorcycles, snowmobiles, all-terrain vehicles, boats and similar vehicles that are required to be licensed by the State of Michigan.
- n) Residential uses that do not have Main Street frontage per Section 40-577(e) herein.
- o) Production of merchandise on the premises, provided that-such production shall not be detrimental either by odor, noise, vibration, or smoke to the nearest occupied dwelling.
- p) Child care or day care center per Section 40-458 herein.
- q) Adult foster care large group home per Section 40-458 herein.

SEC. 40-316. – PURPOSE MU

The Mixed-Use Zoning District is a recommendation of the 2016 Cedar Springs Master Plan and applies to the existing lands west of the Central Business District primarily along the west side of Second Street with additional lots fronting on West Beech, West Church, Third Street, and Muskegon Street.

The existing physical form of much of this area is a neighborhood of primarily single-family houses mixed with houses converted to two and multi-family use with a

pedestrian scale; proximity to retail and service uses in the CBD; houses with front porches extending into the front setback; sidewalks; street trees; and detached garages.

The Mixed-Use classification is designed to retain this form with new uses being compatible with and supportive of the retail uses of the Central Business District. The closeness to the CBD makes this area attractive for a new type of residential use, such as townhouses and lofts, and for mixed use buildings with ground floor retail and living units above.

The 2016 Plan envisions the re-development of this area with a mix of uses. The Mixed-Use category would permit small retail or offices within existing houses, live work units where the first floor contains the business with the second floor serving as living quarters for the business owner, or other residents, and multi-family buildings with no more than four units per building.

SEC. 40-317. - USES PERMITTED.

- a) Single-family dwellings.
- b) Two-family dwellings.
- c) Live-work units. For purposes of this Section, a live-work unit is defined as a dwelling unit containing both a single-family residential use and a non-residential use such as a commercial or office use or uses. The residential portion shall not occupy less than 400 square feet of gross floor area and shall not be located on the same floor as the non-residential use.
- d) Home occupations per Section 40-4 herein.
- e) The sale of retail items. However, any new building constructed or any existing building enlarged after the effective date of this Section shall not devote more than 2,000 square feet of gross floor area in the building to the sale and storage of such retail items. Outdoor display of merchandise shall be subject to Section 40-444(5) herein.
- f) Health and fitness facilities.
- g) Personal service establishments that performs services on the premises within a completely enclosed building, such as but not limited to repair shops for electronics, watches, shoes and similar items, tailor shops, print shops, hair and nail salons, pet grooming, therapeutic massage and barbershops.
- h) Restaurants, **taverns**, coffee shops, bakeries and similar retail food establishments including those with walk up window service but not including those with drive through facilities. Outdoor dining is permitted in accordance with Sections 40-465 and Section 470 herein. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers, provided they do not exceed a height of 36 inches including plant material.
- i) Farmers Market per Chapter 24 of the Code of Ordinances of Cedar Springs.
- j) Medical and dental offices and clinics.
- k) Banks and financial institutions without drive-through facilities.
- l) Professional and business offices.
- m) Conversion of existing single-family dwellings to a commercial, office or non-residential use including the enlargement of the existing dwelling shall comply with the following:
 - 1. The proposed use shall be subject to site plan review by the Planning Commission.

2. The primary entrance to the building shall face the street from which the address of the building is derived or be located on the side of the building.
 3. The building shall comply with the requirements of the Cedar Springs Building Code.
 4. Exterior defects in the building or property such as cracked, chipped or peeling siding or paint, cracked sidewalk, unkempt lawn or landscaping shall be identified as part of the site plan review process and corrected before the building is occupied.
 5. A walkway shall be provided from the existing or proposed sidewalk within the right- of-way to the primary building entrance.
 6. Required parking shall be provided on the site or within a City owned parking lot located within 300 feet of the site.
 7. Retail items offered for sale on the site may be displayed outdoors behind the front lot line but only during business hours of operation.
- n) Dwelling units located above a non-residential use subject to the following
1. Each dwelling unit shall contain a minimum of 600 square feet of floor area.
 2. One parking space shall be provided for each bedroom within the dwelling unit. These spaces may be provided as follows:
 - i. On site;
 - ii. In a City of Cedar Springs operated parking lot as may be approved by the City Council;
 - iii. The off-street space or spaces may be within 300 feet of the dwelling unit served. The 300 feet measurement shall be taken in a straight line from the parking space to the building containing the dwelling unit
 - iv. Documentation of the required parking spaces shall be provided to the Zoning Administrator prior to issuance of a building permit.
 3. Direct access to dwelling units shall be provided by a doorway located on the outside of the building, which is separate from the doorway used to access the first-floor use.
 4. Prior to establishing an upper story dwelling unit, approval must be obtained from the Zoning Administrator to determine compliance with the requirements of this section.
 5. A building permit shall be obtained from the City in order to establish a dwelling unit in an upper story. All units shall comply with the requirements of the Americans with Disabilities Act.
- o) Public parks, playgrounds, community buildings, swimming pools, and open spaces.

SEC. 40-318. - SPECIAL LAND USES.

The following uses may be permitted in the MU, Mixed Use District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Article VIII herein.

- a) Bed and breakfast operation per Section 40-575(e) herein.
- b) Multiple family dwellings and single-family attached dwellings such as townhouses with no more than four units in any building.

- c) Churches, mosques, synagogues per Section 40-575(b) herein.
- d) Commercial schools including art, music, dance business, professional and trade.
- e) Child care or day care center per Section 40-458 herein.
- f) Adult foster care large group home per Section 40-458 herein.
- g) Adult Day Care Facility (1-6 adults)
- h) Parking lots including municipal and private facilities not directly associated with a principal use per Section 40-576(c).
- i) Residential and non-residential planned unit developments per Article IX herein.

SEC. 40-340. – PURPOSE B-3

The B-3 zoning district is intended to provide for an orderly and concentrated development of business primarily along Main Street as designated in the City Master Plan in order to serve the needs of the motoring public and local residents. A wide range of retail, service, office, governmental, and institutional uses are permitted.

SEC. 40-341. - USES PERMITTED.

- a) Permitted uses allowed in the B-2 Zone.
- b) Personal service establishments which perform services on the premises within a completely enclosed building, such as but not limited to repair shops for electronics, watches, shoes and similar items, tailor shops, print shops, hair and nail salons, barbershops, therapeutic massage, pet grooming, photographic studios and tattoo and piercing parlors.
- c) Gas station/convenience stores with or without restaurants.
- d) Mortuaries and funeral homes per 40-575(g) herein.

SEC. 40-342. - SPECIAL LAND USES.

The following uses may be permitted in the B-3, Highway Business District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Article VIII herein.

- a) Special land uses as permitted in the B-2 zone.
- b) Open air businesses including, but not limited to: the sale and servicing of motor vehicles, boats, trailers, farm implements, yard decorations, nursery stock, storage buildings, recreational vehicles, lawn and garden equipment, mobile or modular homes, and similar uses per Section 40-576(a) herein
- c) Retail building supply and equipment stores.
- d) Retail nurseries and garden centers including display of landscaping products such as mulch, woodchips, sod, dirt, and plant material and yard accessories.
- e) Automobile repair establishments per Section 40-576(g) herein.
- f) Pet boarding facility.
- g) Hospitals, clinics, or rehabilitation facility but not including institutions for mentally challenged, epileptic, drug or alcoholic patients, or correctional institutions of any type.
- h) Outdoor commercial recreation establishments such as miniature golf, go cart tracks, golf driving ranges, batting cages and athletic fields

- i) Ambulance service establishments.
- j) Automatic and self-serve vehicle wash facilities.
- k) Mini-warehouse and self-storage facilities.
- l) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, snow plowing, lawn service, landscaping and similar uses provided that any materials or equipment kept outside shall be screened from the view of nearby properties and roadways per Section 40-576(a) herein.
- m) Establishments which produce alcoholic beverages primarily for distribution off site and which must also engage in one or more of the following as a small percentage of the overall sales of the business and which devote a small portion of the square footage of the building to the following:
 - 1. The retail sale of alcoholic beverages produced on site to the general public for consumption on the site and/or on a retail take-out basis including the limited sale of snacks, pre-packaged foods, and non-alcoholic beverages;
 - 2. Conducting tours for the general public of the facility;
 - 3. The retail sale of items related to the company and its products such as glasses, posters, and clothing.
- n) Child care or day care center per Section 40-458 herein.
- o) Adult foster care large group home per Section 40-458 herein.
- p) Non-residential planned unit developments per Article IX.
- q) Child caring Institution. (Unlimited number of children 24 hours/day)

SEC. 40-363. PURPOSE HC

- a) The intent of the Highway Commercial District is to provide specific standards for the roadways leading to the U.S. 131 interchange in order to preserve the traffic carrying capacity of these roadways. The regulations of this district are also intended to maintain the City's character while accommodating a reasonable amount of commercial development necessary to serve the traveling public as well as area residents.
- b) The specific purposes of the Highway Commercial District are:
 - 1. To ensure the efficient flow of traffic by minimizing conflicts from turning movements.
 - 2. To utilize the site plan review process to limit number and location of driveways and provide alternate means of access through shared driveways, service drives, and access from cross streets.
 - 3. To sustain the traffic carrying capacity of the roadway in order to delay or avoid premature widening which would detract from the character of the City.
 - 4. To ensure that distractions to motorists are minimized by avoiding blight and clutter, promoting aesthetics, and providing property owners and businesses with appropriate design flexibility and visibility.
 - 5. To promote the rural and small-town character of Cedar Springs, as expressed through the master plan, by requiring appropriate setbacks for buildings and parking.
 - 6. To ensure that proper landscaping is provided along the roadways as developed occurs to improve the appearance of the roadways and create a pleasant view for drivers entering and leaving the City.

SEC. 40-364. - USES PERMITTED.

- a) Generally recognized retail businesses that supply commodities on the premises within a completely enclosed building, such as but not limited to foods, pharmacy, liquor, furniture, clothing, dry goods, appliances or hardware.
- b) Personal service establishments that performs services on the premises within a completely enclosed building, such as but not limited to repair shops for electronics, watches, shoes and similar items, tailor shops, print shops, hair and nail salons, barbershops, therapeutic massage pet grooming, tattoo and piercing parlors and photographic studios.
- c) Professional and business offices.
- d) Banks, credit unions, and other financial institutions, but not including those with drive- through facilities.
- e) Health and fitness establishments, martial arts and boxing schools.
- f) Offices and showrooms of plumbers, electricians, decorators, or other similar trades.
- g) Commercial schools including art, music, dance business, professional and trade.
- h) Restaurants, coffee shops, bakeries and similar retail food establishments including those with walk up window service but not including those with drive through facilities. Outdoor dining is permitted in accordance with Sections 40-465 and Section 470 herein. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers, provided they do not exceed a height of 36 inches including plant material.
- i) Brew pubs,
- j) Medical, optical, dental, and veterinary offices and clinics.
- k) Gas station/convenience stores with or without restaurants.
- l) Catering establishments.
- m) Video gaming establishments
- n) Fraternal or social club or lodge.
- o) Hotel and motel.
- p) Indoor commercial recreation facilities such as theaters, bowling alleys, skating rinks, rock climbing, ball sports, pool and billiard hall, but excluding firearm and archery ranges per Section 40-574(d) herein.
- q) Dwelling units located above a non-residential use subject to the following requirements except that any single-family detached dwelling units and other residential uses existing as of the effective date of this ordinance are exempt from these requirements:
 - 1) A dwelling unit shall not be located on the ground floor.
 - 2) Each dwelling unit shall contain a minimum of 600 square feet of floor area.
 - 3) One parking space shall be provided for each bedroom within the dwelling unit. These spaces may be provided as follows:
 - i. On site; or
 - ii. In a City of Cedar Springs operated parking lot as may be approved by the City Council; or
 - iii. The off-street space or spaces may be within 300 feet of the dwelling unit served. The 300 feet measurement shall be taken in a straight line from the parking space to the building containing the dwelling unit.
 - iv. Documentation of the required parking spaces shall be provided to the Zoning Administrator prior to issuance of a building permit.

- 4) Direct access to dwelling units shall be provided by a doorway located on the outside of the building, which is separate from the doorway used to access the first-floor use.
- 5) Window air conditioning units shall not project beyond the face of the building for that portion of the building that fronts on a street.
- 6) Prior to establishing an upper story dwelling unit, approval must be obtained from the Zoning Administrator to determine compliance with the requirements of this section.
- 7) A building permit shall be obtained from the City in order to establish a dwelling unit in an upper story. All units shall comply with the requirements of the Americans with Disabilities Act.
- n) Outdoor display of merchandise subject to Section 40-444(5) herein.
- o) Accessory uses and structures customarily incidental to the principal use.

SEC. 40-365. - SPECIAL LAND USES.

The following uses may be permitted in the HC, Highway Commercial District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Article VIII herein.

- a) Establishments with drive-through facilities per Section 40-574(e)-(f) herein.
- b) Open air businesses including, but not limited to: the sale and servicing of motor vehicles, boats, trailers, farm implements, yard decorations, nursery stock, storage buildings, recreational vehicles, lawn and garden equipment, mobile or modular homes, and similar uses per Section 40- 576(a) herein
- c) Retail building supply and equipment stores.
- d) Retail nurseries and garden centers including display of landscaping products such as mulch, woodchips, sod, dirt, and plant material and yard accessories.
- e) Pet boarding facility.
- f) Veterinary hospitals and animal clinics.
- g) Outdoor commercial recreation establishments such as miniature golf, go cart tracks, golf driving ranges, batting cages and athletic fields
- h) Ambulance service establishments.
- i) Automatic and self-serve vehicle wash facilities.
- j) Mini-warehouse and self-storage facilities.
- k) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, snow plowing, lawn care, landscaping and similar uses provided that any materials or equipment kept outside shall be screened from the view of nearby properties and roadways per Section 40-576(a)
- l) Community centers owned and operated by a public or nonprofit agency.
- m) Municipal buildings, utility buildings and regulating substations and pressure control stations per Section 40-575(h) herein.
- n) Repair of motorcycles, snowmobiles, all-terrain vehicles, boats and similar vehicles which are required to be licensed by the State of Michigan
- o) Establishments for the repair of small engines, appliances and similar equipment.
- p) Mortuaries and funeral homes per 40-575(g) herein.
- q) Hotels and motels including accessory uses such as restaurants, taverns, conference rooms, exercise rooms, swimming pools, and banquet facilities.

SEC. 40-385 PURPOSE I-1

This district is intended for intensive industrial activity including manufacturing, processing, assembly and packaging. It is also intended to permit related businesses and services while prohibiting retail sales, residential dwellings, and other incompatible uses. This district is designed to promote high quality industrial development through the use of industrial performance standards and other regulations contained herein.

SEC. 40-386 PERMITTED USES

- a) The manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products.
- b) The manufacture, compounding, assembly, or treatment of articles from previously prepared materials such as aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, paperboard, plastics, precious or semiprecious metals or stones, shell rubber, tin, iron, steel, tobacco, wood and yam, and food products.
- c) Manufacturing or fabrication of products, components, devices, equipment, systems and parts, such as the following: Ceramic products; communication transmission and reception equipment; electronic processing equipment and systems; electrical appliances; electronic instruments, devices and components; automotive parts and components, glass molding, edging, beveling and silvering; graphics and art equipment; jewelry, including products from precious or semi-precious stones or metals; medical or dental equipment; metering instruments; optical devices, equipment and systems; photographic equipment; furniture assembly and/or manufacturing; processing and packaging of agricultural products.
- d) Wholesale establishments including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishing and lumber and building products.
- e) Research and development facilities, including production activities.
- f) Trade or industrial schools.
- g) Motor freight terminal including garaging and maintenance of equipment.
- h) Municipal buildings, utility buildings and regulating substations and pressure control stations per Section 40-575(h) herein.
- i) Grain storage and milling, feed store, storage and sales of agricultural products and similar uses.
- j) Body shops, wrecker services, vehicle repair facilities per Section 40-576(g) herein.
- k) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, snow plowing, lawn service, landscaping and similar uses provided that any materials or equipment kept outside shall be screened from the view of nearby properties and roadways.
- l) Wholesale distribution and display of landscaping products such as mulch, woodchips, sod, dirt, and plant material and yard accessories.
- m) Machine shops.
- n) Professional and business offices.**
- o) Tool and die establishments.
- p) Commercial fuel depot.
- q) Indoor recreation establishments per Section 40-574(d) herein.

- r) Park and ride lots operated by a public agency.
- s) Building supply and equipment establishments.
- t) Municipal parking lots not directly associated with a principal use.
- u) Buildings, structures, and uses accessory to the permitted and special land uses.

SEC. 40-387 SPECIAL LAND USES.

The following uses may be permitted in the Industrial District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Article VIII herein.

- a) Uses listed in Section 40-386 which are located or are proposed to be located on a parcel that has frontage on the White Pine Trail including the expansion of an existing use or structure on such parcel.
- b) Manufacturing, compounding, processing, packaging, treating, assembling and bulk storage of:
 - 1) Chemical products such as paint enamels, wood chemicals agricultural
 - 2) Rubber manufacturing or reclaiming, such as tires, tubes, footwear.
 - 3) Stone, clay, glass, cement, brick, pottery, abrasive, tile and related products.
 - 4) Primary metal industries, including blast furnaces, steel works, foundries, smelting or refining of nonferrous metals or alloys rolling and extruding.
 - 5) Fabricated metal manufacturing, including ordnance, engines, machinery, electrical equipment, metal stamping, wire products and structural metal products.
- c) Pulp and paper manufacturing
- d) Heating and electric power generating plants.
- e) Junk and salvage yards and recycling facilities per 40-575(d) herein.
- f) Veterinary hospitals or clinics per Section 40-575(e) herein.
- g) Kennels and pet boarding facilities.
- h) Slaughterhouse, rendering plant.
- i) Petroleum refining, paving materials, roofing materials and other related industries.
- j) Waste treatment facilities.
- k) Water supply and treatment facilities.
- l) Sexually oriented businesses per Section 40-578(c) herein.
- m) Warehouses, distribution and storage facilities including mini-warehouses.
- n) Outdoor storage, as either the principal use or accessory to another use per Section 40-576(a) herein.
- o) Warehouses, distribution and storage facilities including mini-warehouses.
- p) Freight forwarding packing and crating services.
- q) Central dry-cleaning plant.
- r) Rail yards.
- s) Solid waste processing facility, including composting as an incidental use.
- t) Refuse and garbage incinerators
- u) Crematoriums.
- v) Sale/rental and display of the following: temporary mobile storage units (pods) and temporary refuse collection units; farm and garden products including fencing and equipment; pre-cast concrete products; utility trailers, animal trailers, and similar trailers; and granite or marble or similar products or raw materials.
- w) Lumberyards.
- x) Establishments which produce alcoholic beverages primarily for distribution off site and which may also engage in one or more of the following as a small percentage

of the overall sales of the business and which devote a small portion of the square footage of the building to the following:

1. The retail sale of alcoholic beverages produced on site to the general public for consumption on the site and/or on a retail take-out basis including the limited sale of snacks, pre-packaged foods, and non-alcoholic beverages;
2. Conducting tours for the general public of the facility;
3. The retail sale of items related to the company and its products such as glasses, posters, and clothing.

Section 2. Severability and Repealer. If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. Effective Date. This ordinance shall take effect upon its publication in The Cedar Springs Post, a newspaper of general circulation in the City of Cedar Springs, consistent with state law and the City Charter.

YEAS: Councilmembers: Conley, Powell, Gross, and Race

NAYS: Councilmembers: None

ABSENT: Councilmembers: Hall, Atchison, Nixon

ABSTAIN: Councilmembers: None

Ordinance No. 216 declared adopted

Dated May 14, 2019

Rebecca Johnson, City Clerk

CERTIFICATION

I certify that this is a true and complete copy of an ordinance adopted by the City Council of the City of Cedar Springs at a Regular Meeting held May 14, 2019 and that public notice of the meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated: May 14, 2019

Rebecca Johnson, City Clerk

First Reading: March 14, 2019

Public Hearing: April 9, 2019

Second Reading: April 11, 2019

Third Reading: May 09, 2019

Published: May 16, 2019

Effective Date: May 16, 2019