

COMMERCIAL DISTRICT**§ 153.070 DESCRIPTION AND PURPOSE.**

The Commercial District is designated either the entire village or a portion thereof by providing locations for commercial establishments which are generally more extensive in range of service than those permitted in the Residential Districts.

§ 153.071 PERMITTED USES.

Permitted uses in this district are:

(A) Retail stores and shops.

(B) Banks; post office, medical or dental clinics; business or professional offices.

(C) Service-type business, such as barber shop, beauty shop, laundromat, music, dancing, art or photography studio, servicing or repair of home appliance or farm equipment and similar uses.

(D) Automobile service stations and public garages; new or used car sale areas; new or used farm equipment sales area; but not including the storage of wrecked vehicles or farm equipment.

(E) Hotel, motel, boarding or lodging houses; dwelling units located on the same lot with a permitted use.

(F) Clubs, lodges, public meeting halls; theaters; bowling alley, similar places of assembly or recreation.

(G) Customary accessory uses, located on the same or adjacent lot with a permitted use. Signs advertising a business, service or product available on the premises shall be permitted, provided the total area of such signs shall not exceed two times the lineal feet of frontage of the zoning lot.

(H) *Pole barns.* No pole barn building(s) may be erected in any commercial district unless said pole barn building has an exterior of baked enamel steel, wood appearance steel, wood, brick, stone or stucco. In addition, pole barn buildings erected in commercial districts must contain on the front and two sides a brick, or stone or stucco veneer of at least three feet in height. The rear of any such building is not required to contain a veneer. Pole barn building(s) are defined to be buildings constructed in which there are horizontal purlins and the main structure is wood members vertically set in the ground. Pole barn building(s) include, but are not limited to, buildings which are constructed with metal or steel exteriors.

(I) Dwelling units not on the ground floor.

(Ord. 447, passed 2-22-88; Am. Ord. 924, passed 11-14-16) Penalty, see § 153.999

§ 153.072 PERFORMANCE STANDARDS.

The following performance standards shall apply in the Commercial District.

(A) *Smoke and particulate matter.* No commercial establishment shall be allowed which produces emission of smoke of more than five units per stack; however, during one hour period in each 24 hours, each stack may emit up to ten smoke units per hour when blowing soot or cleaning fires with no more than six minutes of smoke of density of Ringelmann Number 2.

(B) *Vibrations, heat or glare.* No commercial establishment shall be allowed which produces vibrations, heat or glare readily detectable by normal human senses without the use of instrument at the lot lines of each establishment.

(C) *Toxic or noxious matter, odors, vapors or gases.* No use shall discharge across the lot lines wherein it is located, toxic or noxious matter, odors, vapors or gases in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.

(D) *Flammable or explosive hazards.*

(1) The use of solid materials or products ranging from incombustible to moderate burning is permitted.

(2) The storage and use of solid materials or products ranging from free or active burning to intense burning is permitted, provided said materials or products shall be stored and used within completely enclosed buildings having incombustible exterior walls and protected throughout by an effective automatic fire extinguishing system.

(3) The storage and use of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the following table, exclusive of storage of finished products in original finished containers, which shall be unrestricted.

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED (IN GALLONS)		
	<i>Above Ground</i>	<i>Underground</i>
Materials having a closed cup flash point over 187°F.	275	100,000
From and including 105°F. to and including 187°F.	55	40,000
Materials having a closed cup flash point of less than 105°F.	5	20,000
When flammable gases are used and measured in cubic feet, the quantity in cubic feet (at standard temperature and pressure) permitted shall not exceed 300 times the quantities as listed above where the factor 300 is the volume in cubic feet occupied by one gallon of most liquids.		

(E) *Fissionable or radioactive materials:* All handling or use of fissionable or radioactive materials shall conform to standards established by the U.S. Atomic Energy Commission.

§ 153.073 LOCATION OF COMMERCIAL ESTABLISHMENTS.

Each commercial establishment shall be located so as to abut a minor street, but may abut a major street only if access to and from such street is provided by a merging feeder system.

§ 153.074 SIGNS.

(A) No attached sign shall extend above the roof line. No free-standing sign shall exceed higher than 35 feet or extend above the roof line of the building.

(B) The total gross area of signs per establishment shall not exceed three times the lineal feet of the frontage of the establishment on which such signs are located.

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(C) No sign affixed to a structure shall project more than three feet beyond the limits of such structure and shall not project across lot lines.

(D) Vehicular signs shall only be parked or positioned for display to the public on the premises upon which the business or activity to which the sign refers is located.

(E) All components of a sign shall be kept in good repair at all times. The zoning officer may order the removal of any sign that is not maintained.

(F) The area in proximity to the signs shall be maintained and kept free of litter, debris, and excess grass or weeds. The zoning officer may order the removal of any sign that is not kept in good order pursuant to this section.

(G) Any sign that is moved to another location, either on the same or other premises, shall be considered a new sign and as a new sign, shall be subject to all relevant provisions hereof.

(H) *Regulations for specific types of signs.*

(1) *Flashing sign.*

(a) Flashing signs shall not be used in a manner that will create a traffic hazard or where their use may be confused with traffic control devices or emergency vehicle signals.

(b) Revolving beacons shall not be used where they will conflict with traffic signals or emergency vehicles.

(c) The flashing bulb in a flashing sign shall not be larger than a 40 watt incandescent bulb.

(d) The bulb in a traveling light sign shall not be greater than a 40 watt incandescent bulb

(2) *Illuminated signs.*

(a) No sign shall be so illuminated that it interferes with the effectiveness or obscures an official traffic sign, signal or device.

(3) *Portable signs.*

(a) Only one portable sign shall be allowed per event.

(b) Display of a portable sign shall be limited to 14 consecutive days.

(c) No building permit shall be required pursuant to the provisions of this section for the display of a portable sign as provided hereunder.

(4) *Projection, awning, canopy or marquee sign.*

(a) A clear space of not less than eight feet shall be provided between the lowest portion of the sign and the ground surface.

(b) Projection signs shall be securely attached to the buildings or structures by bolts, anchors, chains, rods or guys.

(c) No nails or staples shall be used to secure any projection sign to a building or structure.

(5) *Off premises signs.* No off premises signs shall be allowed in the commercial district.

(6) *Wall sign.*

(a) All wall signs shall be securely fastened to a wall by means of metal anchors, bolts, expansion screws or similar connectors.

(b) The ends of a wall sign shall not project out more than 15 inches from the wall surface.

(c) The top of a wall sign shall not extend above the top of the wall.

(7) *Temporary sign.*

(a) Temporary signs shall have not more than two sides per sign.

(b) Temporary signs shall be located on premises, or with permission of the property owner, on private property and not in the public right of way.

(c) No temporary sign may be posted more than 31 days prior to the event. All temporary signs must be removed within 48 hours after the event provided, however, that the time for removal of temporary signs may be extended at the discretion of the Village Board.

(d) No building permit shall be required pursuant to the provisions of this section for the display of a temporary sign as provided hereunder.

(8) *On premises freestanding (pole, pylon, and the like) or ground sign.*

(a) No sign shall extend over any public right of way more than eight inches absent the award of a right of way permit by the Village Board. The base and standard of all freestanding signs shall be set back at least five feet from all public or private road right of way or easement lines and from all interior lot or property lines. Any sign located within 35 feet of the intersection of any two street right of way lines shall be so designed, located and constructed that a free and unobstructed view is provided from the established grade to a height of ten feet above the established grade.

(b) Each commercial business may erect one freestanding sign unless located on a corner lot then they may erect two freestanding signs, one on each frontage.

(c) On premises, freestanding or ground signs shall not exceed two sides per sign.

(d) "Entrance" only and "Exit" only signs shall not be counted as a sign, providing they contain no more than ten square feet of display surface on each side.

(9) *Political signs.*

(a) The sign area of political signs shall not exceed 32 square feet.

(b) Political signs shall not exceed two sides per sign.

(c) Political signs shall not be placed in a manner that obstructs vehicular traffic (either by physical obstruction or sight lines) or pedestrian traffic.

(d) No building permit shall be required pursuant to the provisions of this section for the display of a political sign as provided hereunder.

(I) Except as otherwise provided herein, a building permit pursuant to the provisions of this Chapter shall be required for the erection of a sign.

(Ord. 873, passed 1-13-14) Penalty, see § 153.999

§ 153.075 OFF-STREET PARKING SPACES.

Off-street parking spaces for commercial establishments shall be provided as follows:

(A) All such parking spaces shall be located on the same lot or tract of land as the establishment served.

(B) The number of such parking spaces shall be the sum of the individual requirements of the various individual establishments computed separately in accordance with this section. Such parking

space for one such establishment shall not be considered as providing the number of such parking spaces for any other establishment.

(C) Such parking space for the accommodation of an automobile or a light motor truck shall total at least 300 square feet including both parking and maneuvering area.

(D) Such parking space for the accommodation of a heavy motor truck, motor bus or other shall be of dimensions herein specified for an off-street loading berth.

(E) No such parking spaces shall be located less than 20 feet from any front curb line or ten feet from any sidewalk.

(F) No such parking spaces shall be located less than five feet from any side or rear lot line.

SCHEDULE OF OFF-STREET SPACES	
(1) Hotel, motel, tourist home, private club and all other similar places offering overnight accommodations	1 parking space for the owner or manager, plus 1 parking space for each accommodation
(2) Places of public assembly, including private clubs, lodges, fraternal organizations not providing overnight accommodations, assembly halls, convention halls, auditoriums, skating rinks, dance halls, bowling alleys, athletic fields, sports arenas, stadiums, gymnasiums, amusement parks, race tracks, fair grounds, community buildings, public administration buildings and other similar places of relatively infrequent public assembly	1 parking space for each 5 seats provided for patron's use, or at least 1 parking space for each 200 square feet of floor area used or intended to be used for service to the public as customers, patrons or clients, whichever requires the greater number of parking spaces
(3) Retail establishments for the sale of food and/or beverages to be consumed on the premises	1 parking space for every 100 square feet of floor area or portion thereof
(4) Retail establishments other than specified above; banks, business, financial and professional buildings	1 parking space for every 200 square feet of floor area or portion thereof
(5) Mortuaries, undertaking and funeral parlors	1 parking space for each 5 seats or portion thereof in the chapel or parlor plus 1 parking space for each vehicle maintained on the premises
(6) Animal hospitals, clinics and offices of physicians	1 parking space for each employee plus 3 parking spaces for each staff or visiting physician

§ 183.076 OFF-STREET LOADING BERTHS.

Off-street loading berths for commercial establishments shall be provided as follows:

(A) All such berths shall be located on the same lot or tract of land as the establishments served except when serving adjacent establishments when the loading berth requirement is sufficient to serve both establishments.

(B) No such berth shall be located less than 50 feet from the building restriction line of a dwelling or residential building unless such berth is screened from public view by a fence, wall or hedge at least 75% solid and at least six feet in height.

(C) No such berth shall be located within 50 feet from the nearest point of intersection of two streets.

(D) All such berths shall be designed with means of vehicular access to a street or alley which will least interfere with traffic movement.

(E) All such berths shall be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather dustless material.

(F) All such berths shall have a vertical clearance of at least 14 feet.

(G) No vehicle repair or service work shall be performed on any such berth.

(H) No such berth shall be located less than ten feet from any front lot line.

(I) No such berth shall be located less than five feet from side or rear lot line.

SCHEDULE OF OFF-STREET LOADING BERTHS	
Floor Area of Establishment in Square Feet	Minimum Required Number and Size of Berths
1 - 9,999	1 (12 x 40 feet)
10,000 - 24,999	2 (10 x 40 feet)
25,000 - 39,999	2 (10 x 70 feet)
40,000 - 99,999	3 (10 x 70 feet)
100,000 - 249,999	4 (10 x 70 feet)
Each additional 200,000 square feet or portion thereof of floor area	1 (10 x 70 feet)

§ 183.077 BUFFER STRIP.

Where a lot on which a commercial establishment shall be located abuts or adjoins any other district except an industrial district, a buffer strip of not less than 30 feet in width shall be provided, and:

- (A) Shall be located on such lot on the side of such lot abutting any other district;
 - (B) Shall be parallel to the lot lines of such lot facing any other district;
 - (C) Shall be maintained with a screen planting at least six feet in height except where such buffer strip parallels the front lot line of such lot, in which case such screen planting shall not be required;
 - (D) Shall not be used for parking, loading or unloading;
 - (E) Shall not be included in any side or rear yard dimension;
 - (F) May coincide with the front 30 feet of the front yard; and
 - (G) May be crossed by sidewalks, easements, access ways and service drive not more than 35 feet in width.
- Penalty, see § 153.999

§ 153.078 FLOOR AREA RATIO.

The following regulations and standards shall apply when computing the floor area ratio of a commercial building:

- (A) Cellars may be excluded from such computations.
 - (B) Where the front or side lot line of a commercial lot abuts or adjoins a public open property of at least five acres in area and of a depth perpendicular to such front or side lot line of at least 200 feet, the maximum floor area ratio may be increased by 15%.
 - (C) The minimum floor area ratios as herein specified shall not apply to outdoor commercial recreational uses nor to commercial parking lots.
 - (D) For a commercial building, the minimum floor area ratio shall be 0.2, and the maximum floor area ratio shall be 1.2, except as modified by division (B) above.
- Penalty, see § 153.999

§ 153.079 HEIGHT.

- (A) No main or principal structure shall exceed 35 feet in height.
 - (B) No detached accessory structure shall exceed 15 feet in height.
- Penalty, see § 153.999

§ 153.080 YARDS.

On every lot in the Commercial District, yards shall be required as follows:

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(A) Front yard: None required, except that gasoline pumps or similar fuel-dispensing equipment shall be at least ten feet from the front property line.

(B) Side yards: None required.

(C) Rear yard: One required, at least 20 feet in depth.
Penalty, see § 153.999