

BRAINERD PLANNING COMMISSION

Special Meeting

Wednesday, January 23, 2014

6:00 p.m.

City Hall Council Chambers

1. Call to Order
2. Approval/Amendment of Agenda
3. NEW BUSINESS
 - a. Public Hearing – Zoning Text Amendment to Permit Industrial District and Mixed Use District Zoning Structure Demolition by Interim Use Permit
4. OLD BUSINESS
 - a. Brainerd Hotel – Discussion
5. Commissioners' Questions/Comments
6. City Planner Report
7. Adjournment

Any individual needing special accommodations please call 218/828-2309

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is given that the City of Brainerd Planning Commission has initiated a public hearing to consider a text amendment of the Brainerd Zoning Ordinance Sections 515-70-4 I-1 (Light Industry) District, 515-71 I-2 (General Industry) District, and 515-72 MU (Mixed Use) District to consider amending/adding the following:

515-70-4: Interim Uses

C. Decommissioning, which is defined as the significant removal of machinery from service within a site, or the demolition of existing buildings, pavement, structures or facilities, and/or site remediation for the purposes of leaving a property barren for an unspecified amount of time. A site plan shall be submitted and is subject to Section 10 of this Ordinance.

515-71-4: Interim Uses

A. Decommissioning, which is defined as the significant removal of machinery from service within a site, or the demolition of existing buildings, pavement, structures or facilities, and/or site remediation for the purposes of leaving a property barren for an unspecified amount of time. A site plan shall be submitted and is subject to Section 10 of this Ordinance.

515-72-4: Interim Uses

A. Decommissioning, which is defined as the significant removal of machinery from service within a site, or the demolition of existing buildings, pavement, structures or facilities, and/or site remediation for the purposes of leaving a property barren for an unspecified amount of time. A site plan shall be submitted and is subject to Section 10 of this Ordinance.

Notice is further given that the Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Thursday, January 23, 2014 to consider the Text Amendment. A copy of the Text Amendment is on file at the City Planning Department, 501 Laurel Street.

Any individual needing special accommodations please call (218) 828-2309.

Dated this 9th day of January, 2014


Mark Ostgarden AICP
City Planner

Publication date: January 13, 2014

SECTION 70
I-1, LIGHT INDUSTRY DISTRICT

Section:

- 515-70-1: Purpose and Intent
- 515-70-2: Permitted Uses
- 515-70-3: Accessory Uses
- 515-70-4: Interim Uses
- 515-70-5: Conditional Uses
- 515-70-6: Uses by Administrative Permit
- 515-70-7: Lot Area and Setback Requirements
- 515-70-8: Building Height
- 515-70-9: Building Requirements

See Page 4

515-70-1: Purpose and Intent. To provide for the establishment of warehousing and light industrial development, particularly in the form of industrial parks. The overall character of the I-1 District is intended to have low impact character. Industrial uses allowed in this district shall be limited to those which can compatibly exist adjacent to both lower intensity business uses and high intensity manufacturing uses but which require isolation from residential uses. This district may also incorporate general office and commercial uses.

515-70-2: Permitted Uses.

- A. Conducting a process, fabrication, wholesale operation, manufacturing or providing a service, including any of the following or similar uses meeting the performance standards applicable to the I-1 District, provided that all development uses in the I-1 District are conducted wholly within a building:
1. Machine shops.
 2. Paper products from previously processed paper.
 3. Electronics assembly and testing.
 4. Commercial printing and publishing establishments.
 5. Laundry, dry cleaning or dyeing plants.
 6. Food/beverage processing.
 7. Cosmetics/toiletries
 8. Drugs and pharmaceuticals.
 9. Beverage bottling.
 10. Recycling center.
 11. Woodworking.
 12. Retail sales operated by non-profit organizations to benefit said non-profit organizations by selling items primarily related to the building industry.
- B. Radio and television studios.

- C. Research laboratories.
- D. Warehousing and wholesaling.
- E. Guard/Reserve facilities.
- F. Automobile body shop and transmission repair subject to the following conditions:
 - 1. All outdoor storage of vehicles shall be screened by at least a six (6) foot fence, but not in excess of eight and one-half (8½) feet in height, and shall be ninety (90) percent opaque fence.
 - 2. Any vehicle parked or stored on the property for longer than twenty-four (24) hours shall be kept in the screened yard.
- G. Government and public utility buildings and structures.
- H. Office business – general such as professional administrative or clerical service operations such as attorneys, financial advisors, insurance, travel and real estate.
- I. Contractor offices.
- J. Essential services as regulated by Section 36 of this Ordinance.
- K. Retail sales operated by non-profit organizations to benefit said non-profit organizations by selling items primarily related to the building industry.
- L. Electrical/Plumbing/Heating/Air Conditioning products and parts.
- M. Metal Sales such as steel and other raw materials.
- N. Construction equipment sales and repair.
- O. Truck and semi tractor/trailer sales and repair.
- P. Sale of parts and sale and repair of tires for construction equipment and semi tractor trailers.
- Q. Sales and distribution of propane, acetylene, helium, CO2 and similar tanks.
- R. Commercial sales incidental to the manufacture, processing or wholesaling of products manufactured on, processed on or wholesaled from the premises. The sales area shall be segregated from the principal use of the building.
- S. All commercial uses permitted in B-1, B-2, B-3, B-4, and B-6 zoning districts are permitted when the commercial use has access on an arterial or collector road.

515-70-3: Accessory Uses.

- A. Off-street parking as regulated in Section 22 of this Ordinance.
- B. Off-street loading as regulated in Section 23 of this Ordinance.
- C. Signs as regulated in Section 37 of this Ordinance.
- D. Residence for night watchman or other security personnel.
- E. Commercial or business buildings not to exceed thirty (30) percent of the gross floor space of the principal building and shall be of the same material and design as the principal use.
- F. Fences as regulated in Section 19 of this Ordinance.
- G. Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.
- H. Outdoor storage accessory to a principal use provided that:
 - 1. The storage area is landscaped and screened from view of neighboring uses, residential zoning districts, and public rights-of-way per Section 20 of this Ordinance.
 - 2. Storage area is fenced in a manner approved by the City.
 - 3. Storage area is paved or surfaced to control dust and erosion.
 - 4. All lighting shall be in compliance with Section 18 of this Ordinance.
 - 5. The storage area does not take up parking space or loading space as required for conformity to this Ordinance and not in front yards.
 - 6. The property shall not abut property zoned for residential, rural, or business use, including land in a neighboring township or city. "Abutting" includes across a street. "Abutting" does not include properties that touch only corner to corner.
 - 7. The storage area shall not abut a school or a public park.
 - 8. The ratio of storage area to building footprint shall not exceed three and one-half to one (3.5:1).

9. Storage shall not include material considered hazardous under Federal or State Environmental Law.

515-70-4: Interim Uses.

A. Outdoor storage as a principal use provided that:

1. All storage is screened from view of neighboring uses and public rights-of-way via a fence or green belt planting strip or combination thereof in compliance with Section 20 of this Ordinance.
2. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.
3. All lighting will be in compliance with Section 18 of this Ordinance.
4. The storage area is fenced and secured as regulated by Section 19 of this Ordinance.
5. The storage area is paved or surfaced to control dust and erosion.
6. All parking, loading and truck staging activities shall occur on site. On-street parking and loading associated with the use is prohibited.
7. Noises emanating from the use are in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations MPC 7030.

B. Billboard signs as regulated by Section 37 of this Ordinance.

C. DECOMMISSIONING, WHICH IS DEFINED AS THE SIGNIFICANT REMOVAL OF MACHINERY FROM SERVICE WITHIN A SITE, OR THE DEMOLITION OF EXISTING BUILDINGS, PAVEMENT, STRUCTURES OR FACILITIES, AND/OR SITE REMEDIATION FOR THE PURPOSES OF LEAVING A PROPERTY BARREN FOR AN UNSPECIFIED AMOUNT OF TIME. A SITE PLAN SHALL BE SUBMITTED AND IS SUBJECT TO SECTION 10 OF THIS ORDINANCE.

515-70-5: Conditional Uses.

- A. Outdoor sales lot, provided that all outdoor storage be screened by a fence or compact evergreen hedge at least fifty (50) percent opaque at least six (6) feet high at time of planting.
- B. Bulk liquid storage provided that:

1. All applicable Minnesota Pollution Control Agency requirements are satisfactorily met.
2. A drainage system subject to the approval of the City Engineer shall be installed.
3. Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with Section 20 of this Ordinance.
4. Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to approval of the City Engineer.
5. All storage tanks shall be located in the rear yard not less than twenty-five (25) feet from any property boundary lines and setback one hundred fifty (150) feet from any adjoining residential zoning district. No tanks shall be permitted in the front yard or side yard abutting public rights-of-way.
6. Storage tanks shall be surrounded by twenty-five (25) feet of open area. Storage of any kind is prohibited in said open area, except equipment incidental to the storage tank. Approved parking must be set back ten (10) feet from any storage tank.
7. Storage tanks shall be set back from existing structures, as outlined in the Fire Code, based on tank size.
8. All bulk storage plans and processes shall be subject to review and approval of the Fire Department.
9. Storage tanks shall not interfere with site circulation, including but not limited to, parking, driveway, curb cuts, and loading areas.
10. A wire weave/chain link security fence shall be required around all storage tanks. The location of said fence shall be as per the Uniform Fire Code.
11. Storage sites shall be accessible by service and emergency vehicles.
12. All filling valves of the storage tanks shall be enclosed and have locking devices.
13. A warning sign shall be required for every tank and shall be placed in a conspicuous location, directly on the tank indicating a supplier's name, address, phone number, that highly flammable and dangerous material is stored therein, and that no smoking requirements must be observed or a sufficient warning to that effect. Said signage may not exceed four (4) square feet.
14. Provisions are made to control and minimize noise, air and water pollution.

- C. Planned Unit Developments (PUD) as regulated by Section 11 of this Ordinance.
- D. Placement and operation of outdoor wood burning furnaces subject to the following conditions:
1. Outdoor wood burning furnaces shall be located at least twenty-five (25) feet from all property lines.
 2. The outdoor wood burning furnace shall be located on a property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance for combustible materials.
 3. The outdoor wood burning furnace shall be located at least one hundred (100) feet from any building that is not served by an outdoor wood burning furnace.
 4. The chimney height of any new outdoor wood burning furnace shall extend at least two (2) feet above the peak of any building not served by an outdoor wood burning furnace within three hundred (300) feet.
- E. Animal hospital, clinic, kennels and shelters provided that:
1. All areas in which animals are confined are located indoors and are properly soundproofed from adjacent properties.
 2. Animal carcasses are properly disposed of in a manner not utilizing on-site garbage facilities or incineration and the carcasses are properly refrigerated during periods prior to disposal.
 3. A ventilation system shall be designed so that no odors or organisms will spread between wards or to the outside air and will be capable of completely exchanging internal air at a rate of at least twice per hour. Air temperature must be maintained between sixty (60) and seventy-five (75) degrees Fahrenheit.
 4. A room separate from the kennel area shall be provided of sufficient size to adequately separate animals that are sick or injured from healthy animals.
 5. Indoor animal kennel floors and walls shall be made of non-porous materials or sealed concrete to make it non-porous.
 6. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
 7. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.

F. Trade/specialty schools.

G. Mini self storage facilities provided that:

1. At least twenty-five (25) percent of the site is open green space and landscaped in accordance with a plan approved by the City Council.
2. No buildings shall be located closer than twenty-five (25) feet to each other to allow for parking, loading, driveway, and fire lanes.
3. No single building shall be greater than one hundred fifty (150) feet in length.
4. All structures are to be within two hundred (200) feet of a fire hydrant.
5. All driveways and parking areas are to be hard (blacktop or concrete) surfaced and adequate turning radius for fire truck maneuverability is to be maintained throughout the site. Designated snow storage space is to be provided to insure adequate and safe access during winter months.
6. Any structures having exposure to an adjacent residential use or public right-of-way, park, or similar public use areas shall be of vinyl, brick, natural stone, wood, or stucco facing material.
7. No retailing, wholesaling, manufacturing, repair, or other such activity other than storage is to occur within the self storage, mini warehousing facility.

515-70-6: Uses by Administrative Permit.

- A. Personal wireless service antennas as regulated by Section 35 of this Ordinance.
- B. Telecommunication towers as regulated by Section 35 of this Ordinance.
- C. Temporary mobile towers as regulated by Section 35 of this Ordinance.

515-70-7: Lot Area and Setback Requirements.

Lot Area	24,000 square feet
Lot Width	100 feet
Front Yard Setback	40 feet
Side Yard Setback, internal lot	10 feet
Side Yard Setback, corner lot	20 feet
Setback from adjacent residential zoning	100 feet
Rear Yard Setback	30 feet

515-70-8: Building Height. No more than thirty (30) feet, however, building heights in excess of the prescribed standard may be permitted through a Conditional Use Permit, provided that:

1. The site is capable of accommodating any increased intensity of use.
2. Any increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
3. Public utilities and services are adequate.
4. The front and side yard setbacks shall be increased one (1) foot for every foot of height in excess of thirty (30) feet.

515-70-9: Building Requirements.

- A. Minimum Floor Area: Industrial and/or commercial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a Conditional Use Permit.
- B. Exterior building elevations shall be as regulated in Section 17 of this Ordinance.

SECTION 71
I-2, GENERAL INDUSTRY DISTRICT

Section:

- 515-71-1: Purpose and Intent
- 515-71-2: Permitted Uses
- 515-71-3: Accessory Uses
- 515-71-4: Interim Uses
- 515-71-5: Conditional Uses
- 515-71-6: Uses by Administrative Permit
- 515-71-7: Lot Area and Setback Requirements
- 515-71-8: Building Height
- 515-71-9: Building Requirements

See Page 2.

515-71-1: Purpose and Intent. The purpose of the I-2, General Industrial District is to provide for the establishment of heavy industry and manufacturing development and use which because of the nature of the product or character of activity, requires isolation from residential and commercial uses.

515-71-2: Permitted Uses.

- A. Any use permitted in the I-1 District as regulated herein.
- B. The manufacturing, compounding, assembly, packaging, treatment or storage of the following products conducted within a building and consistent with all performance standards outlined in this Ordinance:
 - 1. Brewing; cement; stone cutting; brick; glass; wet or dry mill working; metal polishing and plating; paint (pigment manufacturing); vinegar works; rubber products; plastics; meat packing; flour, feed and grain milling; vegetable canning and processing; lime; gypsum and plaster of paris; and similar uses.
- C. Adult Establishments as regulated by Section 33 of this Ordinance.
- D. Warehousing and distribution facilities.
- E. Wholesale businesses.
- F. Tire vulcanizing and recapping.
- G. Major auto and truck repair.

515-71-3: Accessory Uses.

- A. Accessory buildings and structures not exceeding thirty (30) percent of the gross floor area of the principal building.
- B. Fences as regulated by Section 19 of this Ordinance.
- C. Off-street loading as regulated by Section 23 of this Ordinance.
- D. Off-street parking as regulated by Section 22 of this Ordinance.
- E. Signs as regulated by Section 37 of this Ordinance.
- F. Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.
- G. Brewery tasting rooms and product sales provided these do not occupy more than ten (10) percent of the site.

515-71-4: Interim Uses.

- A. ~~None.~~ DECOMMISSIONING, WHICH IS DEFINED AS THE SIGNIFICANT REMOVAL OF MACHINERY FROM SERVICE WITHIN A SITE, OR THE DEMOLITION OF EXISTING BUILDINGS, PAVEMENT, STRUCTURES OR FACILITIES, AND/OR SITE REMEDIATION FOR THE PURPOSES OF LEAVING A PROPERTY BARREN FOR AN UNSPECIFIED AMOUNT OF TIME. A SITE PLAN SHALL BE SUBMITTED AND IS SUBJECT TO SECTION 10 OF THIS ORDINANCE.

515-71-5: Conditional Uses.

- A. Coal, tar, creosote, concrete or asphalt processing or distillation and acid manufacturing provided that:
 - 1. All applicable Minnesota Pollution Control Agency requirements are satisfactorily met.
 - 2. A drainage system subject to the approval of the City Engineer shall be installed.
 - 3. Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with Section 20 of this Ordinance.

4. Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to approval of the City Engineer.
 5. Provisions are made to control and minimize noise, air and water pollution.
- B. Storage, utilization or manufacture of materials which could decompose by detonation, including but not limited to dynamite, trinitrotoluene (TNT), nitroglycerine, guncotton, blasting caps and cartridge primers.
1. All applicable Minnesota Pollution Control Agency requirements are satisfactorily met.
 2. Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with Section 20 of this Ordinance.
 3. Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to approval of the City Engineer.
 4. Provisions are made to control and minimize noise, air and water pollution.
- C. Auto wrecking or salvage yard, junk yard, used auto parts, and similar uses, provided that:
1. The use is screened by a fence or compact evergreen hedge which is at least fifty (50) percent opaque and at least six (6) feet high.
 2. Outside storage area is adequately surfaced to control dust and drainage.
- D. Kilns, forges or other heat processes fired by means other than electricity.
- E. Commercial stockyards and slaughtering of animals provided that the use complies with all Federal regulations including USDA rules and regulations.
- F. Placement and operation of outdoor wood burning furnaces subject to the following conditions:
1. Outdoor wood burning furnaces shall be located at least twenty-five (25) feet from all property lines.
 2. The outdoor wood burning furnace shall be located on a property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance for combustible materials.
 3. The outdoor wood burning furnace shall be located at least one hundred (100) feet from any building that is not served by an outdoor wood burning furnace.

4. The chimney height of any new outdoor wood burning furnace shall extend at least two (2) feet above the peak of any building not served by an outdoor wood burning furnace within three hundred (300) feet.
- G. Crude oil, gasoline, liquid fertilizer or other liquid storage provided that:
1. A drainage system is installed subject to the approval of the City Engineer.
 2. Provisions are made to control and minimize noise, air and water pollution.
- H. Refuse/garbage collection, recycling and incineration or reduction of waste material provided that:
1. The storage of refuse or garbage in the front yard shall be prohibited.
 2. Vehicle parking and storage areas are screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with Section 20 of this Ordinance.
 3. Vehicle parking/storage areas shall be hard surfaced with a bituminous material with curb and gutter to control dust and shall be screened from view of neighboring uses and public rights-of-way.
 4. The site shall be maintained free of litter and any other undesirable materials and will be cleaned of loose debris on a daily basis.
 5. Parking of commercial vehicles shall be subject to the provisions of Section 22 of this Ordinance.
 6. All in bound and out bound trucks and equipment, excluding employees' personal vehicles, shall be restricted to designated routes established by the City, except for times when providing collection service to customers within the City limits.
 7. The hours of operation shall be limited as necessary to minimize the effects of nuisance factors such as traffic, noise, and glare upon any existing neighboring residential uses, or residential zoning districts.
 8. Provisions are made to control and minimize noise, air and water pollution.
- I. Trucking terminals provided that:
1. Vehicular access points shall be located along arterial streets and shall be limited and designed and constructed to create a minimum of conflict with through traffic movement.

2. A drainage system subject to the approval of the City Engineer shall be installed.
 3. Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with Section 20 of this Ordinance.
 4. Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to approval of the City Engineer.
 5. Provisions are made to control and minimize noise, air and water pollution.
- J. Outdoor service, sale and rental as a principal or accessory use, provided that:
1. Outside services, sales and equipment rental connected with the principal use is limited to fifty (50) percent of the gross floor area of the principal use.
 2. Outside sales areas are fenced and screened from view of neighboring properties and public rights-of-way in accordance with Section 20 of this Ordinance.
 3. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or neighboring properties as regulated by Section 18 of this Ordinance.
 4. Sales area shall be hard surfaced to control dust and drainage.
- K. Recycling Centers.

515-71-6: Uses by Administrative Permit.

- A. Personal wireless service antennas as regulated by Section 35 of this Ordinance.
- B. Telecommunication towers as regulated by Section 35 of this Ordinance.
- C. Temporary mobile towers as regulated by Section 35 of this Ordinance.

515-71-7: Lot Area and Setback Requirements.

Lot Area	40,000 square feet
Lot Width	150 feet
Front Yard Setback	40 feet
Side Yard Setback, internal lot	10 feet
Side Yard Setback, corner lot	20 feet
Rear Yard Setback	30 feet
Setback from adjacent residential zoning	100 feet

515-71-8: Building Height. No more than thirty (30) feet, however, building heights in excess of the prescribed standard may be permitted through a Conditional Use Permit, provided that:

- A. The site is capable of accommodating any increased intensity of use.
- B. Any increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.
- C. Public utilities and services are adequate.
- D. The front and side yard setbacks shall be increased one (1) foot for every foot of height in excess of thirty (30) feet.

515-71-9: Building Requirements.

- A. Minimum Floor Area. Industrial buildings (principal structure) having less than one thousand (1,000) square feet of floor area may only be allowed upon approval of a Conditional Use Permit.
- B. Exterior Building Elevations.
 - 1. Structures with ribbed steel are approved in all Industrial Districts. For the distance of a minimum of three (3) feet above the natural ground line of the structure, it must be constructed with veneer or use of alternate material on the street side. The building plan must bear the signature of a structural engineer licensed as such by the State of Minnesota.
 - 2. Any structure in an Industrial District within three hundred (300) feet of Business TH 371, TH 210, TH 25, TH 18, Oak Street or County Road 3 shall comply with the Commercial exterior design standards as outline in Section 515-17-3 of this Ordinance.
 - 3. Accessory Buildings. Accessory buildings shall be constructed of building materials to match the principal structure and comply with the building material requirements of this Ordinance.
 - 4. In all zoning districts, mechanical equipment such as heating, ventilation, or air conditioning units located anywhere on the property shall be screened and painted to match the building exterior.
 - 5. Mechanical equipment such as heating, ventilation or air conditioning units shall be directed away from adjacent residential properties.

SECTION 72
MU, MIXED USE DISTRICT

Section:

- 515-72-1: Purpose and Intent
- 515-72-2: Permitted Uses
- 515-72-3: Accessory Uses
- 515-72-4: Interim Uses
- 515-72-5: Conditional Uses
- 515-72-6: Uses by Administrative Permit
- 515-72-7: Setback Requirements
- 515-72-8: Building Height
- 515-72-9: Building Design and Exterior Performance Standards
- 515-72-10: Minimum Parcel Size

515-72-1: Purpose and Intent. The purpose of the Mixed Use zoning district is to permit property characterized by its historical character and context to be (re)developed with industrial, commercial and service uses in a planned manner that will maintain the sites historic character and context. This district will allow latitude in permitting and encouraging diversity in land uses and permitting variation and imagination in the relationship of uses in the district.

515-72-2: Permitted Uses.

All uses allowed as permitted uses and conditional uses in B-4 (General Business), B-5 (Commercial Amusement) and I-1 (Light Industrial) zoning districts.

515-72-3: Accessory Uses.

All accessory uses allowed in B-4 (General Business), B-5 (Commercial Amusement) and I-1 (Light Industrial) zoning districts.

515-72-4: Interim Uses.

DECOMMISSIONING, WHICH IS DEFINED AS THE SIGNIFICANT REMOVAL OF MACHINERY FROM SERVICE WITHIN A SITE, OR THE DEMOLITION OF EXISTING BUILDINGS, PAVEMENT, STRUCTURES OR FACILITIES, AND/OR SITE REMEDIATION FOR THE PURPOSES OF LEAVING A PROPERTY BARREN FOR AN UNSPECIFIED AMOUNT OF TIME. A SITE PLAN SHALL BE SUBMITTED AND IS SUBJECT TO SECTION 10 OF THIS ORDINANCE.

515-72-5: Conditional Uses.

- A. Outdoor storage as a principal use provided that:
1. All storage is screened from view of neighboring uses and public rights-of-way via a fence or green belt planting strip or combination thereof in compliance with Section 20 of this Ordinance.
 2. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.
 3. All lighting will be in compliance with Section 18 of this Ordinance.
 4. The storage area is fenced and secured as regulated by Section 19 of this Ordinance.
 5. The storage area is paved or surfaced to control dust and erosion.
 6. All parking, loading and truck staging activities shall occur on site. On-street parking and loading associated with the use is prohibited.
 7. Noises emanating from the use are in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations MPC 7030.
- B. The manufacturing, compounding, assembly, packaging, treatment or storage of the following products conducted within a building and consistent with all performance standards outlined in this Ordinance:
brewing; cement; stone cutting; brick; glass; wet or dry mill working; metal polishing and plating; paint (pigment manufacturing); vinegar works; rubber products; plastics; meat packing; flour, feed and grain milling; vegetable canning and processing; lime; gypsum and plaster of paris; and similar uses.
- C. Tire vulcanizing and recapping.
- D. Major auto and truck repair.
- E. Kilns, forges or other heat processes fired by means other than electricity.
- F. Recycling Centers.
- G. Outdoor Service Sales and Rentals.

515-72-6: Uses by Administrative Permit.

All uses allowed in B-4 (General Business), B-5 Commercial Amusement and I-1 (Light Industrial) zoning districts.

515-72-7: Setback Requirements.

All structures shall be the same distance as existing structures or thirty (30) feet whichever is greater from any exterior boundary line.

515-72-8: Building Height.

Not more than forty-five (45) feet unless otherwise granted under a Conditional Use Permit.

515-72-9: Building Design and Exterior Performance Standards.

All new buildings and building additions shall be designed to be compatible with existing buildings. Exterior materials on new buildings and building additions shall be compatible with exterior materials on existing buildings.

515-72-10 Minimum Parcel Size

Ten (10) acres.

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner *MO*

DATE: January 3, 2014

RE: Brainerd Hotel Future Use

Since the closing of the Brainerd Hotel in October 2013 there have been inquiries about the zoning and how the property can be used. Most recently the owner has contacted the Planning Department about the property's future. There has been some interest about use of the facility for extended stay living. Extended stay is a service that many motels offer. During conversation with the owner I learned that the Brainerd Hotel has offered that service.

Although extended stay has been offered it has not been a use that has been acknowledged by the City of Brainerd. Extended stay is an accepted and common hotel and motel service, however our definition of motel and hotel do not, nor does the list of B-4 (General Commercial) District uses list extended stay as a permitted use.

Hotel and motel are defined as:

Hotel.** An establishment offering **transient* lodging accommodations on a daily rate to the general public, leasable events, meeting or conference facilities and exhibition halls or other uses of similar character.

**Webster defines transient as passing through or by a place with only a brief stay or sojourn.*

***Motel.** A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used exclusively for the accommodation of automobile travelers and other temporary guests.*

In my discussion with the property owner we talked about the definition of "extended stay." It sounded as if in addition to the extended stay associated with hotels and motels, the owner desires to also include the option for apartments. It is this interpretation of extended stay that raises concerns.

Based on the probability that the property has little likelihood of being a hotel or motel as it had been in the past, I offered that the City of Brainerd is most willing to assist in exploring options to permit additional use of the property. The difficulty comes when

trying to accommodate commercial extended stay hotels and motels in the same zoning district as residential use apartments. The additional concern is the potential that the life style anticipated with the residential use envisioned is one that could create an environment for transient housing.

Attached is some information from other communities related to extend stay hotels and motels. At a minimum, a discussion about expanding their definitions to permit extended stay could occur. Attached is an email from the property owner describing his desires for the property. The challenge will be should the owner desire both an extended stay hotel and extended stay apartments.

Mark Ostgarden

From: Doug Larson <larsonenterprises@sbcglobal.net>
Sent: Friday, January 03, 2014 10:41 AM
To: Mark Ostgarden
Subject: Brainerd Hotel and Conference Center

Dear Mr. Ostgarden:

As I indicated in our recent telephone conversations, I am the owner of the now closed Brainerd Hotel and Conference Center. I am offering the facility for sale at a price significantly less than the mortgage I owe on it.

I have interest from a purchase prospect, who wants to operate the facility as a regular hotel, as well as an extended stay hotel. Some kitchens would be installed in the extended stay rooms which would be similar to thousands of extended stay hotels across the country. Extended stay rooms could still be used as regular over-night rooms as demands change over time.

As I have informed you, the hotel has already served as an extended stay hotel over the years, with many users staying 6 to 12 months, and occasionally longer. I believe this usage continues to be permitted under the grandfathering section of the Brainerd Zoning Ordinances. Also, many of our rooms already have mini-refrigerators and microwaves in them.

My request is that the hotel continues to be able to operate as we already have. However, it would also be desirable to add a definition for extended stay hotel to the zoning ordinance. This definition would provide for a long-term stay in a room or suite having a kitchen component. Extended stay hotel would be included in the definition of hotel, with all the remaining licensing and inspections remaining the same. I would appreciate this request to be expedited as soon as possible so the prospective purchaser can close the sale and re-open the facility which I hope everyone agrees would be very desirable for the City of Brainerd.

Thank you,

Douglas A. Larson
Covenant Hospitality, LLC
PO Box 636
Menomonie WI 54751
715-556-0244



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, PhD, FAICP, Community Development Director

DATE: January 16, 2012

SUBJECT: An Ordinance Revising Section II-3 (Definitions) and Section V-11 (Occupancy Standards) of the Urbana Zoning Ordinance Regarding Hotels and Motels – Plan Case No. 2165-T-11)

Introduction

The Zoning Administrator, at the request of the City of Urbana's Building Safety Division and Fire Chief, is requesting amendments to Section II-3 (Definitions) and Section V-11 (Residential Occupancy Limits) of the Urbana Zoning Ordinance concerning the definition of and time limits for occupancy of hotels and motels. The purpose of these amendments is to insure that longer term occupancy of hotel and motel units comply with applicable housing, building, and occupancy codes. In this way, the City can also insure that hotels and motels do not become substandard apartment buildings.

The Urbana Zoning Ordinance definition of Hotel or Motel now limits occupancy of any guest to no more than 30 consecutive days. The proposed amendment would allow extended stay hotel/motel units so long as they meet residential building and fire code requirements such as having kitchen facilities and adequate electrical service. This amendment would also allow hotel managers to reside on the property in units complying with residential building and fire codes. The proposed amendment would also modernize the definition of hotel or motel to include ancillary facilities such as restaurants and meeting rooms.

The Urbana Plan Commission held a public hearing concerning this case at their February 9, 2012 meeting. City staff notified all sixteen hotels, motels, and beds-and-breakfast within Urbana of the application and public hearing. No one from the public spoke either for or against the application. Following the public hearing, the Plan Commission voted 6-ayes and 0-nays to forward this to the Urbana City Council with a recommendation for approval.

Background

On June 7, 1999, the Urbana City Council approved Ordinance No. 1999-06-045 which in part redefined “Hotel or Motel” in the Urbana Zoning Ordinance as follows. This definition remains in effect today.

“Hotel or Motel: A building in which lodging, or lodging and meals, is regularly provided and offered to the public for a period of less than 30 consecutive days for compensation, and which is customarily open to transient guests. An establishment that is subject to state hotel/motel tax and is required to have a Certificate of Registration from the Department of Revenue shall be considered a hotel or motel.”

The changes adopted in 1999 imposed a 30-day limit on occupancy of hotels or motels and tied the definition to the Illinois Hotel Operators’ Occupation Tax Act (35 ILCS 145). The impetus for this redefinition, as based on the case file documentation, was to allow better City enforcement against apartments being rented as hotel or motel units. Hotels and motels are prohibited in residential zoning districts, but enforcement was made difficult by the definition of Hotels and Motels in place at that time. Further, this form of use is no longer evident in Urbana.

Through periodic discussions with business operators in Urbana, City staff has been informed that, for most hotels and motels, allowing extended stay is a small yet important component of their industry. They indicated a need to be able to serve guests such as construction workers, university researchers and scholars, executive relocations, and even families waiting for their homes to be rebuilt after a fire. The proposed amendment would help to accommodate this need.

The City of Champaign does not have any occupancy time limits enacted for occupancy of hotels and motels.

Discussion

The current Zoning Ordinance definition of “hotels and motels”, as adopted in 1999, presents several problems as summarized below.

- *Regulations within definitions.* For practical and legal reasons, zoning standards should not be included in zoning definitions. Time limits for occupancy better belong elsewhere in the Zoning Ordinance. Second, the City’s current definition of Hotel or Motel references the Illinois Department of Revenue’s definition, which was written for tax collection purposes. The Illinois Hotel Operators’ Occupation Tax Act definition defines any occupancy over 30 consecutive days as “permanent residents” who are exempt from the state hotel/motel tax.
- *Extended stay units.* The 30-day occupancy limit does not take into account legitimate needs for extended occupancy. Hotel and motel operators in Urbana have indicated that extended stay is a small yet vital need for their businesses. Guests needing to stay for

longer than 30 days vary from construction workers to visiting university researchers and scholars to families waiting for their home to be rebuilt after a fire. The current definition offers no opportunity for extended stay units.

- *Site manager residences.* The definition does not recognize the practice of hotel managers living on site. These are often family-run motels with limited staff who need to staff the lobby around the clock.
- *Ancillary facilities.* The current definition of Hotel or Motel does not reflect the modern range of uses expected for full-service hotels, including restaurants, swimming pools and gyms, laundry facilities, and conference centers and meeting rooms.

Despite the drawbacks of having a 30-day occupancy limit for Hotels and Motels, it does serve the important public purpose of preventing hotels and motels from becoming substandard apartments. In several key respects, hotels and motels are not customarily designed to meet residential building and fire code standards. First, few hotel/motel rooms have full kitchens. Under City codes, residential dwelling units must have full kitchens, including a sink, stove, and refrigerator. Second, the electrical service provided in hotel/motel rooms is below that required by code for residences. Long-term residents of hotels/motels tend to plug in electrical appliances such as hot plates and heaters and run extension cords which create fire hazards. This can be exacerbated by improper storage of personal and household belongings in hotel rooms lacking such storage space.

Given the dual needs for extended stay hotel/motel rooms and residential code compliance, City staff proposes to amend the Urbana Zoning Ordinance to keep the 30-day occupancy limit for standard hotel/motel rooms but to allow longer occupancy for extended stay units which comply with the residential building and fire codes. This would allow hotel or motel operators to install full kitchens and upgrade the electrical service for units to be rented for extended periods. Both the Urbana Building Safety Manager and Fire Chief have requested this amendment to allow upgrading of hotel/motel units which are intended for extended stay occupancy.

Text Amendment

The proposed changes to the Zoning Ordinance are indicated below with ~~striketroughs~~ indicating deleted wording and underlines indicating added wording.

Section II-3, Definitions

Extended Stay Unit: A hotel or motel unit with accommodations for sleeping along with in-unit full kitchen and bathroom facilities. See Section V-11 for occupancy limits and building code standards for extended stay units.

“Hotel or Motel: A building providing transient lodging accommodations to the general public for compensation and which may include ancillary facilities and services such as restaurants, meeting

rooms, entertainment, personal services, and recreational facilities. See Section V-11 for occupancy limits for hotel or motel units. A building in which lodging, or lodging and meals, is regularly provided and offered to the public for a period of less than 30 consecutive days for compensation, and which customarily open to transient guests. An establishment that is subject to state hotel/motel tax and is required to have a Certificate of Registration from the Department of Revenue shall be considered a hotel or motel. (Ord. No. 1999-06-045, 06-11-99)”

Section V-11. Residential Occupancy Limits.

F. Occupancy of any hotel or motel, or bed and breakfast inn, by any individual shall be limited to no more than 30 consecutive days; provided that such occupancy shall be allowed for more than 30 days within extended stay units as defined in Section II-3 and which comply with the City of Urbana adopted residential building and fire codes, as amended.

Recommended Findings

1. The proposed amendment to Section II-3 of the Urbana Zoning Ordinance will amend the definition of Hotel or Motel and create a new definition for Extended Stay Unit.
2. The proposed amendment to Section V-11 of the Urbana Zoning Ordinance will preserve the occupancy time limit for hotels, motels, and bed and breakfast inns to no more than 30 consecutive days but would allow extended stay units meeting residential building and fire standards to be occupied for more than 30 days.
3. In furthering the Purposes (Section I-1) of the Urbana Zoning Ordinance, the proposed Zoning Ordinance text amendment is intended to provide adequate safety from fire and other dangers; to conserve the value of buildings; to promote the public health, safety, comfort, morals, and general welfare; to preserve the character of Urbana neighborhoods; and to fix regulations and standards to which buildings, structures, or uses shall conform.
4. The proposed amendment is intended to serve the needs of the Urbana business community and recognize changes in the hotel/motel industry.
5. The proposed amendment is intended to improve public safety and insure compliance with minimum housing standards adopted by the community.
6. The proposed amendment conforms to notification and other requirements for the Zoning Ordinances as required by the State Zoning Act (65 ILCS 5/11-13-14).
7. At their February 9, 2012 meeting, following the public hearing, the Urbana Plan Commission recommended 6-ayes and 0-nayes to recommend approval of this application.



ZONING ORDINANCE
DIVISION 708
DISTRICT STANDARDS AND PERMITTED USES

712.03 Extended stay facilities

- A. Extended Stay Hotels or Motels shall be defined as any hotel or motel in which fifty percent or greater of all guest rooms have facilities for both the storage, refrigeration, and preparation of food, and/or which are advertised, designed, or utilized for weekly or monthly occupancy.
- B. A Special Land Use Permit must be obtained for the construction and operation of Extended Stay Hotels and Motels and may only be permitted in OS, OHR, and RRC zoning districts; furthermore, Extended Stay Hotels and Motels shall comply with the following restrictions:
1. All guest rooms which have facilities for both the storage and preparation of food and have less than 300 square feet of floor area are limited to a maximum of 2 persons per such room; however, for all such guest rooms greater than 300 square feet, one additional person shall be allowable per each additional 75 square feet of floor area up to and including a maximum of 4 persons.
 2. Minimum lot size for extended stay hotels is two acres.
 3. No more than 10 percent of individual guests shall register, reside in, or occupy any room or rooms within the same licensed facility for more than a 90 day period.
An indoor or fenced outdoor active recreation area shall be provided. The size of each recreation area shall be calculated at a ratio of 5 square feet per room with a minimum provision of 750 square feet. All recreation areas must be approved by the Planning and Zoning Director prior to development to ensure that all applicable safety specifications and standards are met.
 4. No permanent business license shall be issued for the conduct of any business from any guest room of the facility.
 5. No hotel or motel under this section is to be converted to or used as an apartment or condominium without prior approval of City Council. Any hotel or motel converted to such use must meet all applicable state and local codes including zoning standards.
 6. No hotel or motel or other structure can be converted to an extended stay facility without meeting all of the rules and regulations contained within 712.03 and must obtain a Special Land Use Permit from City Council, as mentioned in 712.01.
 7. Extended stay hotels/motels must have a landscape plan submitted, approved, and constructed prior to issuance of a business license.
 8. Extended stay hotels/motels must have a minimum of 25% of the lot area dedicated to either active or passive open space. The open space shall include active recreation, such as a children's playground area, and/or passive recreation, such as greenspace and walking paths.
 9. Each guest room must be protected with a sprinkler system approved by the fire marshal or their designee.
 10. Each guest room having a stove-top unit or other type burner unit shall be required to also include a maximum 60 minute automatic power off timer for each such unit.
 11. A hard-wired smoke detector shall be provided and installed in each guest room.
 12. No outside storage or permanent parking of equipment or vehicles shall be allowed.
 13. All such facilities shall provide a 50 foot undisturbed buffer from any property zoned for multi family residential purposes and/or a 100 foot undisturbed buffer from any property zoned for single family residential purposes.
 14. No building may be placed within 300 feet of any residentially zoned property, inclusive of the required buffer.
 15. These restrictions shall apply to all facilities permitted or expanded after September 8, 2004.
 16. All extended stay facilities shall have a maximum density of 75 guest units per gross acre of development.

**CITY OF SAGINAW, TEXAS
ORDINANCE NO. 2013-04**

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE CITY OF SAGINAW, TEXAS; PROVIDING FOR REGULATIONS GOVERNING HOTEL/MOTEL OCCUPANCY LIMITS; REVISING THE DEFINITIONS OF "HOTEL/MOTEL" AND "EXTENDED-STAY HOTEL/MOTEL"; AMENDING THE PERMITTED USE TABLE GOVERNING WHERE EXTENDED-STAY HOTEL/MOTELS ARE PERMITTED; PROVIDING A DEADLINE FOR COMPLIANCE WITH THE REGULATIONS SET FORTH HEREIN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Saginaw heretofore adopted the Zoning Regulations of the City of Saginaw, which regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the City Council of the City of Saginaw deems it necessary in order to lessen congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, that the hereinafter contained provisions of this ordinance should be passed, promulgated and enforced; and

WHEREAS, the Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on February 12, 2013, and the City Council of the City of Saginaw, Texas held a public hearing on February 19, 2013, with respect to the amendment described herein;

WHEREAS, the City of Saginaw, Texas has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the adoption of these zoning regulations; and

WHEREAS, the City Council finds that the regulations contained herein are necessary to ensure the continued availability of transient lodging within the City of Saginaw and to ensure the continued use of hotels and motels in the manner intended at the time of adoption of the Zoning Ordinance; and

WHEREAS, the City Council further finds that the regulations are necessary to discourage transient lodging properties from becoming permanent residences; and

WHEREAS, the City Council further finds that a 180 day compliance period, with respect to the regulations set forth herein, is reasonable and in the best interest of the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS:

SECTION 1.

That Appendix A of the Code of Ordinances, the Zoning Regulations of the City of Saginaw, Texas, Section 5-1, "Permitted Use Table," is hereby amended by permitting the use "Extended Stay Hotel/Motel" by Specific Use Permit only in the Neighborhood Commercial and Community Commercial zoning districts, as follows:

A G	SF 1	SF 2	SF 3	SF 4	SF A	D X	ZL L	M H	MF 1	MF 2	Land use Designation	O P	N C	C C	C F	L I	H I	Supplemental Conditions
COMMERCIAL, RETAIL, AND SERVICE USES																		
											Extended-Stay Hotel/Motel		S	S				2, 7

SECTION 2.

That Appendix A of the Code of Ordinances, the Zoning Regulations of the City of Saginaw, Texas, is hereby amended by adding a section, to be numbered 8-17, which said section reads as follows:

"Sec. 8-17 Hotel/Motel Occupancy Limits.

A. *Purposes and Findings.* The purpose of this Section is to ensure the continued availability of transient lodging within the City of Saginaw and to ensure the continued use of hotels and motels in the manner intended at the time of adoption of the Zoning Ordinance of the City of Saginaw.

B. *Limitation on Continuous and Cumulative Occupancy of Hotels and Motels.* It shall be unlawful for any hotel or motel to rent or let, or otherwise provide, any room therein to any person, firm, partnership, corporation, association or other business entity for thirty (30) or

more consecutive days, or for more than sixty (60) total days in any one hundred and eighty (180) consecutive day period, unless such hotel or motel is an Extended-stay hotel/motel. It is the intent of this section that if a room is rented, let or otherwise provided to any party for either of the maximum time periods allowed by this section, then such room may not again be rented, let or otherwise provided to that same party or to any individual, firm, or entity that was a member of said party.

1. Each hotel and motel shall maintain daily written records reflecting the renting, letting, or other provision of any of its rooms, including but not limited to, check-in and check-out dates of each person over 18 years of age who rents, lets, or is otherwise provided a room or occupies a room on an overnight-basis. Unless payment for the room is made by check or credit card, such records shall also include the name and home or business address and telephone number of each such person. The required records shall be maintained for no less than one year, or for such longer period as may be prescribed by law, and shall be available for review by City representatives during normal business hours.
 2. Except as otherwise provided by law, each hotel and motel shall post a legible copy of the text of this Section 8-17 (B) in an open and conspicuous place within the public lobby area, and in an open and conspicuous place where other postings are required by law, in each room available for rent.
 3. Any property left in a room by a person or party that has checked out shall be removed by the operator of the hotel or motel and stored or otherwise disposed of in accordance with applicable laws.
- C. *Extended-stay hotel/motel.* Each Extended-stay hotel/motel room intended or designed to be used, or which are used, rented, or hired out to be occupied by the public must contain kitchen facilities for food preparation including, but not limited to, facilities such as refrigerators, stoves and ovens."

SECTION 3.

That Appendix A of the Code of Ordinances, the Zoning Regulations of the City of Saginaw, Texas, is hereby amended by amending the definitions of "Extended-stay hotel/motel" and "Hotel, Motel" to read as follows:

"* * * *

Extended-stay hotel/motel. Any building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by transient guests, including for stays in excess of the thirty (30) consecutive days, or for more than 60 total days in any 180-consecutive day period, and contain kitchen facilities for

food preparation including, but not limited to, facilities such as refrigerators, stoves and ovens.

* * * *

Hotel, motel. A building or portion thereof in which ten or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by transient guests for a period of less than thirty (30) consecutive days, or for less than sixty (60) total days in any one hundred and eighty (180) consecutive day period, for compensation.

* * * *

SECTION 4.

All hotel/motels and Extended-stay hotel/motels existing upon the effective date of this ordinance shall have One Hundred and Eighty (180) days from the effective date of this Ordinance to either cease operation or fully comply with all provisions of this Ordinance.

SECTION 5.

This Ordinance shall be cumulative of all provisions of ordinances and of the Saginaw City Code and Zoning Regulations as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 6.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the

meters) long, lying farthest from the front lot line and wholly within the lot.

- (10) **LOT LINE, SIDE:** a side lot line is any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.
- (11) **A MAJOR THOROUGHFARE:** is any street with an existing or proposed right-of-way of one hundred and twenty (120') feet (36.6 meters) or more.
- (12) **MECHANICAL AND ELECTRICAL AMUSEMENT DEVICE:** any machine which, upon the insertion of a coin, slug, token, plate, or disc or any charge thereof, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical or electrical machines, and all games, operations, or transactions similar thereto under whatever name they may be indicated and in accordance with the provisions of Chapter 81, Recreation, Amusements and Games, Section 7.286 and Section 7.287 of the Southfield City Code. (Amended - Ordinance 1062 - 7/6/81)
- (13) **MOBILE HOME:** a structure designed or used for residential occupancy built upon, or having, a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached or is supported by blocks or skirted.
- (14) **MOTEL:** a building or buildings of attached, semidetached or detached rental units, containing a bedroom and a bathroom, designed for overnight lodging and which may not be used as a domicile. The term motel may include rooms with cooking facilities, suites, motor courts, tourist courts, motor lodges, residence inns, or residence hotels which lack the full service requirements of a hotel in Section 5.6 (5) (Amended - Ordinance 1220 - 2/26/87; Amended - Ordinance 1434 - 9/24/98).

5.8 Definitions (N-S) (Amended - Ordinance 1336 - 6/8/92)

- (1) **NONCONFORMING BUILDING:** a building or portion thereof lawfully existing at the effective date of this Chapter, or amendments thereto, that does not conform to the provisions of this Chapter and/or the use regulations of the district in which it is located.
- (2) **NONCONFORMING USE:** a use which lawfully occupied a building or land at the time this Chapter, or amendment thereto, became effective, that does not conform to the provisions of this Chapter nor to the use regulations of the district in which it is located.