

## NILES CHARTER TOWNSHIP PROPOSED ZONING AMENDMENT

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### SECTION 14.05 – 11<sup>th</sup> Street Overlay District Requirements

A. **Intent:** 11<sup>th</sup> Street is a primary entrance route into the greater Niles Community from the south, providing direct access from US Highway 12. As such, the community has identified this corridor as a gateway to the historic downtown of Niles. The provisions of the 11<sup>th</sup> Street Overlay District are intended to carry out the goals and objectives of the *11<sup>th</sup> Street Corridor Plan*, which was the result of a joint planning effort between the City of Niles, the Charter Township of Niles, local business owners along 11<sup>th</sup> Street, the Southwestern Michigan Economic Growth Alliance, Southwest Michigan Planning Commission, Berrien County, the Four Flags Area Chamber of Commerce, the Four Flags Area Tourist Council, and the Michigan Department of Transportation.

The 11<sup>th</sup> Street Overlay District is intended to:

- a. Improve pedestrian and vehicle traffic safety, access, and circulation.
- b. Enhance the visual aesthetics through improved landscaping, signage, and building façade design.
- c. Reduce impervious surfaces and storm water runoff while improving the usage and efficiency of parking areas.

B. **Applicable Requirements:** The 11th Street Overlay District is a mapped overlay within the General Business zoning district which imposes a set of requirements in addition to those of the underlying zoning district. Properties within the Overlay District which fall into the GB district shall be developed only under the applicable conditions and requirements of both the GB District and the Overlay District. Portions of the area within the boundaries of the Overlay may fall into zoning districts other than GB and it is intended that the requirements of this Section 14.05 shall not apply to such properties unless and until their zoning classification is changed to GB. It is intended that land uses in existence as of the adoption shall maintain conformity with the underlying zoning standards, but any expansion, redevelopment, or new development shall conform to the 11th Street Overlay District standards. In the event there is a conflict between the requirements of the GB District and the 11<sup>th</sup> Street Overlay District, the requirements of the 11th Street Overlay District shall govern.

C. **Creation of 11th Street Corridor Overlay District Boundaries:** The 11th Street Overlay District boundaries shall be as established on the Niles Charter Township Official Zoning Map. The 11th Street Overlay District may be established or amended according to the procedures set forth in this Zoning Ordinance.

D. **Administration and Review:** All applications for expansion, redevelopment, or new development shall follow all site plan review standards and special land use requirements, if applicable, as set forth in this Zoning Ordinance.

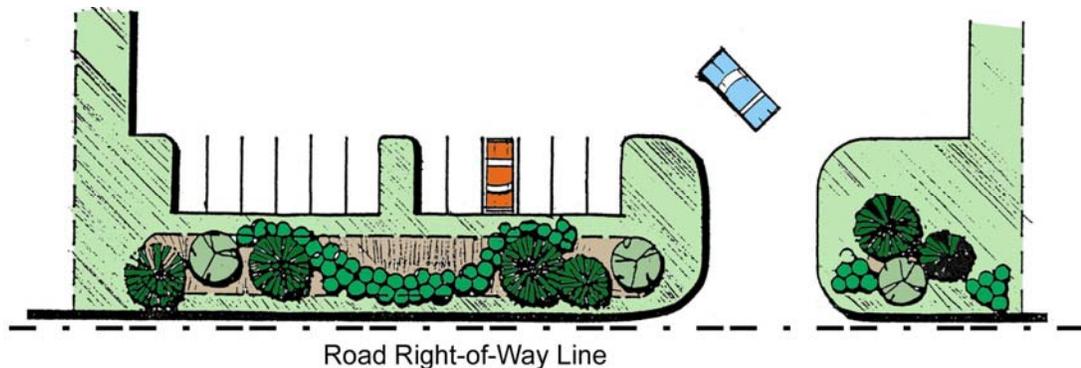
E. **Permitted and Special Land Uses:** Property in the 11th Street Overlay District may be used in accordance with uses that are permitted by right or may be permitted by special land use approval in the General Business District.

**F. Regulations and Conditions: Buildings and uses in the 11th Street Overlay District shall comply with the following requirements.**

1. **Maximum Impervious Surface Coverage:** The maximum impervious surface coverage (including buildings, parking lot, and sidewalks) shall not exceed 80% of the lot, and the remaining 20% of the lot shall be dedicated to landscaping and other pervious surfaces. However, the maximum impervious surface coverage of the lot may be increased to 90% if the lot permits and develops an interconnecting drive with an adjacent commercial lot in accordance with paragraph F, 2, f, below.
2. **Access and Parking:**
  - a. **Maximum Number of Curb Cuts per Lot:** The number of curb cuts per lot shall not exceed one (1), except that lots with more than one (1) side of frontage may have one (1) curb cut for each side of frontage. For lots that contain a building with more than fifty-thousand (50,000) square feet of floor area, one (1) additional curb cut may be permitted for each side of frontage as an access drive for service and delivery vehicles.
  - b. **Minimum Setbacks:**
    - a) **Parking Lot Setback from a Right-of-Way:** The minimum setback of parking lots from a right-of-way shall be 20 feet.
    - b) **Driveway Setbacks from a Road Intersection or Another Driveway:** Subject to approval of driveway locations by the Berrien County Road Commission, vehicle ingress and egress driveways shall not be closer than fifty (50) feet to the right-of-way of two (2) intersecting streets, or closer than fifty (50) feet to another driveway measured along the right-of-way line.
  - c. **Driveway Alignment with Driveway across Street:** Subject to approval of driveway locations by the Berrien County Road Commission, driveways shall be symmetrically aligned with existing driveways located across the street, unless site conditions prohibit alignment.
  - d. **Joint Parking:** Joint use of off-street parking areas may be provided collectively by two or more buildings or uses, provided the total number of parking spaces shall not be less than the sum of the requirements of the space requirements computed separately. In the instance of dual function of off-street parking spaces where operating hours or parking needs of individual buildings or uses occur at distinctly different times, the Planning Commission may grant an exception to this requirement.
  - e. **Interconnection between Parking Lots:** In an effort to reduce the incidence of vehicle crashes along 11th Street and improve traffic flow between businesses, the owners applying for site plan approval shall delineate and construct an interconnecting drive between their lot and adjacent commercial lots. The subject owner(s) shall sign an easement and maintenance agreement and record the agreement with the Register of Deeds. If the owner of an adjacent commercial lot refuses to sign the easement and maintenance agreement or otherwise allow for the construction of an interconnecting drive, the owner applying for site plan approval shall sign and record an easement and maintenance agreement for his/her property only and construct the drive on his/her property.

- f. Surface: Parking and drive areas shall be surfaced with asphalt or concrete and gravel or dirt parking areas shall be prohibited.
  - g. Wheel Blocks: All off-street parking areas shall be provided with wheel block or bumper guards in cases where parking areas abut a sidewalk, pedestrian walkway, street, landscape area, or adjoining property line so that no part of the parked vehicles extend beyond the provided parking area.
3. Landscaping: Landscaping shall be required in accordance with Section 3.13 and shall consist of a combination of ground level shrubs, and evergreen, ornamental and deciduous trees. The following landscaping shall be required:
- a. Front Yard Landscaping: Landscaping between the building and the road right-of-way shall comply with the following planting requirements: One (1) canopy tree per forty (40) feet of frontage (or fraction thereof) and one (1) shrub per five (5) feet of frontage (or fraction thereof). For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted (see diagram example below). Trees and shrubs may be planted at uniform intervals, at random, or in groupings. The required trees and shrubs shall not be located in a required clear vision area per Section 3.14. Landscaping may be allowed within the right-of-way, if permitted by Road Commission or MDOT.

**Figure 14-1. Example of Front Yard Landscaping**

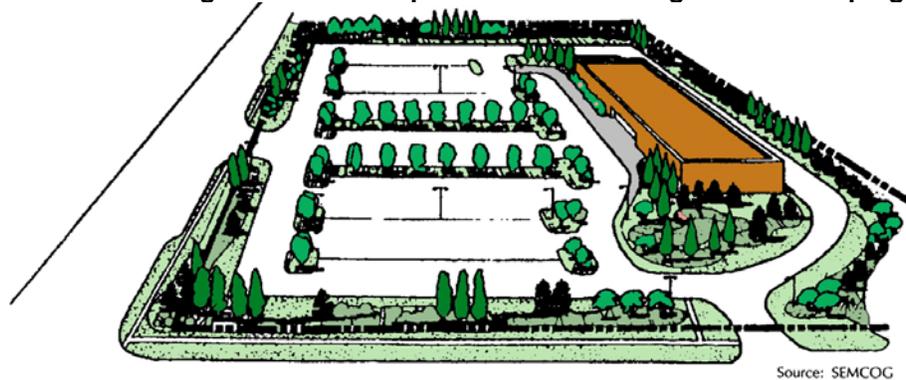


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- b. Parking Lot Screening: Parking located in front or on the side of a building shall be intermittently screened from the road with a three (3) foot high red or brown brick wall, evergreen landscaping, or an approved alternative. For the purposes of this section, an intermittent screen shall provide visual screening for at least 50% of the lot frontage. For evergreen screening, the use of dwarf species is which will not reach heights of more than three (3) feet shall be required. This evergreen screening shall be in addition to the front yard landscaping required in Section 3.13.

- c. Interior Parking Lot Landscaping: Off-street parking areas containing greater than fifteen (15) spaces shall be provided with at least ten (10) square feet of interior landscaping per parking space. A minimum of one (1) canopy or ornamental tree shall be planted per three hundred (300) square feet or fraction thereof of interior landscaped area. At least fifty percent (50%) of each interior landscaped area shall be covered by living plant material such as sod, shrubs, ground cover, or trees (see diagram example below).

**Figure 14-2. Example of Interior Parking Lot Landscaping**



- d. Lot Line Screening: An evergreen screening buffer shall be required wherever a lot abuts a residential zoning district. The buffer shall consist of a dense double row of evergreen trees at least six (6) feet in height. No buffer shall be required where a public road separates the zoning districts
- e. Mechanical Equipment Screening: All heating, ventilation, and air conditioning mechanical equipment located on the exterior of the building shall be screened from adjacent public or private streets and adjacent properties. If the equipment is mounted on the building, it shall be screened in a manner that is architecturally compatible with the building design. If the equipment is ground mounted, it shall be screened in a similar manner and/or with evergreen plant materials. Other types of mechanical equipment located on the exterior of the building, such as dust collectors, hoppers, stacks, etc., that cannot practically be screened, shall be designed, located, and/or painted to minimize the adverse visual impact.
- f. Storm Water Management: Sites shall manage storm water in accordance with the requirements of the Berrien County Drain Commissioner. The use of Low Impact Development (LID) techniques, such as bioretention as a part of the site landscaping shall be permitted.
4. Signage: The regulations of Chapter 25 shall apply to properties within the 11<sup>th</sup> Street Overlay District.
5. Lighting: All lighting shall meet the height and illumination standards of Section 3.19. Light fixtures shall not be attached to a utility pole. All light poles shall be traditional-style light fixtures that are aesthetically attractive.
6. Façade Design and Guidelines:
- a. Windows: All building facades visible from the street shall have windows with transparent, non-reflective glass. Provided, however, that retail uses that require the use

of the inner surface of exterior walls for retail displays may incorporate interior screening on windows to obscure the view of such retail displays. The following requirements for windows shall apply:

1.) First floor: minimum 30% of façade, 70% maximum.

2.) Second floor and above: minimum 20% of façade, 60% maximum.

- b. Exterior Building Materials: Traditional building materials, such as masonry, stone, brick, or wood, shall be used as the predominant exterior building materials for all new construction, renovations, and additions. Plain concrete block, plain concrete, corrugated metal, plywood, vinyl siding, and sheet pressboard may only be used as secondary exterior finish materials, provided they cover no more than ten percent (10%) of the surface area. Large blank walls extending more than twenty (20) feet without articulation shall be prohibited. Building articulation features may include windows, pilasters, a change in materials or other design elements to break up large blank walls.
7. Standards for Siting and Screening of Trash Dumpster.
- a. Location: Dumpsters shall be located in a rear yard, provided any such dumpster shall not encroach on required parking area and is clearly accessible to servicing vehicles, and is located at least ten (10) feet from any building. Provided, that a dumpster enclosure which is designed as an integral part of the main building and which includes a direct access doorway from the building for servicing, may be allowed. Dumpsters shall comply with the setback requirements for the district in which they are located. Dumpsters shall be located as far as practicable from any adjoining residential district.
  - b. Concrete Pad: Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of three (3) feet in front of the dumpster enclosure.
  - c. Screening: Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a permanent building, decorative masonry wall, or pressure-treated wood fencing, not less than six (6) feet in height or at least one (1) foot above the height of the enclosed dumpster, whichever is taller. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three sides.