

DIVISION 9. C-2, PLANNED SHOPPING CENTER DISTRICT

Sec. 32-336. Statement of purpose.

The C-2 planned shopping center district is intended to provide planned shopping facilities to serve the township. As such, it should permit a sufficient size site for integrated off-street parking, landscaping and loading/unloading area and be located adjacent to major thoroughfares and/or freeways to permit safe and efficient vehicular traffic circulation. These districts and the traffic such shopping centers therein may generate must be planned so as not to cause adverse effects on adjacent residential property and the township as a whole. The size of the center is intended to be related to the level of purchasing power available for the support of those uses permitted in this district. The design standards contained in this article are also intended to minimize adverse effects of the planned shopping center and its related traffic generation on nearby property values and to provide for safe and efficient use of the planned shopping center itself.

(Code 1992, § 19-356; Ord. No. A57, § 2, 6-20-1990)

Sec. 32-337. Permitted principal uses.

In the C-2 district, the following uses are permitted subject to compliance with section 32-336, pertaining to the statement of purpose of the C-2 district, and standards at sections 32-710 through 32-718, Planned unit development, C-2 district for planned shopping centers:

- (1) Any retail business or service establishment permitted in the RO-1 and C-1 districts, as permitted principal uses, and permitted uses after special approval, subject to the design restrictions therein.
- (2) Retail business or service establishments as follows:
 - a. A retail business whose principal activity is the sale of merchandise within an enclosed building.
 - b. A service establishment of an office, showroom or workshop of an electrician, decorator, dressmaker, tailor, baker, painter, upholster or an establishment doing radio, television or home appliance repair; photographic reproduction and similar service establishments that require a retail adjunct.
 - c. Assembly halls, or similar places of assembly when conducted within an enclosed building.
 - d. Bowling alley, billiard hall or similar forms of indoor commercial recreation.
 - e. Restaurants or other places serving food or beverages except those which permit food or beverages to be consumed on the premises in a motor vehicle.
 - f. Personal service establishments which perform personal services on the premises including: tailor shops, beauty parlors, beauty shops, laundry and dry cleaning establishments, watch repair, shoe repair and travel

agency.

- (3) Hotels, motels, indoor theaters.
- (4) Uses permitted in an R-2 district when such are secondary to the principal use on the site (i.e., a planned shopping center), and are integrally designed to complement the commercial uses concerning architectural design, traffic circulation, parking, and landscaping. Introduction of residential uses requires that:
 - a. A planned shopping center of not less than 100,000 square feet exists or will exist on the C-2 site;
 - b. No less than 50 dwelling units shall be committed; and
 - c. Such housing shall be completed prior to a final occupancy permit being issued for the planned shopping center.
- (5) Preschools, nursery schools, day nurseries, child care centers, including Montessori schools, operated for a profit or nonprofit but not including dormitories; provided that the following conditions are met:
 - a. Have primary means of ingress and egress to an internal road system within the planned shopping center.
 - b. Minimum site size shall be three acres.
 - c. Only one principal building shall be permitted on site which may be used either as a school facility or as a combined school and residence for the person operating the school. In either case the building shall be designed in the character of a residence and be in harmony with adjacent residences in the surrounding neighborhood. Any building used in whole or in part for school purposes shall be located not less than 75 feet from any adjacent property line.
 - d. That for each child so cared for, being in total of not more than 45 children on the premises at any one time, in addition to those in the family of the occupant if occupant lives on the premises, there is provided and maintained a minimum of at least 150 square feet of outdoor play area.
 - e. Such play space shall have a total minimum area of not less than 5,000 square feet.
 - f. Such play area shall not be located closer than 50 feet to any adjoining property line and within the yard space there shall be provided a greenbelt planted with landscape materials in accordance with section 32-587, and shall include a continuous fence not in excess of six feet or less than four feet in height.
 - g. The required front yard setback shall remain as open space unoccupied and unobstructed from the ground upward and shall not be used for off-street parking or outdoor playground space, except that landscaping, plant materials, sidewalks and vehicular access drives are permitted.
 - h. Where a parking lot is provided, a greenbelt planted with plant materials

in accordance with section 32-587, shall be provided along all sides of the parking area except for entrance and exit driveways.

- (6) Adult bookstores, adult motion pictures, adult mini motion picture theaters, adult cabarets and massage parlors as defined under section 32-2.

a. *Statement of intent.*

1. In the development and enactment of subsection (2) of this section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated into limited areas of the township, thereby having a deleterious effect upon the adjacent areas. Such concentration tends to detract from the aesthetics of the neighborhood; cause annoyance or disturbance to the citizens and residents who live, work in or pass through the neighborhood; attract an undesirable quantity of transients; adversely affect property values; cause an increase in crime; and encourage residents and other businesses to move elsewhere. Special regulations of these uses are necessary to insure that these adverse secondary effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The control or regulation is for the purpose of preventing a concentration of these uses in any one area.

2. More specifically, the secondary effects upon the township are concluded to be:

- (i) Creation of a red light/skid row district of adult entertainment uses in the township.
- (ii) Cause a negative impression and impact on young children in the community.
- (iii) Discourage new development of housing and businesses and continuance of existing such uses in proximity to adult entertainment uses, thus causing erosion on property values.
- (iv) Characterize the township as an unregulated community and a breeding ground for undesirables, an appearance totally opposite from the fine reputation the township commands.
- (v) Result in crime incidence, including prostitution, drug abuse, gambling, etc.
- (vi) Introduce need for increased police and security surveillance owing to transient traffic, hours of operation and contribution to delinquency of minors.
- (vii) Impact on nearby schools and religious institutions and related family and moral ethics and values, also invite

molesting, abduction and other crimes upon children, women and others who may have to travel past adult entertainment uses.

- (viii) Invite lurid advertising incongruous with the low profile nature of the local business areas.

The above concerns have been witnessed in other communities whose former vitality has not been restored and there has been an exodus of families and businesses.

b. *Locational standards.*

1. No such use shall be established within an 800-foot radius of any residentially zoned district. Measurement shall be from the nearest premises of the use to the nearest residential district boundary line as established by this chapter.
2. There shall be no public, private or parochial school, library, park, playground or other recreational facility or church, convent, monastery, synagogue or similar place of worship within a 1,000-foot radius of the above named uses. Measurement shall be made from the nearest premises of the named use to the nearest property line of a school, library, recreational facility or place of worship.
3. No adult bookstores, adult motion picture theaters, adult mini motion picture theaters, and cabarets shall be permitted within a 1,000-foot radius of an existing adult bookstore, adult motion picture theater, mini motion picture theater, adult cabaret or massage establishment. Measurement shall be from the nearest premises of the named use to the nearest property line of a similar named use.
4. The premises shall be constructed in such a manner so that material depicting, describing, or relating to specified sexual activities or specified anatomical areas cannot be observed from any public right-of-way or from any other property. The provisions of this subsection shall apply to any display, decoration, sign, show window or other opening.

- (7) The planning commission may permit with concurrence of the township board additional uses upon a finding that all of the following conditions exist:

- a. That the use is related and reasonably necessary or convenient for the satisfactory and efficient operation of a complete and integrated planned shopping center district;
- b. That the use is similar in character to one or more of the above permitted uses; and
- c. That the use is of the character of personal or administrative service or retail commercial rather than a wholesale, manufacturing or assembly use.

(Code 1992, § 19-357; Ord. No. A57, § 2(14.02), 6-20-1990; Ord. No. 101-A-64, § 4, 9-15-1993; Ord. No. 156-A80, § 2, 10-21-1998)

Sec. 32-338. Conditions.

- (a) Retail business and service establishments in the C-2 district shall be subject to the following conditions:
- (1) All uses shall be a part of a planned shopping center meeting standards at sections 32-710 through 32-718.
 - (2) The outdoor storage of goods or materials in the C-2 district shall be prohibited.
 - (3) Warehousing or indoor storage of goods or material in quantities greater than normally incident to the above permitted uses shall be prohibited.
 - (4) The curb cuts for access to a planned shopping center shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances and exits to site shall be no less than 150 feet from a street intersection (as measured from road rights-of-way), or from any adjacent residential district. A maximum of two curb cuts for any planned shopping center of 25 acres or more is allowed. Where a separate detached use (e.g., automobile service station, restaurant, financial institution) exists on a planned shopping center site, either as leased space or under separate ownership, a one-acre site is required and all vehicular access shall be from an internal service roadway. Refer also to standards for automobile service stations at section 32-585 which are not in conflict with this subsection. Acceleration, deceleration and bypass lanes shall be provided and constructed in conformity with standards of the county road commission. All internal roadways shall be curbed and hard surfaced according to applicable township standards of the county road commission. Sidewalks shall be provided to ensure safe movement of pedestrians and avoid conflict with vehicles.
 - (5) For separate detached buildings proposed for a planned shopping center site fronting on internal roads, there shall be a 40-foot setback from road pavement and a minimum landscaped setback of 30 feet.
- (b) In any planned shopping center in a C-2 district, landscape screening shall be provided on all sides which abut residential zoned districts in accordance with standards at section 32-587, with specific reference to subsections (e)(1) and (e)(2)b.

(Code 1992, § 19-358; Ord. No. A57, § 2(14.03), 6-20-1990; Ord. No. 156-A80, § 3, 10-21-1998; Ord. No. 156-A-131, § 1, 1-16-2008)

Sec. 32-339. Site plan review.

For all uses permitted in a C-2 district, there must be site plan review as required under section 32-586.

(Code 1992, § 19-359; Ord. No. A57, § 2, 6-20-1990)

Sec. 32-340. Density, area, height, bulk, placement requirements.

The density, area, height, bulk and placement requirements in the C-2 district shall be in accordance with the schedule of regulations, division 15 of this article.

(Code 1992, § 19-360; Ord. No. A57, § 2, 6-20-1990)

Secs. 32-341--32-368. Reserved.