

ARTICLE VII. CBD CENTRAL BUSINESS DISTRICT

SECTION 700. STATEMENT OF PURPOSE

The CBD Central Business District is designed and intended to preserve, promote the continued vitality of a pedestrian oriented and accessible, central commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. Each use shall be complementary to the stated function and purpose of the district and shall not have adverse impact upon adjacent street capacity and safety, utilities, and other city services.

The CBD Central Business District is further designed and intended to:

1. Encourage innovative, traditional commercial and mixed use developments that are consistent with the existing, small town, character of the CBD.
2. Encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian oriented unified setting, with shared parking.
3. Extend greater opportunities for traditional community living, working, housing and recreation to all citizens and residents of the City.
4. Encourage a more efficient use of land and of public services and to reflect changes in technology of land development, by directing new development in a traditional pattern of mixed use and varied commercial styles.
5. Reduce the excessive sprawl of development and the segregation of land uses that cause unnecessary traffic congestion.
6. Discourage the development of separate off-street parking facilities for each individual use, and to encourage the development of off-street parking facilities designed to accommodate the needs of several individual uses.
7. Prohibit uses that do not deal directly with consumers and are disruptive to pedestrian activities and have as their principal function the sale and services of motor vehicles, such as automotive service and repair stations, automotive fueling stations, automobile washes, new and used motor vehicle sales or service establishments, drive-in restaurants, restaurants with drive-through facilities.
8. Promote developments where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible urban design and architectural design elements. Such elements shall relate to the design characteristics of an individual structure or development to other existing and planned structures or developments in a harmonious manner, resulting in coherent overall development patterns and streetscape for the downtown as well as surrounding areas.
9. Encourage the preservation and enhancement of Bad Axe's small town "Main Street" with mixed land uses and shared parking, and continuous frontage that serves the commercial needs of the immediate neighborhood, the City of Bad Axe and surrounding communities as a whole.

SECTION 701. USES PERMITTED BY RIGHT

In the CBD Central Business District, no use shall be permitted, unless otherwise provided in this Zoning Ordinance, except for the following:

1. Apartments, provided all public utilities are available, all units shall have at least one (1) living room and one (1) bedroom, except that five percent (5%) of the units may be of an efficiency apartment type, and not more than twenty-five percent (25%) may be of one bedroom units, or fifty percent (50%) in a mixed-use building.

Business and office uses may occupy a building used for residential uses provided that no such business or office use may be located on the same floor as used for residential purposes, and no floor may be used for business or office use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential use.

2. Art galleries.
3. Bus or railroad passenger stations.
4. Business schools and colleges.
5. Business establishments which perform services on premises such as, but not limited to: banks, savings and loans and credit unions (excluding drive-through branches); brokerage houses; insurance, real estate, and travel agencies; pedestrian-oriented automated teller machine facilities.
6. Churches, temples, and similar places of worship, limited to a capacity of five-hundred (500) worshippers.
7. Clubs, fraternal organizations, and lodge halls.
8. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one (1) retail outlet shall be prohibited.
9. Essential services and public utility uses conducted within an enclosed building, excluding storage yards, provided the use and building are consistent with the appearance and character of the downtown as determined by the Planning Commission and further subject to the following:
 - a. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to any other buildings on the same site development.
 - b. Where mechanical equipment is located in the open air, it shall be screened from the surrounding area by an obscuring wall, fence, or planting area, and it

shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

10. Hotels, motels, and bed and breakfast inns.
11. Laundromats (self-service or coin-operated).
12. Medical offices including offices of doctors, dentists and similar or allied professions, with up to ten-thousand (10,000) square feet gross floor area.
13. Mixed-use buildings, with business, commercial, or service uses on the ground floor, and residential, or office, uses on upper floors.
14. Newspaper offices and publishers, and commercial printers.
15. Nursery schools, day nurseries, and child care centers, provided that:
 - a. There is provided and maintained a minimum of one-hundred-fifty (150) square feet of indoor and/or outdoor play area per child and provided that such total area shall not be less than five-thousand (5,000) square feet. The Planning Commission may waive these requirements if it determines there is adequate indoor play area, or if there is a public park or playground within the immediate area which can be safely accessed by those children attending such use.
 - b. Such use shall be fenced and screened from any adjoining lot.
 - c. Adequate ingress and egress, and parking and circulation, as determined by the Planning Commission, shall be provided.
 - d. Such use shall not be located within five-hundred (500) feet, or further if determined necessary by the Planning Commission, from those uses the Planning Commission determines to be incompatible or would present a danger to the health, safety and welfare to the children attending such use.
16. Offices of an executive, administrative or professional nature, with up to ten-thousand (10,000) square feet gross floor area.
17. Off-street parking and loading facilities in accordance with Section 1210, Parking, Storage and Loading Spaces.
18. Outdoor cafes, outdoor eating areas, carry-out, and open front restaurants, taverns (pubs) and brewpubs, subject to the following site design standards:
 - a. A minimum of five (5) feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances. If the sidewalk is not wide enough to allow for a five (5) foot wide clearance for circulation, the outdoor café shall not be permitted.

Planters, posts with ropes, or other removable enclosures are required and must be used to define the area occupied by the outdoor café.

- b. Pedestrian circulation and access to building entrances shall not be impaired. A boundary (maximum encroachment width and length) into the public sidewalk shall be established with an accessible aisle being maintained between this line and the curb, in accordance with the provisions of all state and federal regulations.
 - c. The outdoor café must be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required. Written procedures for cleaning and waste containment and removal responsibilities must be included with all applications and approved by the Planning Commission.
 - d. Tables, chairs, planters, waste receptacles, and other elements of street furniture shall be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they shall compliment building colors. When not in use, all tables, chairs, umbrellas, and other furniture and fixtures must be stored inside the building or elsewhere besides the public sidewalk.
 - e. A sign must be posted stating “No food or beverages allowed beyond the railing.” Other additional signs are not permitted beyond those permitted for the existing restaurant.
 - f. Such areas are permitted seasonally between April 1 and October 31. The hours of operation for the outdoor café shall be established and noted with the application.
 - g. Such areas must include food service in addition to the sale and service of alcoholic beverages.
 - h. Preparation of food and beverages may be prohibited by the Planning Commission in the outdoor café.
 - i. Liability issues for use of the public sidewalk shall be addressed and reviewed by the City Attorney.
19. Outdoor theaters (excluding drive-in theaters), plazas, parks, and public gathering places.
20. Personal service shops providing that each occupies a total usable floor area of not more than four thousand (4,000) square feet, including but not limited to such uses as: repair shops (watches, radio, television, shoe, etc.), tailor and dressmaking shops, beauty parlors and styling salons, barber shops, photographic studios, film processing outlets, copy centers, interior decorators, and postal centers.

21. Public, quasi-public, and institutional uses such as, but not limited to, municipal offices, court houses, public off-street parking facilities, libraries, museums, public safety facilities, parks, and civic centers, but excluding storage yards.
22. Public utility buildings, excluding storage yards.
23. Retail businesses which supply commodities on the premise of up to twenty-thousand (20,000) square feet, such as but not limited to: groceries, meats, fruits and produce, dairy products, baked goods, candies, wine (specialty wine shops only) and other specialty food products (such products can be produced on the premises as an accessory use provided they are sold on the site at retail prices); and stores selling drugs, dry goods, flowers, clothing, notions, books and magazines, toys, sporting goods, shoes, tobacco products, musical instruments, recorded music, video rentals and sales, gifts and souvenirs, furniture, and hardware. Retail sales maybe conducted outdoors on sidewalks provided:
 - a. At least five (5) feet of the sidewalk width is unobstructed for pedestrian traffic.
 - b. All equipment and merchandise is kept indoors during non-business hours.
24. Retail sales in which both a workshop and retail outlet or showroom are required, such as plumbing, electrician, interior decorating, upholstering, printing, photographic-reproducing, radio, and home appliance and similar establishments of similar character subject to the provision that not more than eighty percent (80%) of the total useable floor area of the establishment shall be used for servicing, repairing, or processing activities and further provided that such retail outlet or showroom activities area shall be provided in that portion of the building where the customer entrance is located.
25. Restaurants (excluding drive-in restaurants and those with drive-through facilities), taverns (pubs), and brewpubs where the patrons are served while seated within the building occupied by such establishment.
26. Residential dwellings; provided the following conditions are met:
 - a. Single-family detached dwellings shall meet requirements for the R-1 Traditional Neighborhood District. The minimum distance between buildings shall be ten (10) feet. Front building setbacks shall equal the average setback line of the block. Building setback to any side property line shall be thirty (30) feet, except where adjacent to single-family residential property. Driveways, parking and walls may be within the setback as long as a ten (10) foot greenbelt area is placed between the property line and any improvement.
 - b. Multiple housing dwelling units and attached single family units (i.e. duplexes, townhouses) shall meet requirements of appropriate multiple family residential districts, as determined by the Planning Commission.

In a multiple-family development within the CBD Central Business District, the total number of rooms (not including kitchen, dining and sanitary

facilities) shall not have more than the area of the parcel in square feet, divided by a factor of one thousand two hundred (1,200). If such multiple housing is within a mixed-use building a factor of eight-hundred (800) shall apply pursuant to the following.

- (1) Business, commercial, office, and warehouse uses may occupy a building used for residential uses provided that no such business or office use may be located on same floor as used for residential purposes, and no floor may be used for business, commercial, office, or warehouse use on a floor located above a floor used for residential purposes. Further, where there is mixed business/office and residential use in a building there shall be provided a separate, private pedestrian entranceway for the residential use. Warehouse uses must be related to a business, commercial, or office use located elsewhere within the same building.
27. Studios for art, music, dance, or theatrical instruction.
28. Theaters, assembly halls, community centers, or similar places of assembly when conducted completely within enclosed buildings.
29. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.

SECTION 702. USES PERMITTED BY SPECIAL APPROVAL

In the CBD, the following uses may be permitted subject to applicable site design standards hereinafter imposed and subject further to the special approval procedures of Article XVII, Site Plan and/or Special Use Approval:

1. Business with low intensity drive-through facilities (such as but not limited to banks and credit unions, pharmacies, party stores, etc. excluding drive-through restaurants).
2. Cocktail lounges (night clubs), provided the following conditions are met:
 - a. No outdoor café, outdoor eating area, carry-out, and open front area shall be permitted.
 - b. The Planning Commission may waive the above requirement and the thirty percent (30%) floor area limitation for existing buildings only if a full-service menu is provided for the on-site consumption of food, and the Commission determines that the use is more characteristic of a tavern (pub) than a cocktail lounge (night club).
3. Commercial parking lots and structures.
4. Indoor recreational centers, including mechanical amusement device arcades, pinball parlors and pool or billiard halls.

5. Mortuaries and funeral homes.
6. Party Stores.
7. Senior housing and housing for the elderly.
8. Supermarkets, provided the Planning Commission determines sufficient off-street parking and loading areas are provided.
9. Uses similar to the principal permitted uses provided in Section 801, Uses Permitted By Right, after the Planning Commission has determined that such uses are in harmony with the character of the District and the purpose and intent of the Master Plan of the City.
10. Wireless Communications support structures subject to the provisions of Section 1218.

SECTION 703. REQUIRED CONDITIONS

Renovation of existing buildings or construction of new buildings in the CBD shall comply with the design standards contained in the "Design Standards for the Central Business District". The Planning Commission may modify the design standards provided the resulting development is consistent with the intent of the CBD.