

DIVISION 13. - WOODWARD DISTRICT<sup>[16]</sup>*Footnotes:*

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*Cross reference— Businesses, ch. 30; signs permitted in local business and Woodward business district, § 94-10.*

## Sec. 138-471. - Preamble.

The Woodward district is designed to permit both office building district uses and local business district uses, and additional uses oriented to serve a higher volume of vehicular traffic and suitable to a location along Woodward Avenue corridor.

(Ord. No. 11-96, § 2(33-69), 12-2-1996; Ord. No. O-04-08, § 1, 10-20-2008)

## Sec. 138-472. - Principal uses permitted.

Principal uses permitted in the Woodward district are as follows:

- (1) Any office, professional or business uses permitted in the office districts as principal uses permitted and special uses, except municipal offices, post offices and public utility offices.
- (2) Any retail business or service establishment permitted in the LB local business districts as principal uses permitted.
- (3) New car automobile sales showrooms, excluding outdoor automobile storage, display and sales.
- (4) Accessory uses, customarily incidental to the above permitted uses.

(Ord. No. 11-96, § 2(33-71), 12-2-1996; Ord. No. O-04-08, § 1, 10-20-2008)

## Sec. 138-473. - Special uses.

The following conditional uses shall be permitted in the Woodward district, subject to the regulations in article IV, division 6, of this chapter.

- (1) All special uses as permitted in the LB local business district.
- (2) Carwash.
- (3) Motor vehicle repair establishments, excluding outdoor storage.
- (4) Bus passenger stations.

- (5) Hotels and motels, including manager's residence. Units shall not contain less than 250 square feet of floor area.
- (6) Hospitals and other larger medical facilities not permitted in the office districts or LB local business districts.
- (7) Multivendor retail sales establishments such as, but not limited to, farmers markets and trade centers when conducted within a completely enclosed building.
- (8) Adult uses as defined in this subsection (8) and regulated in section 138-434, pertaining to adult-oriented uses.
  - a. *Adult book or video store.* An establishment, having as a substantial or significant portion of its stock in trade, books, video tapes, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in this subsection (8)) or an establishment with a segment or section devoted to the sale or display of such material.
  - b. *Adult entertainment center.* An enclosed building with a capacity of 50 or more persons used for presenting material or live entertainment distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
  - c. *Adult minientertainment center.* An enclosed building with a capacity for less than 50 persons used for presenting material or live entertainment distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
  - d. *Specified sexual activities.* For the purpose of this section, the term "specified sexual activities" is defined as:
    1. Human genitals in a state of sexual stimulation or arousal.
    2. Acts of human masturbation, sexual intercourse or sodomy.
    3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
  - e. *Specified anatomical areas.* For the purpose of this section, the term "specified anatomical areas" is defined as:
    1. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
    2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

- (9) *Outdoor theaters.* Because outdoor theaters possess the unique characteristic of being used only after darkness, and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in the Woodward district. Outdoor theaters shall further be subject to the following conditions:
- a. The proposed internal design shall receive approval from the building inspector and city engineer as to adequacy of drainage, lighting and other technical aspects.
  - b. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares (120-foot right-of-way or greater) and shall not be available from the residential street.
  - c. All vehicles, waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be required to wait or stand within a dedicated right-of-way.

(Ord. No. 11-96, § 2(33-72), 12-2-1996; Ord. No. O-04-08, § 1, 10-20-2008)

Sec. 138-474. - Adult-oriented uses.

- (a) In the development and execution of this chapter, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Specific regulations of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any 1 area (i.e., not more than 2 such uses within 2,000 feet of each other which would create adverse effects, nor shall such use be located within a distance of 2,000 feet from any school, place of worship or public or institutional buildings or facilities). The uses to which these controls refer are as follows: Adult book or video store, adult entertainment center, adult minientertainment center, nude photographic studios and massage establishments.
- (b) The city council may waive this locational provision for adult book or video stores, adult entertainment centers and adult minientertainment centers if the following findings are made:
- (1) The proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this chapter will be observed.
  - (2) The proposed use will not enlarge or encourage the development of a skid row area.

- (3) The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
  - (4) All applicable regulations of this chapter will be observed.
- (c) It shall be unlawful to hereafter establish any adult book or video store, adult entertainment center, adult minientertainment center within 1,000 feet of any building containing a residential dwelling or rooming unit. This prohibition may be waived if the person applying for the waiver shall file, with the city council, a petition which specifies approval of the proposed regulated use by 51% of the persons owning, residing or doing business within a radius of 1,000 feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses at which no contact was made. A minimum of 150 responses is required. If the 1,000-foot radius is not sufficiently populated to provide 150 residences and/or business places eligible to respond, the radius will be increased in increments of 100 feet until there shall be an area large enough to contain 150 eligible residences and/or business places. The city council shall set rules and regulations governing the procedure for securing the petition of consent provided for in this section. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the city council and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon. The form of the petition shall be approved by the city council and shall clearly and unambiguously specify the nature and intent of the request for signature. The city council shall not consider the waiver of locational requirements until the above described petition shall have been filed and verified.
- (d) All adult book or video stores, adult entertainment centers, adult minientertainment centers or retail establishments offering material described in this section shall comply with the following performance standards:
- (1) Any display of adult oriented materials be shielded from public view either placed behind a counter, or by providing a separately established room which would have restricted access controlled by the owner or employee.
  - (2) All access to adult oriented material be restricted to persons 18 years of age or older.
  - (3) Signage be posted regarding the restrictions to this type of material; and
  - (4) The location of the counter or room be limited to an area away from the main entry.

(Ord. No. 12-96, § 2(33-161), 10-21-1996; Ord. No. O-04-08, § 1, 10-20-2008)

Sec. 138-475. - Required conditions.

All permitted and special uses in the Woodward district shall not include dwellings, except existing dwellings so used and dwellings as permitted in section 138-407.

(Ord. No. 11-96, § 2(33-73), 12-2-1996; Ord. No. O-04-08, § 1, 10-20-2008)

Sec. 138-476. - Area and bulk requirements.

See section 138-526, limiting the height and bulk of buildings, and the minimum size of lot by permitted land use in the Woodward district.

(Ord. No. 11-96, § 2(33-74), 12-2-1996; Ord. No. O-04-08, § 1, 10-20-2008)

Sec. 138-477. - Building design requirements.

- (a) The first floor elevation of a building that fronts a street shall be composed of a minimum of 40 percent and a maximum of 80 percent windows. When there is a choice between a major thoroughfare and a minor street, the elevation that faces the major thoroughfare shall be considered the front.
- (b) The building elevation that fronts a street shall contain an entrance. The entrance shall access the first floor of the building. When there is a choice between a major thoroughfare and a minor street, the elevation that faces the major thoroughfare shall be considered the front.
- (c) The planning commission may revise these requirements, if the commission finds that the standards for site plan approval, as outlined in section 138-678, have been met.

(Ord. No. O-01-01, § 1, 2-5-2001; Ord. No. O-08-02, § 3, 7-15-2002; Ord. No. O-04-08, § 1, 10-20-2008)

Secs. 138-478—138-485. - Reserved.