

Section 511: 11th Street Overlay District

- 1. Intent:** 11th Street is the primary entrance route into the city 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 11th Street Overlay District are intended to carry out the goals and objectives of the 11th 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 11th 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 11th Street Overlay District is intended to:

- Improve pedestrian and vehicle traffic safety, access, and circulation.
 - Enhance the visual aesthetics through improved landscaping, signage, and lighting.
 - Enrich the commercial character of the corridor via building façade standards that support both uniformity and creativity.
 - Reduce impervious surfaces and storm water runoff while improving the usage and efficiency of parking areas.
- 2. Applicable Requirements:** The 11th Street Overlay District is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning districts along this corridor. In an area where an overlay zone is established, the property is placed simultaneously in the two zones, and the property may be developed only under the applicable conditions and requirements of both zones. **It is intended that existing uses maintain conformity with 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 two zones, the requirements of the 11th Street Overlay District shall govern.
 - 3. Creation of 11th Street Corridor Overlay District Boundaries:** The 11th Street Overlay District boundaries shall be as established on the City of Niles Official Zoning Map. The 11th Street Overlay District may be established or amended according to the procedures set forth in this Zoning Ordinance.
 - 4. Administration and Review:** All applications for expansion, redevelopment, or new development shall follow the site plan review standards set forth in Article 10.
 - 5. 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 underlying zoning district.
 - 6. Regulations and Conditions:** Buildings and uses in the 11th Street Overlay District shall comply with the following requirements.
 - a. 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 raised to 90% if the lot permits and develops an interconnecting drive with an adjacent commercial lot in accordance with (F)(2)(f) below.
 - b. Access and Parking:**
 - 1) 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 thirty thousand (30,000) 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.

2) 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: 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.

3) Driveway Alignment with Driveway across Street: All driveways shall be symmetrically aligned with existing driveways located across the street, unless site conditions prohibit alignment.

4) Sidewalks and Pedestrian Access:

a) Along 11th Street: The property owner shall construct sidewalks in accordance with Ordinance 74.

b) From 11th Street to Building: The property owner shall construct pedestrian access from the 11th Street sidewalk to the principal building via a separate sidewalk and crosswalk striping in the parking lot area.

5) Joint Parking: The use of joint parking facilities in accordance with Section 602(3) is highly encouraged, especially when the peak uses of the subject businesses occur at distinctly different times.

6) 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.

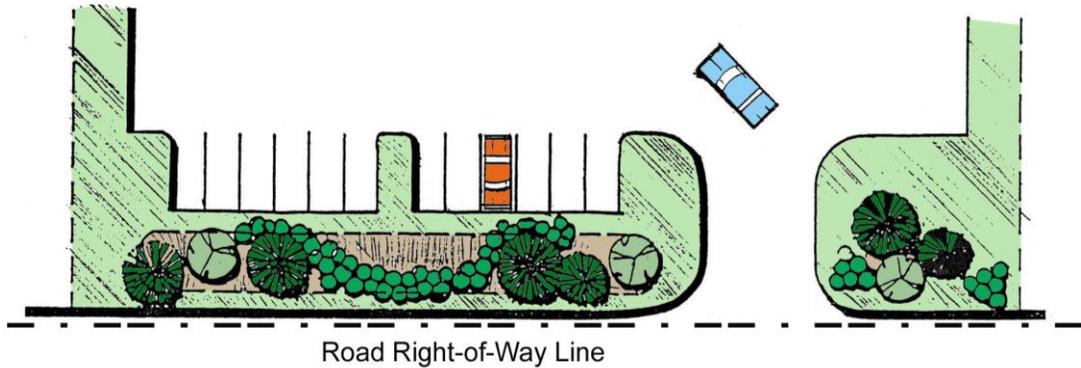
7) Surface: Parking and drive areas shall be surfaced in accordance with Section 602(9)(b). Gravel areas are prohibited.

8) 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.

c. Landscaping: Landscaping shall be required in accordance with Section 316 and shall consist of a combination of ground level shrubs, and evergreen, ornamental and deciduous trees. The following landscaping shall be required:

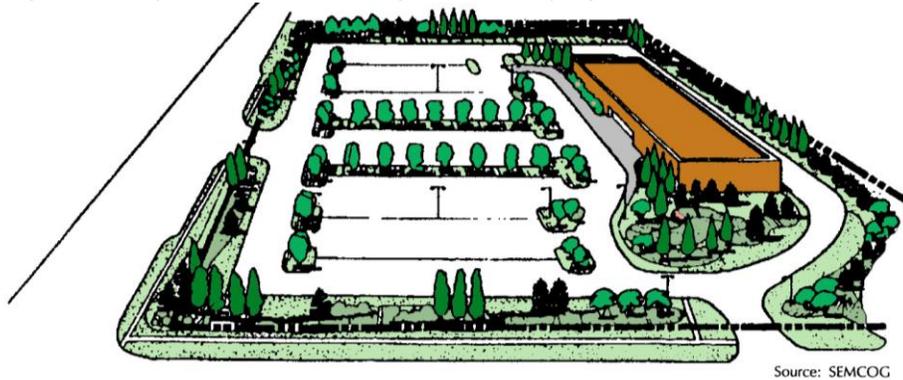
1) Front Yard Landscaping: Landscaping between the building and the road right-of-way shall comply with the following planting requirements: One (1) canopy tree per forty (40) feet of frontage (or fraction thereof) and one (1) shrub per five (5) feet of frontage (or fraction thereof). For the purposes 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 right-of-way or in a required clear vision area per Section 303(5).

Diagram Example of Front Yard Landscaping



- 2) **Parking Lot Screening:** Parking located in front or on the side of a building shall be screened from the road with a three (3) foot high red or brown brick wall, evergreen landscaping, or an approved alternative. For evergreen screening, the use of dwarf species is recommended in the interest of minimizing pruning and maintaining the natural form of the plant material. This evergreen screening shall be in addition to the front yard landscaping required in **Section 511(6)(c)(1)**.
- 3) **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).

Diagram Example of Interior Parking Lot Landscaping



- 4) **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.
- 5) **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.

6) Storm Water Management: Sites shall manage storm water in accordance with Section 323. Where possible, the applicant shall use Low Impact Development (LID) techniques, such as bioretention.

d. Signage: The following regulations shall apply to all lots zoned Regional Commercial (RC) in the 11th Street Overlay District. Where the regulations of Section 709 conflict with the following regulations, the following regulations shall prevail:

1) Wall Signs:

a) Number: Not more than one (1) per side of the building facing a street right-of-way or public parking area. In the case of a multi-tenant building or shopping center, one (1) wall sign shall be permitted for each tenant.

b) Surface Area: The lesser of one and one-half (1½) square feet per linear foot of building frontage or one hundred (100) square feet. In the case of a multi-tenant building or shopping center, the maximum surface area for each tenant shall be the lesser of one and one-half (1½) square feet per linear foot of the respective tenant's building frontage or one hundred (100) square feet.

2) Freestanding Signs: Pole signs and monument signs shall both be classified as freestanding signs, and are subject to the following requirements:

a) Number: Not more than one (1) freestanding sign per lot, except that lots with two (2) or more street frontages equaling or exceeding three hundred (300) feet of total street frontage shall be permitted one (1) monument sign per additional street frontage.

b) Area: Forty-eight (48) square feet.

c) Height: The maximum height of a pole sign shall be fifteen (15) feet with under clearance of not less than seven (7) feet (see diagram example below). The maximum height of a monument sign shall be six (6) feet (see diagram example below).

Diagram Example of Pole Sign

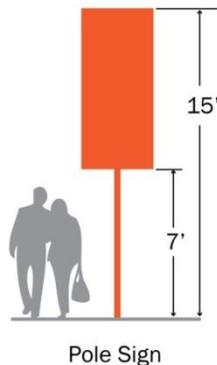


Diagram Example of Monument Sign



3) Window Signs: Any window signs located on the face of the windows shall not exceed thirty percent (30%) of the total window area on any side of the building.

4) Electronic Message Center (EMC) Signs and Changeable Copy: EMC signs are prohibited on pole signs and wall signs. EMC signs are permitted on monument signs, provided the monument sign meets all of the standards of this Ordinance. The maximum EMC area of a monument sign shall not exceed 50% of the sign face or 24 square feet, whichever is less. EMC signs may have changeable messages or copy, provided the frequency of the change is not more than once per ten (10) seconds.

e. **Lighting:** All lighting shall meet the height and illumination standards of Section 311. Light fixtures shall not be attached to a utility pole. All light poles, including street lighting, shall be traditional-style light fixtures that are aesthetically attractive.

f. **Façade Design and Guidelines:**

1) **Windows:** All building facades visible from the street shall have windows with transparent, non-reflective glass, with the following requirements:

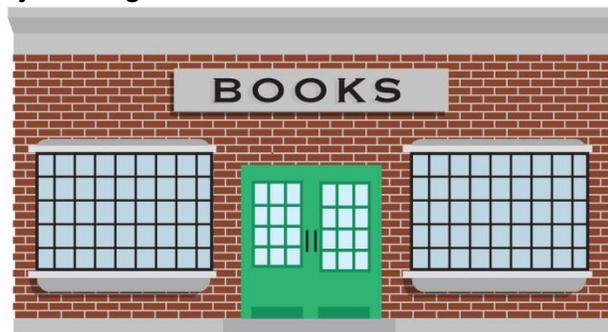
a) **First floor:** minimum 30% of façade, 70% maximum.

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

2) **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.

3) **Architectural Guidelines:** Traditional architecture (such as a Victorian style of architecture) is favored in the 11th Street Overlay District, rather than radical design themes, structures and roof forms, which would draw unnecessary attention to the buildings. Traditional architectural design is intended to convey an image of durability, permanence, craftsmanship, and visual character that the City desires. If the building has a flat roof, it must be surrounded by a cornice so as to give the building a finished appearance. Building facades that incorporate canopies or walls with mock gables must provide a roof component to provide depth and give a more authentic appearance.

Diagram Example of Façade Design



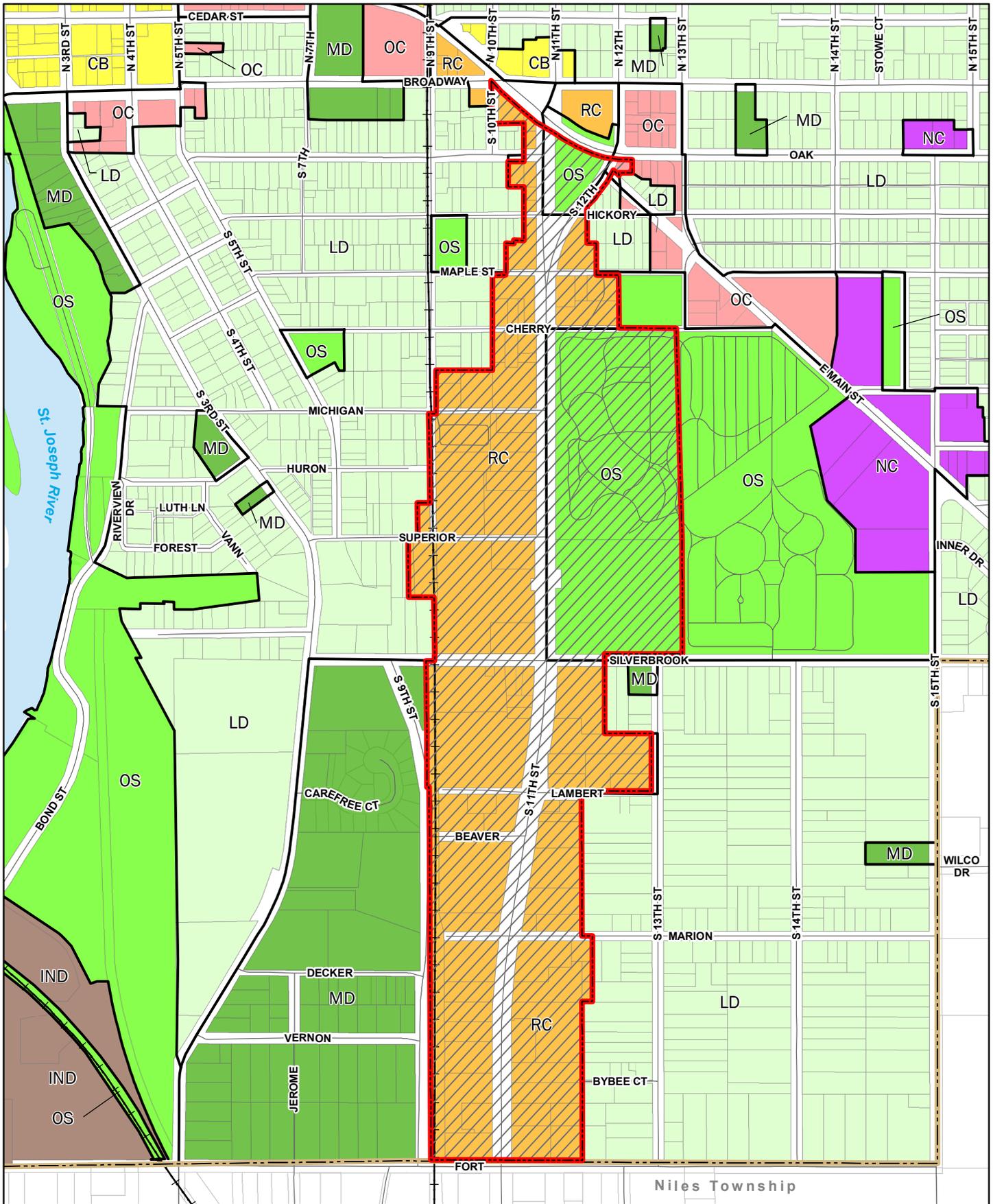
g. **Standards for Siting and Screening of Trash Dumpster:** Dumpsters may be permitted or required as accessory to any use other than single and two-family residential uses, subject to the following conditions:

a) **Location:** Dumpsters shall be located in a rear yard, provided any such dumpster shall not encroach on required parking area, is clearly accessible to servicing vehicles, and is located at least ten (10) feet from any building. 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.



**PROPOSED
11th Street Overlay District
City of Niles, Michigan**

October 22, 2012

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| LDR Low Density Residential | RC Regional Commercial |
| MDR Moderate Density Residential | IND Industrial |
| OC Office/ Commercial | OS Open Space |
| CB Central Business District | 11th Street Overlay District |
| NC Neighborhood Center | Municipal Boundary |

0 400 800
Feet


McKenna
ASSOCIATES
Data Source: Berrien County GIS, April 2007.