



Zoning Ordinance

CITY OF GRANDVILLE, MI

Effective June 2, 2024

Table of Contents

PART I: GENERAL PROVISIONS

PART I: GENERAL PROVISIONS	3
Article 1. Title and Purpose	1
Section 1.01 Title	1
Section 1.02 Short Title	1
Section 1.03 Purpose	1
Section 1.04 Scope	2
Section 1.05 Zoning Map	3
Article 2. Rules of Construction and Definitions	5
Section 2.01 Rules of Construction	5
Section 2.02 Definitions: A – B	6
Section 2.03 Definitions: C – D	7
Section 2.04 Definitions: E – F	8
Section 2.05 Definitions: G – H	10
Section 2.06 Definitions: I – J	11
Section 2.07 Definitions: K – L	11
Section 2.08 Definitions: M – N	13
Section 2.09 Definitions: O – P	14
Section 2.10 Definitions: Q – R	15
Section 2.11 Definitions: S – T	16
Section 2.12 Definitions: U – V	17
Section 2.13 Definitions: W – Z	19
Article 3. General Provisions for All Districts	21
Section 3.01 Zoning Affects Every Structure and Use	21
Section 3.02 Restoring Unsafe Buildings	21
Section 3.03 Building Permits	21
Section 3.04 Street Access	21
Section 3.05 Access Prohibited	21
Section 3.06 Required Area or Space	22
Section 3.07 Existing Platted Lots	22
Section 3.08 Height Exceptions	22
Section 3.09 Building Grades	23
Section 3.10 Principal Use	23
Section 3.11 Yards; Permitted Encroachments	23
Section 3.12 Essential Services	23
Section 3.13 Temporary Permits	24

Section 3.14	Garage Sales and Estate Sales	25
Section 3.15	Dwelling on Rear Lots	25
Section 3.16	Walls and Fences	25
Section 3.17	Sewer and Water.....	25
Section 3.18	Traffic Visibility Across Corner Lots	25
Section 3.19	Soil Removal.....	26
Section 3.20	Satellite Dish Antennas	26
Section 3.21	Site Alteration Before Approval	26
Section 3.22	Waste Receptacles	26
Section 3.23	Private Roads and Drives	27
Section 3.24	Accessory Buildings and Uses.....	27
Section 3.25	Private Swimming Pools	28
Section 3.26	Transition Zoning	29
Section 3.27	Conversions	29
Section 3.28	Sales of Motorized Vehicles.....	29
Section 3.29	Nonconforming Lots, Uses, and Structures	30
Article 4.	Floodplain Regulations.....	35
Section 4.01	Purpose and Intent.....	35
Section 4.02	Definitions	35
Section 4.03	Permitted Uses in the Flood Fringe Areas	36
Section 4.04	Permitted Uses – Floodway Areas.....	37
Section 4.05	Special Land Uses and Standards.....	38
Section 4.06	Variances	38
Section 4.07	Disclaimer of Liability	39
Section 4.08	Duties of City Manager or Designee	39
Article 5.	Summary of Zoning Requirements.....	43
Section 5.01	Zoning Districts	43
Section 5.02	Map	44
Section 5.03	Lot Divided by Zoning Line	44
Section 5.04	Uses Not Listed.....	44
Article 6.	Single and Two Family Residential Conventional Zoning Districts	45
Section 6.01	Purpose and Intent.....	45
Section 6.02	Table of Uses.....	45
Section 6.03	Development Requirements	47
Article 7.	Multiple Family Residential Conventional Zoning Districts	51
Section 7.01	Purpose and Intent.....	51
Section 7.02	Table of Uses.....	52
Section 7.03	Development Requirements	54
Section 7.04	District Specific Requirements	57
Article 8.	Office and Commercial Conventional Zoning Districts	59
Section 8.01	Purpose and Intent.....	59
Section 8.02	Table of Uses.....	60
Section 8.03	General Development Requirements.....	63

Section 8.04 District-Specific Requirements	67
Article 9. Industrial Conventional Zoning Districts	71
Section 9.01 Purpose and Intent.....	71
Section 9.02 Table of Uses.....	71
Section 9.03 General Development Requirements.....	73
Article 10. Form-Based Code Districts	77
Section 10.01 Purpose and Intent.....	77
Section 10.02 Form-Based Districts	77
Section 10.03 Application of Regulations	78
Section 10.04 Use Regulations.....	78
Section 10.05 Building Types Permitted by District	82
Section 10.06 Building Type Dimensional and Design Standards	83
Section 10.07 Special Provisions for Individual Districts	109
Section 10.08 Accessory Provisions.....	110
Section 10.09 Variances and Deviations	113
Section 10.10 Sign Requirements	113
Section 10.11 Procedures.....	116
Section 10.12 Nonconformities in the Form-Based Districts.....	117
Article 11. Planned Unit Development Districts	119
Section 11.01 Purpose and Intent.....	119
Section 11.02 Rezoning to PUD	120
Section 11.03 Existing PUDs	120
Section 11.04 PUD Types.....	120
Section 11.05 Qualifying Conditions	120
Section 11.06 Requirements Applying to All PUD Types	121
Section 11.07 Residential Planned Unit Development (RPUD)	122
Section 11.08 Mixed Use PUD (MPUD)	123
Section 11.09 Commercial/Industrial PUD (C/IPUD)	124
Section 11.10 PUD Rezoning Process	126
Section 11.11 Pre-application Conference	126
Section 11.12 Preliminary PUD Review.....	126
Section 11.13 Final PUD Review, Approval, and Rezoning	127
Section 11.14 PUD Standards of Review	129
Section 11.15 Effect of Approval.....	130
Section 11.16 Changes to an Approved PUD	130
Section 11.17 Appeals of PUD Decisions.....	130
Article 12. Use Restrictions.....	133
Section 12.01 Specific Use Requirements.....	133
Section 12.02 Adult Foster Care Small Group Homes	133
Section 12.03 Automobile Fueling Stations and Vehicle Repair.....	133
Section 12.04 Automobile, Boat, Motorcycle, Recreational Vehicle, and Truck Dealerships	134
Section 12.05 Child Care Centers	135
Section 12.06 Cemeteries.....	135
Section 12.07 Designed Industrial Parks or Developments	136

Section 12.08	Drive-Up and Drive-Through Facilities Accessory to a Use, Excluding Those Serving Restaurants	136
Section 12.09	Group Child Daycare Homes	137
Section 12.10	Higher Education Institutions	137
Section 12.11	Home Occupations	137
Section 12.12	Hospitals, 24-hour Urgent Care Centers and Rehabilitation Centers	139
Section 12.13	Hotels and Motels	140
Section 12.14	Indoor Recreation/Health and Fitness Centers	140
Section 12.15	Mineral Extraction	141
Section 12.16	Nursing Homes or Group Foster Care Facilities	142
Section 12.17	Office and Studio Uses in Residential Structures	142
Section 12.18	Places of Worship	143
Section 12.19	Public and Private Parks, Playgrounds, and Community Centers	143
Section 12.20	Restaurants, Casual, with Drive-In or Drive-Through Facilities	144
Section 12.21	Restaurants, Casual (C-5 District)	144
Section 12.22	Retail Establishments in Buildings Greater than 25,000 Square Feet (C-1 District)	145
Section 12.23	Senior Housing	145
Section 12.24	Sexually Oriented Businesses	146
Section 12.25	Single Family Dwellings (Outside of Manufactured Home Parks)	146
Section 12.26	Solar Energy Systems	147
Section 12.27	Two-Family Dwelling Units (R1-A and R1-B Districts)	149
Section 12.28	Reserved	150
Section 12.29	Vehicle Wash Establishments	150
Section 12.30	Wind Energy Conversion Systems	150
Section 12.31	Wireless Telecommunications Towers and Antennas	153
Article 13.	Special Land Uses	165
Section 13.01	Purpose and Intent	165
Section 13.02	Scope	165
Section 13.03	Application and Public Hearing	165
Section 13.04	General Standards for Approval of Special Land Uses	166
Section 13.05	Conditions of Approval	166
Section 13.06	Special Land Use Approvals and Issuance of Permits	167
Section 13.07	Performance Guarantees	167
Section 13.08	Revocation of Permit	167
Section 13.09	Appeals	168
Article 14.	Site Plan Review	169
Section 14.01	Purpose and Scope	169
Section 14.02	Application Procedures	170
Section 14.03	Information Required for Site Plans	170
Section 14.04	Site Plan Review Process	172
Section 14.05	Standards of Review	172
Section 14.06	Site Plan Approvals	173
Section 14.07	Conditions of Approval	174
Section 14.08	Site Plan Modifications	174
Section 14.09	Performance Guarantees	175
Section 14.10	Enforcement	175

Article 15. Parking.....	177
Section 15.01 Purpose and Scope	177
Section 15.02 Applicability of Parking Requirements	177
Section 15.03 Parking Lot Plans	177
Section 15.04 Off-Street Parking Lot Design	178
Section 15.05 General Off-Street Parking Requirements	180
Section 15.06 Residential Districts	182
Section 15.07 Transition Zone Parking.....	183
Section 15.08 Schedules of Off-Street Parking Requirements	183
Section 15.09 Off-Street Loading.....	183
 Article 16. Landscaping and Exterior Lighting	 185
Section 16.01 Purpose and Scope	185
Section 16.02 General Landscaping Provisions	185
Section 16.03 Landscape Plans	187
Section 16.04 Landscaping in Required Setbacks	188
Section 16.05 Parking Lot Landscaping	188
Section 16.06 Buffer Yards	188
Section 16.07 Exterior Lighting Requirements.....	190
 Article 17. Signs	 193
Section 17.01 Intent and Purpose.....	193
Section 17.02 Applicability	193
Section 17.03 Definitions	193
Section 17.04 Signs Exempt From Permit.....	196
Section 17.05 Signs Prohibited Under This Article.	197
Section 17.06 General Regulations	197
Section 17.07 Specific Sign Requirements	199
Section 17.08 Signs within the Public Right-Of-Way	200
Section 17.09 Signs Allowed on Private Property.....	200
Section 17.10 Sign Requirements in the Commercial Shopping Center District (C-4)	204
Section 17.11 Drive-Thru Signage Allowance	205
Section 17.12 I-196 Sign Restriction Overlay	205
Section 17.13 Rivertown Parkway Sign Restriction Overlay.....	206
Section 17.14 Sign Permits Required	206
Section 17.15 Sign Permit Procedures	206
Section 17.16 Nonconforming Signs.....	207
Section 17.17 Violations	208
 Article 18. Zoning Board of Appeals.....	 211
Section 18.01 Creation and Membership.....	211
Section 18.02 Officers.....	211
Section 18.03 Rules of Procedure	212
Section 18.04 Powers and Duties	212
Section 18.05 Procedure	215
Section 18.06 Decision of the Board.....	215
Section 18.07 Stay of Proceeding.....	215
Section 18.08 Hearings.....	215



Article 19. Amendments 217
Section 19.01 Initiation of Rezoning and Zoning Ordinance Text Amendments217
Section 19.02 Application Procedure217
Section 19.03 Rezoning and Zoning Ordinance Text Amendment Procedure218
Section 19.04 Criteria for Amendment of the Official Zoning Map (Rezoning) Provided in Accordance
with the Zoning Act.....219
Section 19.05 Amendments Required to Conform to Court Decree219
Section 19.06 Conditional Zoning Agreement219

Article 20. Administration and Enforcement..... 223
Section 20.01 Building Permit Required223
Section 20.02 Administrative Officials.....223
Section 20.03 Permits224
Section 20.04 Occupancy224
Section 20.05 Violations and Penalty224
Section 20.06 Enforcement.....224

Article 1.

Title and Purpose

Section 1.01 Title

An ordinance to regulate and restrict the use of land and structures; to meet the needs for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare; and for those purposes to divide the city into districts; to prescribe penalties for the violation thereof; and to repeal conflicting ordinances.

Section 1.02 Short Title

This ordinance shall be known as "The Zoning Ordinance of 2021" and may be cited as such.

Section 1.03 Purpose

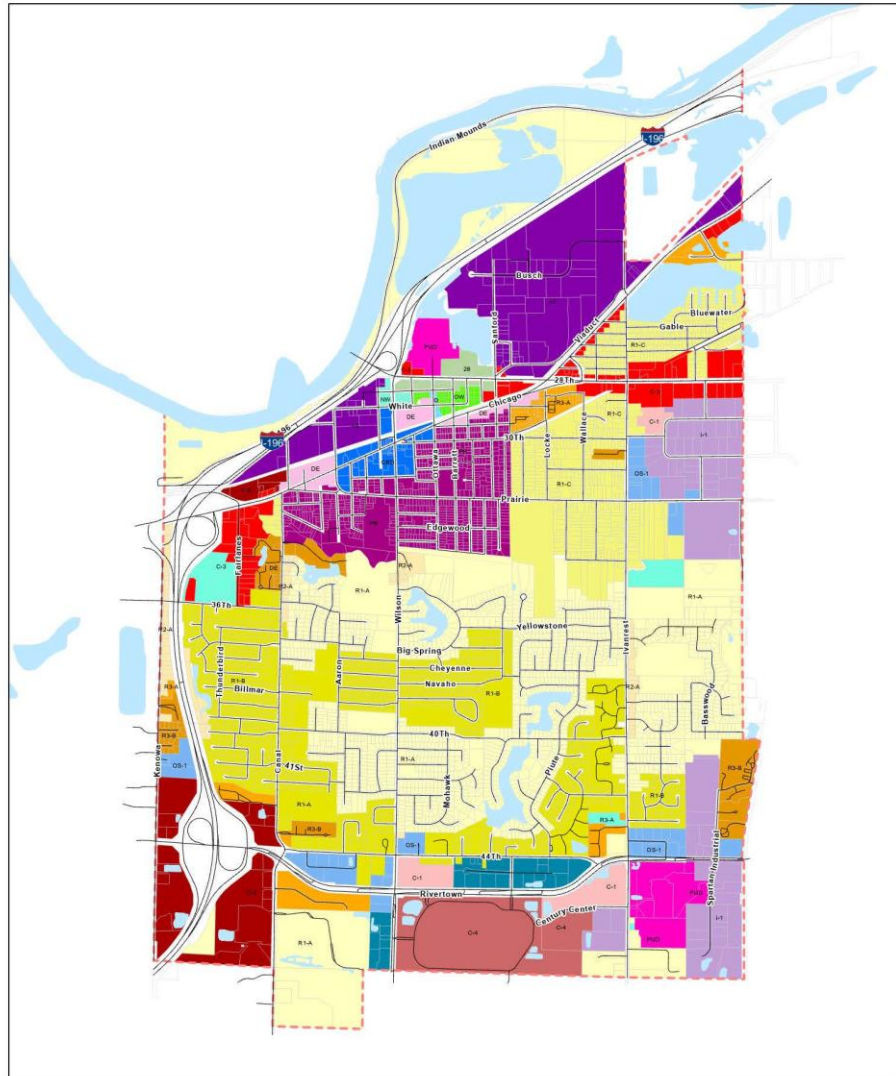
As they are interpreted and applied, the provisions of this ordinance shall be the minimum requirements adopted to promote public health, safety, morals, and general welfare.

The provisions of this title are intended, among other things, to protect the lands, water, and other natural resources of the community by encouraging uses that are best suited to the capabilities and characteristics of those resources and limiting their improper use; to promote orderly development in accordance with the city's master plan, as amended; to facilitate economical municipal water and sewer services, adequate traffic capacity, recreational areas, schools, and other public requirements; to provide adequate light, air, and healthful conditions in residential, commercial, and industrial areas; to promote convenient and safe access; to protect against fire and other dangers; to avoid undue concentrations of people by regulating the height and bulk of buildings; to establish and require adequate yards, courts, and other open spaces; to regulate and restrict the location of all uses, trades, industries, and buildings in relation to safe traffic and pedestrian movement; and to achieve stability in the expenditure of funds for public improvements and services.

Section 1.04 Scope

This ordinance does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this ordinance imposes greater restrictions than are imposed or required by existing laws or ordinances, or by rules, regulations, or permits, or by private restrictions, the provisions of this ordinance shall control.

Section 1.05 Zoning Map



Zoning Map

City of Grandville, Michigan

Effective February 8, 2024

LEGEND

Conventional Zoning Districts

- R1-A
- R1-B
- R1-C
- R2-A
- R2-B
- R3-A
- R3-B
- C-1
- C-3
- C-4
- C-5
- I-1

- I-2
- OS-1
- OS-2
- PUD

Form Based Code Districts

- NW North Wilson
- O Ottawa
- 28 -28th Street
- OW Oakes-White
- DE Downtown Edge
- PB Prairie/Barrett
- CBD Central Business District



0 500 1,000
Feet

Basemap Source: Michigan Center for Geographic Information, v. 17a City of Grandville 2020, McKenna 2021.



Article 2.

Rules of Construction and Definitions

Section 2.01 Rules of Construction.

- (A) The particular shall control the general.
- (B) The phrase “used for” includes arranged for, designed for, intended for, maintained for, or occupied for.
- (C) A building or structure includes any of its parts.
- (D) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions “and,” “or,” or “either . . . or,” the conjunctions shall be interpreted as follows:
 - (1) “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - (2) “Or” indicates the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (3) “Either . . . or” indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- (E) Words used in the present tense shall include the future tense.
- (F) Words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- (G) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- (H) In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- (I) Terms not defined in the zoning ordinance shall have the meaning customarily assigned them.

Section 2.02 Definitions: A – B

Accessory Buildings. A subordinate building or structure devoted to an accessory use on the same premises as the main building.

Accessory Use. A use naturally and normally incidental and subordinate to the principal use of the premises.

Alteration of Building. A change in the supporting members of a building, or an addition, reduction, or relocation, or a change in the basic use of a building or any of its parts.

Architectural Detail. That portion of a building containing any architectural projection, relief, cornice, column, change of building material, or window or door opening.

Architectural Feature. A prominent or significant part or element of a building, structure, or site.

Automobile Fueling Station. A place where gasoline, kerosene, or any other motor energy source, or lubricating oil or grease for motor vehicles is offered for sale to the public. Deliveries are made directly into motor vehicles, including sale of accessories, and greasing, oiling, and light motor service on the premises, but in no case include services provided in the definition for “vehicle repair, industrial.” A fueling station may include the sale of convenience grocery items.

Bank. A financial institution dedicated to accepting monetary deposits and providing loans; credit unions shall be considered banks for the purposes of this ordinance.

Banquet Facility. Non-residential space designed to be used for temporary gatherings of people for entertainment, collaboration, celebration, or other reasons, excluding indoor recreation facilities and places of worship.

Basement (see *Figure 1*). A room or rooms, or any part of a room having a floor level more than 48 inches below grade. Except when used for business purposes, a basement shall not be counted as a story in height or floor area measurement if the vertical distance between the basement floor and the average level of the finished grade is greater than the distance between the average level of the finished grade and the basement ceiling. [See Story](#).

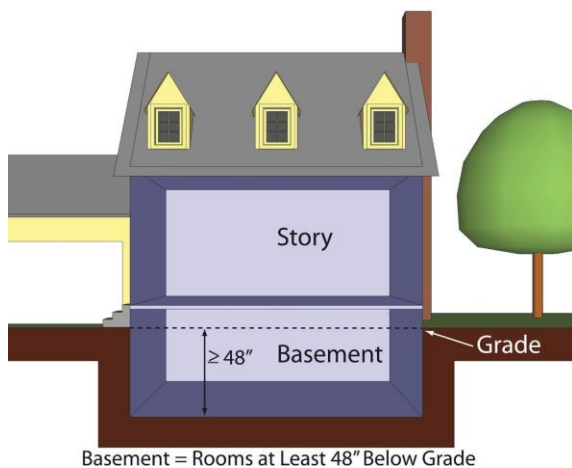


Figure 1: Basement

Blank Wall. A blank wall is a building façade that is characterized by a lack of transparency into which the pedestrian can see. A blank wall:

- (A) Does not have glass on a high percentage of the façade, OR

- (B) Does not have glass that is transparent, OR
- (C) Does not have glass that is maintained (spaced) across the entire façade, OR
- (D) Does not have glass that is placed at pedestrian eye-level.

Block. A unit of land abutting one side of a street and lying between the two nearest intersecting streets or bounded by a combination of streets and public land, waterways, or any other barrier.

Board. Whenever the word “board” is used, it refers to the Zoning Board of Appeals.

Building. Anything constructed or erected which requires a roof, walls, or roof supports and a permanent location on the ground.

Building Height. The vertical distance from grade plane to the top of a flat roof, or to the average height of the highest roof surface, measured between the ridge and the eaves.

Business Services. Establishments or places of business engaged in the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by office, professional, and service establishments. Typical uses include, but are not limited to, office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, and temporary labor services.

Section 2.03 Definitions: C – D

Cemeteries: Land used for the burial of the dead, including columbariums, crematories, and mausoleums.

Child Care and Daycare Definitions:

- (A) **Child Care Center.** A facility other than a private residence that receives one or more preschool or school age children for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children. It includes a facility that provides care for more than four weeks during a calendar year, regardless of the number of hours of care per day. A child care center includes public and private preschools, day nurseries, nursery schools, parent cooperative preschools, drop-in centers, and daycare centers.
- (B) **Family Daycare Home.** A private residence that receives one, but less than seven minor children, not including children related by blood, marriage, or adoption to an adult residing in the residence, for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children. It includes a facility that provides care for more than four weeks during a calendar year, regardless of the number of hours of care per day.
- (C) **Group Daycare Home.** A private residence that receives more than six but not more than 12 minor children, not including children related by blood, marriage, or adoption to an adult residing in the residence, for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children.

The definitions include facilities that provide care for more than four weeks during a calendar year, regardless of the number of hours of care per day.

Collector Streets. See *Streets, Collector*.

Combination Vehicle. Any combination of truck, truck tractor, trailer, semi-trailer, or pole trailer used upon streets or highways to transport passengers or property.

Commercial Vehicle. A motor vehicle used to transport passengers for hire, constructed or used to transport goods, wares, or merchandise, or a motor vehicle designed and used for drawing other vehicles for business purposes. A commercial vehicle does not include a vehicle used exclusively to transport personal possessions or family members for non-business purposes.

Commercial Zoning District Definitions:

- (A) **Form-Based Commercial Zoning District.** The CBD Central Business Form-Based District.
- (D) **Conventional Commercial Zoning Districts.** Those zoning districts with an “OS” prefix: the OS-1 Office/Service District and the OS-2 Regional Office/Service District; and those districts with a “C” prefix: the C-1 Neighborhood Business District, C-3 Commercial Highway District, C-4 Commercial Shopping Center District, C-5 Commercial Interchange District.

Community Center. A place where people can meet for social, educational, or recreational activities.

Condominium, Residential. An individually owned dwelling unit in a multiple-family building or an individually owned building in a condominium development.

Conventional Zoning Districts. Zoning districts that employ traditional, as-of-right or self-executing zoning regulation and procedures, and in which district regulations are explicit, uses are specified, and development requirements for lot area, lot width, building height, minimum setbacks, and other site-specific requirements are imposed. Conventional zoning districts are intended to separate incompatible land uses and generally do not consider form or character as requirements.

Drive In or Drive Through Facility. An accessory use for a business where the delivery of customer services is done while patrons are in their motor vehicles, usually from within the building via a service window.

Dwelling Unit. A building, or any part of one, having cooking and sanitary facilities, designed or used exclusively for residential occupancy by one family, but not including hotels, motels, trailer coaches, or other recreational vehicles, tents, or portable buildings which are portable in nature.

Dwelling Unit, Accessory. A dwelling unit that is subordinate to another unit on the same lot and cannot be rented or sold separately from the principal dwelling unit. In order for a dwelling unit to be considered an accessory dwelling unit, all residents of both the accessory unit and the principal unit must collectively meet the definition of “family” in this ordinance.

Dwelling Unit, Single Family. A building designed for and occupied by one family, or a building occupied exclusively by one family.

Section 2.04 Definitions: E – F

Essential Services. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam, or water transmission or distribution systems, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories that are reasonably necessary to furnish utility services or for the public health, safety, or general welfare.

Façade. The vertical surface of a building that is located along a frontage line. The area of a façade is referred to as the “vertical surface area.”

Façade Variation. Shifts in the plane of walls, setbacks, stepbacks, reveals, overhangs, and details in order to create variations in a building’s façade.

Family. One or more persons each related to the other by blood, marriage, or adoption, living in a dwelling as a single housekeeping unit; or a group of unrelated individuals living together in a dwelling as a single housekeeping unit. A family shall also be deemed to include domestic servants, and foster children. This definition shall not include any fraternity, sorority, club, hotel, or other group of persons whose association is temporary or transient.

Farm. The land, plants, animals, buildings, structures, ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Floodplain. The area adjoining a river, stream, water course, or lake, subject to 100-year recurrence interval floods as delineated by the Federal Emergency Management Agency (FEMA). A floodplain shall include the stream channel, the overbank area, or the floodway, and the fringe areas of the floodway.

Floor Area Definitions (see *Figure 2*):

- (A) **Floor Area.** The sum of the horizontal areas of all floors computed from the outside dimensions of the exterior walls of a building or from the center line of common walls separating two buildings, but excluding unenclosed porches, breezeways, patios, terraces, carports, decks, garages, unfinished attics, and basements. Finished attic rooms with a ceiling height of seven and one-half feet or more shall be computed as usable floor area.
- (B) **Gross Floor Area.** The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure.
- (C) **Gross Leasable Area.** The area within a shopping center or commercial or industrial condominium that is available for lease by tenants, not including any common elements such as hallways, mall public areas, etc.
- (D) **Usable Floor Area.** That area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used principally for the storage or processing of merchandise, for hallways, stairways, and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

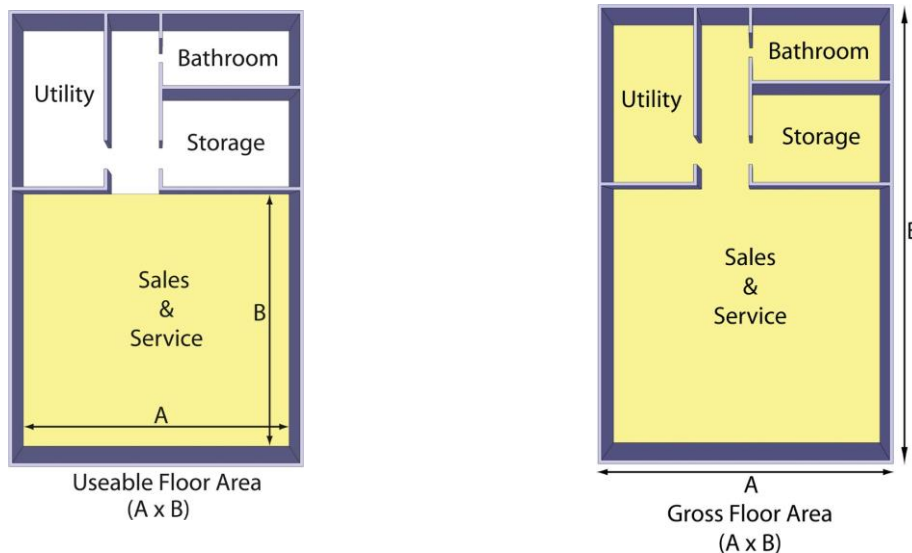


Figure 2: Floor Area

Form-Based Zoning. A method of regulating development to achieve a specific urban form. Form-based zoning creates a predictable public realm primarily by controlling physical form, with a lesser focus on land use. Form-based zoning addresses the relationship between building façades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in the form-based zoning chapters, presented in both diagrams and words, designate the appropriate form and scale (and therefore, character) of development, rather than mainly through distinctions in land-use types. The form-based zoning districts are intended to achieve a community vision to preserve, enhance, or transform specified areas of the city.

Form-Based Zoning Districts. The CBD, PB, DE, NW, O, OW, and 28 Zoning Districts.

Foster Care Definitions:

- (A) **Foster Care Facility.** An establishment that provides supervision, assistance, protection, or personal care and room and board to persons. A foster care facility is not a nursing home licensed under Public Act 139, as amended, or a mental hospital licensed under Public Act 151, as amended.
- (E) **Adult Foster Care Family Home.** A private residence with the approved capacity to receive not more than six adults who are provided with foster care for five or more days a week and for two or more consecutive weeks.
- (F) **Adult Foster Care Large Group Home.** An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.
- (G) **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive not more than twelve (12) adults who are provided with foster care.

Freeway. A limited access, divided interstate highway.

Funeral Home. A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Section 2.05 Definitions: G – H

Garage. A building or part of one used primarily for the storage of motor vehicles, trailers, recreational vehicles, or boats.

Grade. The average ground level elevation at the front wall of the building.

Gross Vehicle Weight Rating. The value specified by the manufacturer as the loaded weight of a vehicle or combination vehicle. In the absence of a value specified by the manufacturer for a combination vehicle, the gross vehicle weight rating of the combination vehicle shall be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load on either unit.

Higher Education Institution. An institution that provides full-time or part-time education beyond high school. Examples include, but are not limited to, universities, community colleges, vocational schools, including cosmetology and truck driving, and art schools, for post-high school education.

Home Occupation. An occupation conducted entirely within a dwelling unit by a member or members of the resident family, plus not more than one other person.

Hospital. An institution licensed by the Michigan Department of Health and Human Services (MDHHS) to provide in-patient and out-patient medical and surgical services for the sick and injured, and may include related facilities (e.g., laboratories, medical testing services, central service facilities, and staff offices).

Hotel. A structure or group of structures with furnished rooms providing sleeping and parking accommodations for transient persons only.

Industrial Zoning District. Those zoning districts with an “I” prefix: the I-1 Restricted Industrial District and the I-2 General Industrial District.

Section 2.06 Definitions: I – J

Institutional Use. See [Public Use](#).

Junk yard. A lot, land, or structure, or any part thereof, used for the collection, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, salvaging, or sale of parts or machinery or vehicles not in running condition.

Section 2.07 Definitions: K – L

Laundromat. An establishment with washing machines and dryers for public use.

Library. A public structure containing books, periodicals, and sometimes films and recorded music for people to read, borrow, or reference.

Loading Space. An off-street space designed and designated for the loading or unloading of a truck, bus, or other commercial vehicle.

Local Streets. See *Streets, Local*.

Lot Definitions (See *Figure 3*):

- (A) **Lot.** A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and its accessory uses, together with such yards and open spaces as are required by this ordinance. A lot may or may not be specifically designated as such on public records. A lot may also include a condominium unit and any limited common element under and surrounding the condominium unit, which together meet the minimum yard and area requirements of this ordinance.
- (B) **Lot Area.** The total horizontal area within the lot lines of the lot, excluding any road right-of-way or easement dedicated for street purposes.
- (C) **Lot, Corner.** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting a curved street shall be considered a corner lot if the arc is of less than one hundred and fifty (150) feet in radius, and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.
- (D) **Lot Coverage.** The percentage of the lot occupied by buildings, including accessory buildings.
- (E) **Lot Depth.** The horizontal distance between the front and rear lot lines, measured along the midpoint between the side lot lines.



Figure 3: Lots and Lot Lines

- (F) **Lot, Interior.** Any lot other than a corner lot.
- (G) **Lot, Through.** An interior lot having frontage on more than one street.
- (H) **Lot Width.** The horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines.

Lot Lines Definitions (See Figure 3):

- (A) **Front Lot Line.** The line separating a lot from the street or street right-of-way. On a corner lot, the front lot line shall be established on the plat of subdivision or land division; if no front lot line has been so designated, the street upon which the property is addressed shall determine the front lot line. On a double frontage lot, each line separating the lot from a street or street right-of-way shall be a front lot line. In those cases where, because of lot or right-of-way configuration, the front lot line as defined on an existing lot of record consists of only a small segment of a continuous lot line, the entire line shall be considered a front lot line. See Figure 4.
- (B) **Rear Lot Line.** The line opposite the front lot line. In the case of a lot that is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long, lying farthest from the front lot line and wholly within the lot.
- (C) **Side Lot Line.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street or street right-of-way is a street side lot line. A side lot line separating a lot from another lot is an interior side lot line.
- (D) **Interior Lot Line.** Any lot line that is not adjacent to a street or street right-of-way.

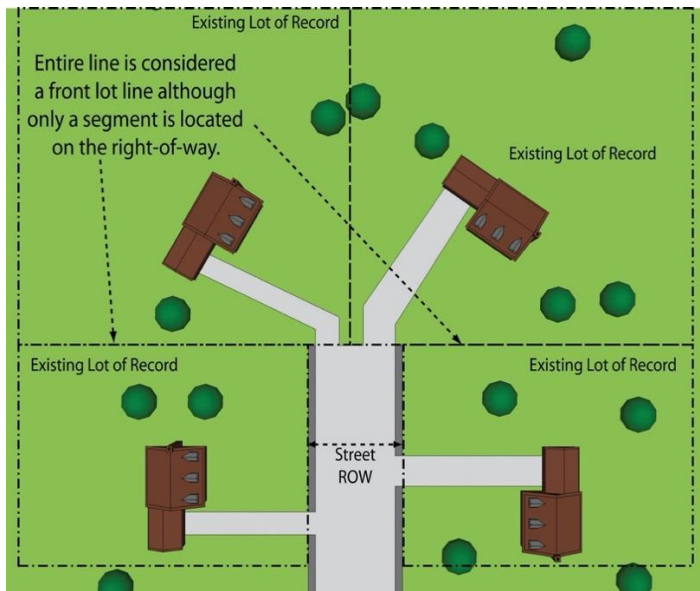


Figure 4: Front lot line where right-of-way is only a short segment

Section 2.08 Definitions: M – N

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a one-family dwelling with or without a permanent foundation when connected to required utilities. Recreational vehicles and modular homes are not included in this definition.

Medical Office. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals.

Modular Home. Factory-fabricated, transportable building units designed to be incorporated with similar units at a building site, placed upon a permanent foundation, and joined to make a single residential structure.

Motel. See *Hotel*.

Motor Home. A motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreation use.

Multiple Family Zoning District. Those zoning districts with an “R-3” prefix: the R3-A and R-3B Zoning Districts. The RMH Residential Manufactured Home District shall also be considered a multiple family zoning district.

Museum. A repository of objects connected with literature, art, history, culture, or science collected and displayed for the edification, amusement, entertainment, or education of patrons and consumers.

Nonconforming Structure. A structure that was legal at the time this ordinance or any amendment was adopted and which does not conform to the regulations of the district in which it is located.

Nonconforming Use. The use of a structure or land that was legal at the time this ordinance or any amendment was adopted and which does not conform to the regulations of the district in which it is located.

Nursing Home. A home for the compensated care of three or more persons who are aged, infirm, or who suffer bodily disorders. A nursing home shall conform to and be licensed by the State of Michigan under applicable state laws.

Section 2.09 Definitions: O – P

Office. Non-residential space designed for the provision of services to customers, but not designed for the sale of products directly to customers on-site, including spaces for lawyers, accountants, financial services, and others.

Office/Service Zoning District. Those zoning districts with an “OS” prefix: the OS-1 and OS-2 Districts.

Outdoor Sales. Any other outdoor area dedicated to sales and display of goods and/or services.

Park. An area, whether public or private, devoted to active or passive recreation.

Parking Area. An open area other than a street, access driveway, or other public way, used for the parking of three or more motor vehicles in operable condition; and available for public use whether for a fee or as an accommodation for clients, customers, visitors, or residents.

Pedestrian-Oriented Development. Development that accommodates the needs of pedestrians and cars equally, with parking to the side or rear of a building, mixed uses, and a variety of interesting and detailed streetscapes.

Person. An individual, firm, association, partnership, corporation, or other legal entity.

Personal Service Establishments. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, shoe repair shops, and tailor shops.

Places of Worship. Any structure where people regularly assemble for religious activity, including a church, synagogue, temple, mosque, or similar religious facility.

Planned Unit Development (PUD). A tract of land developed as a unit under single ownership or unified control that includes one or more principal buildings or uses and is processed under the planned unit development provisions of this ordinance.

Porch, Enclosed. A horizontal surface consisting of a deck, slab, or other similar construction attached to a main building and designed for outdoor seating or as a means of entry to the building. A porch is enclosed if covered by a structure that is supported by pillars or other similar means and enclosed by windows, screens, or some other similar method.

Porch, Unenclosed. A horizontal surface consisting of a deck, slab, or other similar construction attached to a main building and designed for outdoor seating or as a means of entry to the building. A porch is “unenclosed” if it has no roof and no walls.

Principal Building. The primary building containing the principal use.

Principal Use. The primary and predominant use of the premises, including customary accessory uses.

Public Use. Churches, schools teaching academic subjects, hospitals, parks, civic centers, libraries, and similar public or quasi-public uses, but not including uses by such institutions or public agencies such as material storage, equipment repair, processing, or similar activities of a commercial or industrial nature.

Public Utility. A person, firm, corporation, or municipal department authorized to furnish and furnishing to the public under municipal or state regulations transportation, water, gas, electricity, telephone, television, steam, or sewage disposal services.

Section 2.10 Definitions: Q – R

Rear Yard. See [Yard, Rear](#).

Recreation Facility. An establishment, institution, or location for leisure, exercise, or entertainment.

Recreational Vehicle. Portable structures, machines, or devices, self-propelled or towable by another vehicle, capable of moving upon highways without special movement permits; primarily designed, constructed, or modified to provide temporary living quarters for recreational camping or travel use, and trailers or other devices that shall be primarily intended for the transporting of all such structures, machines, or devices. Motorcycles, bicycles, and minibikes are specifically excluded from the provisions of this definition. This does not include a temporary building, structure, or use, permitted to exist during periods of construction of the principal building, structure or use. Recreational vehicles and equipment include the following:

- 1) **TRAVEL TRAILER.** A portable vehicle on a towing chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified by the manufacturer as a "travel trailer", which may include self-contained sanitary, water, and electrical facilities, or a "fifth wheel". May otherwise be classified as a non-motorized recreational vehicle.
 - (a) **PICKUP CAMPER.** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses. May otherwise be classified as a non-motorized recreational vehicle.
 - (b) **MOTOR HOME.** A vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- 2) **FOLDING TENT TRAILER.** A folding structure, mounted on wheels for towing and designed for travel and vacation use.
- 3) **BOATS AND BOAT TRAILERS.** Boats, floats, rafts, canoes, including equipment customarily used to transport them when they are placed upon said equipment.
- 4) **OTHER RECREATIONAL EQUIPMENT.** Includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus equipment customarily used to transport them.

Residential Garage. A garage accessory to a dwelling that is under the same ownership as the principal dwelling.

Residential Zoning District:

- (B) **Form-Based Residential Zoning Districts.** The PB and OW Form-Based Districts.
- (C) **Conventional Residential Zoning Districts.** R-1A, R-1B, and R-1C Single Family Districts; R-2A Two-Family District; R-3A and R-3B Multiple Family Districts, and RMH Residential Manufactured Housing Community District.

Restaurant Definitions:

- (A) **Restaurant, Casual.** A restaurant in which the principal business is the sale of food and beverages to customers in a ready-to-consume state for consumption either on or off the premises. Food and beverages may also include items such as coffee, bagels, ice cream, pizza, sandwiches, and similar items. A casual restaurant may or may not include drive-in or drive-through facilities.
- (D) **Restaurant, Standard.** A restaurant having the following primary characteristics:

- (1) The principal business is the sale of food and beverages to sit-down customers in a ready-to-consume state for consumption within the building.
- (2) Customers usually order food from a menu and are served food and beverage by a restaurant employee at the same table or counter at which the food and beverage are ordered and consumed.
- (3) Food and beverages are usually served in or on non-disposable tableware and glassware.
- (4) Drive-in or drive-through facilities are not provided, and the restaurant is not dependent on a driveway approach or parking spaces for motor vehicles to serve customers food and beverages while in a motor vehicle, rather than within the building. Carry-out orders are provided only on an incidental basis.
- (5) Restaurants providing cafeteria-type service that have the other primary characteristics of standard restaurants may also be considered standard restaurants.

Retail. A commercial use that sells goods of merchandise to the public on-site. Examples include: grocery, convenience, and beverage stores; clothing, shoe, and accessory stores; book, music, video, and electronics stores; hardware stores; and art galleries with art for sale.

Section 2.11 Definitions: S – T

Satellite dish antenna. A parabolic dish designed to receive radio, television, and microwave communication signals.

School. Any structure used for full-time or part-time education from kindergarten through high school, whether operated by a public school district, a private organization, or a religious institution.

Senior Housing. Housing that is suitable for the needs of an aging population, especially with an emphasis on safety, accessibility, adaptability, and longevity.

Setbacks. The minimum horizontal distances measured from front, side, and rear lot lines which describe an area beyond which the main walls of a principal building may not extend. See Figure 5.

Sexually Oriented Business. A business defined and regulated by Chapter 12, Article III of the City of Grandville Code of Ordinances and this ordinance.

Shopfront. A business or retail use, the façade of which is aligned directly on the frontage line with the entrance at grade.

Side Yard. See [Yard, Side](#).

Single Family Zoning District. Those zoning districts with an “R-1” prefix; the R1-A, R1-B and R1-C Districts.

Sign. A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service, or activity, or to communicate information of any kind to the public. See [Article 17](#) for specific sign definitions.

Single Ownership. Ownership by one person or entity, or by two or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel or real property not adjacent to land in same ownership.

Site Plan. A reproducible drawing, drawn to scale that includes, but is not limited to, the following:

- (A) The dimensions of and intended and/or existing use of a parcel or lot;
- (B) The proposed improvements including streets, driveways, buildings, landscaping, yard spaces, parking spaces, parking areas, sidewalks, signs, drainage facilities, and other similar improvements; and
- (C) The existing use of all properties within a distance specified by subdivision rules and this ordinance.

Special Land Use. A use or structure that, because of its unique characteristics, requires individual Review and Approval by the Planning Commission to ensure compatibility with the character of the surrounding area, the adjacent uses of land, the natural environment, the capacities of public services and facilities, and the public health, safety, and general welfare.

Story. That part of a building between the surface of any floor and the surface of the floor next above. Where there is no floor above, story shall mean the space between the surface of the floor and the ceiling next above. See [Basement](#).

Story, Half. An uppermost story, lying under a sloping roof, having an area of at least two hundred (200) square feet, with a clear height of seven feet six inches. For the purposes of this ordinance, the usable floor area of a half story is only that area having at least four feet clear height between floor and ceiling.

Street Wall. An opaque, freestanding wall built along the frontage line, or along the same building line as the building façade, often for the purpose of masking a parking lot from the street.

Streets. Public or private rights-of-way that afford traffic circulation and primary vehicular access to abutting properties, including avenues, highways, boulevards, courts, lanes, drives, or other thoroughfares, but not including alleys or driveways to buildings.

Streets, Collector. Streets that serve local traffic movements within and to commercial, industrial, and residential areas.

Streets, Local. Streets that serve interior residential areas and provide access from such areas to collector and arterial streets.

Streets, Minor Arterial. A roadway that provides connection between intra-urban land uses and serves slightly shorter trips than major arterial streets.

Streets, Principal Arterial. A roadway facility which serves longer trips within an urban area, sometimes extending beyond municipal boundaries to connect to adjacent population centers or larger arterials.

Streetscape. The various components that make up the street, both in the right-of-way and on private lot frontages. It includes pavement, parking spaces, planting areas, street trees, streetlights, sidewalks, front yard fences, front yards, front porches, etc.

Structure. Anything constructed or erected that requires a permanent location on the ground or that is attached to something having such a location.

Swimming Pool. An artificial basin or other structure that holds water as defined and regulated by the city swimming pool ordinance, as amended.

Theater. A facility designed to accommodate groups of people viewing an artistic performance or motion picture, and may be either outdoor, indoor, or drive-in.

Transparency. The ability to see through with clarity. An opening in the building wall allowing light and views between interior and exterior, measured as glass area for buildings and as open area for parking structures.

Two Family Zoning District. Those zoning districts with an "R2" prefix: the R2-A zoning District.

Section 2.12 Definitions: U – V

Vehicle Repair. An enclosed building in which repair services for vehicles may be carried out. These repair services may include: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision services; painting, refinishing, and upholstering; engine steam cleaning; oil changes and lubrication; replacement

of parts and motor service to passenger automobiles and trucks; replacement of mufflers and exhaust systems; brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories; and wheel alignment and balancing. Vehicles allowed under this definition do not include trucks with more than two (2) axles or any vehicle classified as class six (6) or higher on the Federal Highway Administration's Vehicle Classification Definitions. Watercraft are included within this definition for Vehicle Repair.

Vehicle Repair, Industrial. An enclosed building where repair services for industrial vehicles may be carried out such as general repairs and maintenance, engine repair and re-building, collision services such as body, frame, or fender straightening and repair, refinishing and painting of vehicles, steam cleaning, or other repair or refurbishing activity. Vehicles allowed under this definition do not include vehicles with less than three (3) axles or any vehicle class five (5) or lower on the Federal Highway Administration's Vehicle Classification Definitions.

Below are the Federal Highway Administration's Vehicle Classification Definitions that were in effect at the time of adoption of the above definitions. This chart shall be used to administer and interpret the definitions above.

Class Group	Class Definition	Class Includes	Number of Axles
1	Motorcycles	Motorcycles	2
2	Passenger Cars	All cars Cars with one-axle trailers Cars with two-axle trailers	2, 3, or 4
3	Other Two-Axle Four-Tire Single-Unit Vehicles	Pick-ups and vans Pick-ups and vans with one- and two- axle trailers	2, 3, or 4
4	Buses and Recreational Vehicles	Two- and three-axle buses or Recreational Vehicles	2 or 3
5	Two-Axle, Six-Tire, Single-Unit Trucks	Two-axle trucks	2
6	Three-Axle Single-Unit Trucks	Three-axle trucks Three-axle tractors without trailers	3
7	Four or More Axle Single-Unit Trucks	Four-, five-, six- and seven-axle single-unit trucks	4 or more
8	Four or Fewer Axle Single-Trailer Trucks	Two-axle trucks pulling one- and two-axle trailers Two-axle tractors pulling one- and two-axle trailers Three-axle tractors pulling one-axle trailers	3 or 4
9	Five-Axle Single-Trailer Trucks	Two-axle tractors pulling three-axle trailers	5

		Three-axle tractors pulling two-axle trailers	
		Three-axle trucks pulling two-axle trailers	
10	Six or More Axle Single-Trailer Trucks	Multiple configurations	6 or more
11	Five or Fewer Axle Multi-Trailer Trucks	Multiple configurations	4 or 5
12	Six-Axle Multi-Trailer Trucks	Multiple configurations	6
13	Seven or More Axle Multi-Trailer Trucks	Multiple configurations	7 or more
14	Unused	----	----
15	Unclassified Vehicle	Multiple configurations	2 or more

Vehicle Wash Establishment. A building or a portion thereof that has facilities for washing vehicles, either using a production line with a conveyor, cleaning devices, blowers, or similar mechanical equipment, or by self-service washing and rinsing equipment.

Section 2.13 Definitions: W – Z

Wholesale. On-premise sales of goods primarily to customers engaged in the business of reselling the goods.

Wind Energy Conversion System (WECS). A combination of:

- (A) A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power; and
- (B) a shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
- (C) the generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy, generally housed in a nacelle; and
- (D) the tower, pylon, building mount or other structure upon which any, all, or some combination of the above are mounted; and
- (E) other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.
- (F) A WECS may have a horizontal axis, with a rotor that spins perpendicular to the ground, or a vertical axis, with a rotor that spins parallel to the ground.
- (G) **WECS Height.** The distance measured between the ground (at normal grade) and the highest point of a WECS (for a horizontal axis WECS, the measurement shall be to the tip of the rotor blade when the blade is in the full vertical position).
- (H) **On-Site Service WECS.** A single WECS placed upon a lot or parcel with the primary intent to service the energy needs of only the structures and uses on the same lot or parcel.

Wireless Telecommunication Facility. A freestanding facility, building, pole, tower, or structure used to provide commercial cellular telecommunication services and which consists of antennae, equipment and storage, and other accessory structures

Yard Definitions (See *Figure 5*):

- (A) **Yard, Front.** An open, unoccupied space, unless occupied by a permitted use, extending across the full width of the lot and lying between the front lot line and the nearest line of the building wall or porch.
- (B) **Yard, Rear.** A space unoccupied, except by a permitted accessory building or use, extending across the full width of the lot and lying between the rear wall of any building, other than an accessory building and the rear lot line.
- (C) **Yard, Required.** Reference to a specific required yard shall mean the minimum required yard as specified by this ordinance.
- (D) **Yard, Side.** An open, unoccupied space, unless occupied by a permitted use, lying between the nearest wall of the building and the side lot line and extending from the front yard to the rear yard.
- (E) **Yard, Streetside.** On a corner lot, an open, unoccupied space, unless occupied by a permitted use, extending across the full depth of the lot and lying between the street side lot line and the nearest line of the building wall or porch.

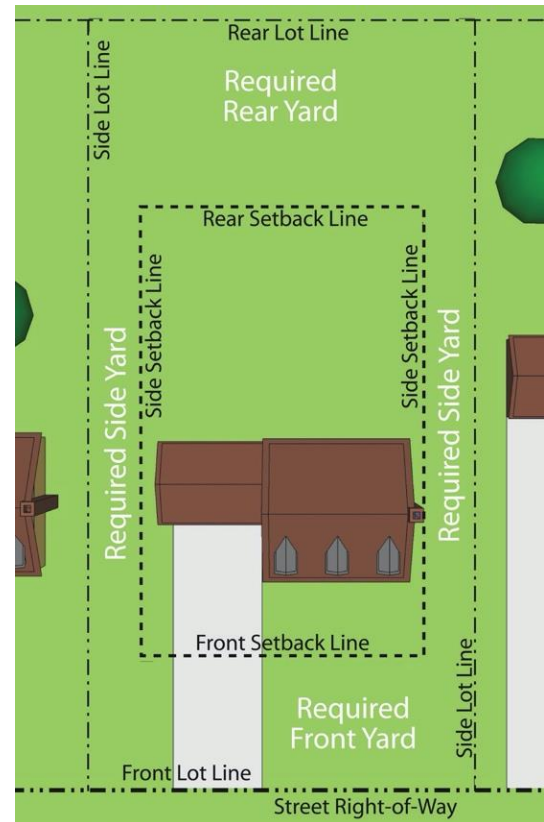


Figure 5: Yards

Zoning Act. The Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

Article 3.

General Provisions for All Districts

Section 3.01 Zoning Affects Every Structure and Use

Except as designated in this ordinance, a building, a structure, or premises shall not be used or occupied, and a building, or any of its parts, or other structure shall not be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations specified for the district in which it is located.

Section 3.02 Restoring Unsafe Buildings

This ordinance shall not prevent any part of a building or structure declared unsafe by the City Manager or designee to be strengthened or restored to a safe condition.

Section 3.03 Building Permits

Excavation for construction shall not commence and a structure shall not be erected, enlarged, altered, or reconstructed until a building permit has been issued by the City Manager or designee.

Section 3.04 Street Access

All buildings that are erected or moved shall be on a lot or parcel of land that abuts a public street, or a private street that provides access to a public street and that is approved by the city council.

Section 3.05 Access Prohibited

Land that is located in a residential district shall not be used to accommodate a driveway or means of vehicular access to land that is located in a business or industrial district.

Section 3.06 Required Area or Space

Except for any permitted exceptions stated in this ordinance, or upon a variance being approved after a hearing before the Zoning Board of Appeals in accordance with [Article 18](#), a lot or lots in common ownership, a yard, parking area, or other such space, shall not be divided, altered, or reduced to make its area or dimensions less than the minimums required under this ordinance.

Section 3.07 Existing Platted Lots

Lots created and recorded prior to the effective date of this ordinance that do not comply with the minimum requirements of the current zoning district requirements may be utilized in the following manner:

- (A) A lot in single ownership at the effective date of this ordinance that contains less than 90 percent of the zoning district width and area requirements and is not adjacent to lots owned by the same person, family, partnership, or corporation may be sold and/or utilized for a one-family dwelling unit, if the use is permitted. Front and rear yard requirements shall be met, but to encourage maximum use of such lots, side yards may be reduced to 90 percent of the zoning district requirements, provided that no side yard is less than five feet.
- (B) Two or more adjacent lots that contain less than 90 percent of the zoning district requirements for lot area and/or lot width and owned by the same person, family, partnership, or corporation at the effective date of this ordinance shall be combined to meet at least 90 percent of the applicable zoning district requirements. The board may permit the use or redivision of less than four such lots in conformity with the established character of existing adjacent homes.
- (C) Where an existing platted lot has an area of not less than 90 percent of its zoning district requirements, and where such a lot can accommodate all of the yard requirements of the zone, a building permit may be issued by the City Manager or designee for a permitted use.
- (D) Lots of record within form-based districts shall be subject to the lot area, width, and setback requirements outlined within the district.

Section 3.08 Height Exceptions

- (A) For all conventional zoning districts, height limits may be exceeded by the following structures, provided that the required yard setbacks for such structures shall be increased by one foot for each foot the structure exceeds the height limits:
 - (1) Parapet walls
 - (2) Chimneys
 - (3) Silos and farm barns
 - (4) Roof-mounted television and radio antennas
 - (5) Monuments
 - (6) Cupolas, spires, or other ornamental projections
 - (7) Water and fire towers.
 - (8) Photovoltaic panels
 - (9) Wind Energy Systems
 - (10) Wireless Telecommunications Facilities

- (B) In the form-based districts, only those height exceptions as allowed in [Article 10](#) shall be permitted.
- (C) In the industrial districts, elevator buildings and bulkheads, chimneys, cooling and fire towers, roof storage tanks, or other similar and necessary appurtenances may exceed the height limits provided they are located at least the same distance as their height from any adjoining property line.

Section 3.09 Building Grades

For buildings surrounded by a required yard space, a sloping grade shall be maintained, and adequate drainage shall be provided so that the flow of surface water will be diverted away from structures, provided, however, that contours and grading shall not direct the surface runoff at a greater rate of flow to neighboring properties than that which existed prior to development. Where a new building is constructed between two existing buildings or on a vacant lot adjacent to an existing building, the existing established grade shall be used to determine the finished grade for the new building and its required yard space.

Section 3.10 Principal Use

A lot shall not contain more than one principal use except for planned unit developments or mixed uses as permitted in this ordinance. Where permitted, groups of buildings of the same use shall be considered as one principal use of the premises.

Section 3.11 Yards; Permitted Encroachments

- (A) **Required Yards.** Except as provided in this ordinance, all lots shall have a front yard, a rear yard, and side yards. All front yards must face upon a dedicated public street or a private street approved by the city council.
- (B) **Open, Unoccupied Spaces.** Required open, unoccupied space shall not be occupied by any use or structure other than the following: landscaping, driveways, sidewalks, walls, fences, flagpoles, lamp posts, lighting standards, signs, play structures, and mailboxes. All such installations shall conform to the regulations of the zoning district in which they are located.
- (C) **Permitted Encroachments.**
 - (1) In conventional zoning districts, architectural features, such as, but not limited to, eaves, awnings, chimneys, and overhangs, may project into a required yard for a distance not to exceed 3 feet. In form-based districts, encroachments shall be as permitted in [Article 10](#).
 - (2) In conventional zoning districts, steps or an unroofed porch or deck are permitted to project to a maximum of five feet into a required front or rear yard. In form-based districts, encroachments shall be as permitted in [Article 10](#).
 - (3) Notwithstanding the above, the City Manager or designee may approve a ramp for handicapped access to a residence to encroach into a required yard in any district, provided that the encroachment is the least necessary to allow access according to applicable state and/or federal requirements, but in no case more than eight feet.

Section 3.12 Essential Services

Essential services, as defined in this ordinance, shall be permitted in all zoning districts, provided that, in residential districts, the Planning Commission shall first determine the architecture and landscaping of above-ground installations to be compatible with the neighborhood.

Section 3.13 Temporary Permits

As regulated below, the following temporary uses are permitted in any district:

- (A) **Trailers or Mobile Homes.** An individual trailer or mobile home may be used for up to 90 days as a temporary living or working quarters while a dwelling or structure is being constructed on the same premises. Prior to any such use, a temporary permit shall be issued by the City Manager or designee and shall clearly state that the permit is for a nonrenewable period of not more than 90 days.
- (B) **Supplies.** The storage of building supplies and machinery, temporary storage buildings, and the assembly of materials, in connection with a construction project on the same property, may be authorized by temporary permit from the City Manager or designee for a period of up to 12 months.
- (C) **Seasonal or Temporary Activities.** The City Manager or designee may authorize a permit for a seasonal temporary activity for an individual premises or business as specified below:
 - (1) **Activities:**
 - (a) Temporary outdoor sales for a maximum time period of 14 days in any calendar year.
 - (b) Temporary outdoor recreational or related activities, such as auctions, carnivals, festivals, and similar, for a maximum of 14 days in any 12-month period.
 - (c) Seasonal outdoor sales of agricultural produce or Christmas trees that are produced or grown on the same property are not limited to any time period if the sales are conducted by the property owner. These sales are limited to a maximum time period of 45 days in any calendar year.
 - (2) **Application.** A site plan for the proposed activity may be required if the City Manager or designee determines it necessary to adequately review the application and ensure that the use will be conducted in a manner consistent with the requirements of this section.
 - (3) **Standards.** A proposed seasonal or temporary activity shall meet the following general requirements:
 - (a) Site suitability, including size, drainage, and flood hazard;
 - (b) Adequate public services and facilities, including sanitary services, emergency service, and the like;
 - (c) Compliance with all local codes;
 - (d) Adequate street access and off-street parking; and
 - (e) A finding that there will no adverse impacts on the general health, safety, or welfare of the community or adjacent uses.
 - (4) **Conditions.** Reasonable conditions may be imposed when approving a seasonal or temporary activity, including, but not limited to, property or liability insurance, location, size, height, screening, parking, traffic access, hours of operation, noise, odor, sanitation, refuse disposal, lighting and electrical systems, signs, final site clean-up, or any other physical or operational aspects of the proposed activity.
 - (5) **Guarantees.** Performance guarantees to assure compliance with the requirements of this section or any imposed conditions may be required at the time a permit is approved.
 - (6) **Revocation.** The City Manager or designee may revoke a permit for a seasonal or temporary activity if the applicant fails to comply with any or all of the requirements of this section or any conditions of approval.
 - (7) **Appeals.** An aggrieved person, by an action of the City Manager or designee in granting, denying, or revoking a permit for a seasonal or temporary activity, may file an appeal with the Zoning Board of Appeals in accordance with [Article 18](#).

- (D) **Project Office.** The City Manager or designee may authorize a temporary certificate of occupancy for a period up to one year for a dwelling in a development project to be used as a sales management office for the sale of dwellings within the project. A temporary identification sign of not more than 40 square feet may also be authorized in the rear half of the required front yard for a period not to exceed one year.

Section 3.14 Garage Sales and Estate Sales

A garage sale, estate sale, or similar type of sale conducted in a residential zoning district shall not exceed three consecutive days and shall be limited to three sales per year on the same premises.

Section 3.15 Dwelling on Rear Lots

A building to be used as a dwelling shall not be constructed, altered, or moved to the rear of a building situated on the same lot, nor shall any building be constructed in front of or moved to the front of a principal building situated on the same lot.

Section 3.16 Walls and Fences

- (A) Walls and fences not taller than three feet are permitted in any yard in all zoning districts, subject to the requirements of the district.
- (B) Walls or fences up to six feet in height are permitted in any side or rear yard in all residential districts. On a corner lot, a fence shall not be located within ten feet of the lot line adjacent to the side street or within a distance equal to the setback of the existing residence, whichever is less.
- (C) In a non-residential or form-based zoning district, a fence that is not taller than eight feet is permitted in a rear or side yard. Within a front yard in a non-residential, conventional zoning district, a wall or fence up to six feet in height is permitted beyond the front yard setback line. Barbed wire, concertina wire and any type of electrified security fences are prohibited.

Section 3.17 Sewer and Water

A building permit shall not be issued for a building designed for human occupation unless public sewer and water have been provided. If public sewer and/or water are not available, water and/or sewage disposal plans and necessary soil data shall be presented to the City Manager or designee and a building permit shall not be approved until the proposed plans meet state and municipal standards.

Section 3.18 Traffic Visibility Across Corner Lots

Clear vision shall be maintained on all corner lots. Fences or landscaping taller than 18 inches, measured above the crown of the adjacent street, shall not be erected or maintained within 30 feet of the corner property line so as to interfere with traffic visibility across the corner (see Figure 6).

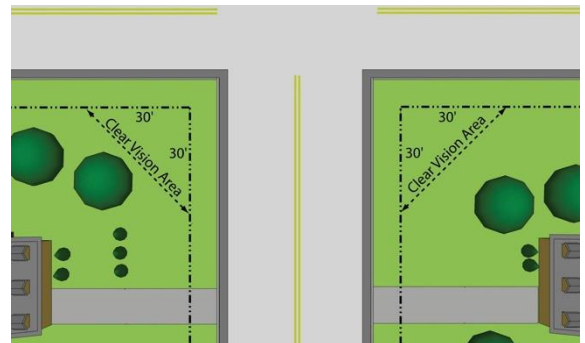


Figure 6: Traffic visibility at corners

Section 3.19 Soil Removal

Topsoil shall not be stripped, excavated, or otherwise removed from any premises except when done in conjunction with construction or grading operations, or when authorized as part of gravel or other mineral extraction, or as an agricultural activity. All plans to prepare, grade, construct, or fill any subdivision, or any lot or parcel, and which removes natural ground cover materials shall conform to applicable soil erosion and sedimentation control regulations.

Section 3.20 Satellite Dish Antennas

A satellite dish antenna is permitted in any zoning district as an accessory structure, provided that a building permit has been issued by the City Manager or designee subject to the requirements of this section.

- (A) This section shall not apply to any satellite dish antenna with a diameter of three feet or less.
- (B) Only one satellite dish antenna shall be permitted on the same premises.
- (C) A satellite dish antenna shall be located a distance at least equal to its height from adjacent property lines.
- (D) A satellite dish antenna shall be located only in a rear yard, provided, however, that on a corner lot, a satellite dish antenna shall also be located a distance from the street right-of-way line at least equal to the distance from the street right-of-way line to the nearest wall of the building, plus the height of the satellite dish antenna.
- (E) No portion of the satellite dish antenna shall convey or display any advertising, message, or other graphic representation.
- (F) No satellite dish antenna shall exceed a height of 15 feet, including its mounting structure, as measured from the highest point of the antenna to the base of the foundation.
- (G) A satellite dish antenna may be mounted on the roof of a principal or accessory building, provided it shall not exceed a height of three feet above the peak of the roof.
- (H) A satellite dish antenna shall be securely anchored using a system approved by a registered engineer as adequate to secure the dish antenna during high winds.

Section 3.21 Site Alteration Before Approval

Construction, grading, tree removal, soil stripping, or other site alterations for any building, structure, or use that requires review and/or approval by the Planning Commission or city council shall not be permitted before such review and approval have been obtained.

Section 3.22 Waste Receptacles

All trash receptacles, except those for one- and two-family use, shall be screened on all sides by a wood fence or decorative brick wall that is six feet high, with an operating opaque gate. The enclosure and gate shall be kept in good repair at all times.

Section 3.23 Private Roads and Drives

A private road or drive that provides access to and from a building and a public road across land that is not in common ownership requires city council approval. The city council may approve such a request following a public hearing and a determination that granting approval would not materially impair the intent and purpose of this ordinance or of the subdivision ordinance, as amended. Private streets shall be located within an easement that is at least 66 feet in width.

Design of private streets shall be as approved by the city but shall conform as much as possible with the design specification of city streets.

Section 3.24 Accessory Buildings and Uses

Accessory buildings and uses, except as otherwise regulated by this ordinance, are subject to the following regulations:

(A) General Accessory Buildings and Use Regulations.

- (1) An accessory building shall not be located on a lot or adjacent lots under single ownership that do not have a principal structure. Farm accessory buildings are not subject to this restriction.
- (2) Where an accessory building is attached to the main building, it shall conform to regulations applicable to principal buildings.
- (3) The type, placement and character of accessory buildings in form-based districts shall, in addition to the regulations of this section, be subject to the requirements of [Article 10](#). Where there are conflicts, the requirements of Article 10 shall control.

(B) Placement and Size of Accessory Buildings in Residential Districts.

- (1) One single-story garage, attached or otherwise, that does not exceed 40 feet in a horizontal dimension and is not larger than 1,080 square feet on the ground floor is permitted per dwelling unit in the PB, OW, O, R1-A, R1-B, R1-C, and R2-A Zoning Districts. All garages shall have floors made of concrete or a similar solid, durable material.
- (2) A second garage, not larger than 864 square feet and not less than five feet from any property line, is permitted in the districts cited above, subject to the requirements of this section for the first garage.

However, the subject lot must be at least 60,000 square feet in area, the garage must be detached and located in the rear yard, and the exterior appearance of the garage must be consistent with the character of the residential structure. Evidence of consistency may include, but is not limited to, color, roof slope and material, siding, trim, doors, and windows.
- (3) Permitted detached residential garages shall not be erected in a required front yard, shall not exceed 14 feet in height, as measured from average height of the highest roof surface to average grade, and side wall height shall not exceed nine and one-half feet. Further, permitted detached residential garages shall be located at least ten feet from a dwelling, six feet from any other structure on the premises, and five feet from a side or rear lotline.
- (4) One accessory storage building, not larger than 200 square feet and not having a horizontal dimension greater than 14 feet shall also be permitted in the PB, OW, O, R1-A, R1-B, R1-C, and R2-A Districts. The accessory storage building shall not be erected in a required front yard, exceed 12 feet in height as measured from roof peak to average grade, and shall be located at least eight feet from a dwelling, six feet from another structure on the premises, and three feet from a side or rear lot line.

- (C) **Non-Residential Uses.** Accessory structures serving non-residential uses shall not be located in the front yard and shall be set back at least 10 feet from all side and rear lot lines. However, a detached accessory structure with a floor area no greater than 144 square feet may be located within a rear yard with a side and/or rear setback of three feet, provided that it is at least six feet from any other structure.
- (D) **Accessory Dwelling Units.** Accessory dwelling units are permitted in the R1-A, R1-B, and R1-C Districts, subject to the following restrictions.
- (1) No more than one accessory dwelling unit shall be permitted on any given lot.
 - (2) Accessory dwelling units shall not be located on lots smaller than 11,200 square feet in area.
 - (3) All accessory dwelling units must be located within the principal structure on the lot.
 - (4) The construction of an accessory dwelling unit may increase the footprint of the principal building, provided that all required minimum setbacks are met.
 - (5) The construction of an accessory dwelling unit may increase the height of the principal building, provided that the maximum building height for the zoning district is not exceeded.
 - (6) The floor area of the accessory dwelling unit shall not exceed 33% of the floor area of the principal dwelling unit.
 - (7) The accessory dwelling unit must meet all requirements of this ordinance and the building code to be considered a dwelling unit.
 - (8) The accessory dwelling unit must, at all times, meet the definition of “accessory dwelling unit” in this ordinance. It shall not be rented or sold separately from the principal dwelling unit, and all residents of both the principal and accessory dwelling units must, collectively, meet the definition of “family” in this ordinance. Exception: in the R1-A and R1-B Zoning Districts, an accessory dwelling unit may be converted to a duplex/two-unit residential building through the approval of a special use permit.
 - (9) Prior to the issuance of a building permit for the construction of an accessory dwelling unit, the property owner must apply for a zoning permit. The zoning permit shall only be approved if all requirements of this section are met.

Section 3.25 Private Swimming Pools

Private swimming pools are permitted in all residential zoning districts provided they comply with all of the following regulations and the City of Grandville swimming pool ordinance, as amended, whichever is more restrictive:

- (A) A swimming pool shall be at least ten feet from a side or rear lot line and shall be located within a side or rear yard, provided that, on corner lots, no part of a pool shall be located within the street side yard.
- (B) A swimming pool shall comply with all zoning ordinance provisions that regulate accessory buildings.
- (C) Lights used or maintained in connection with a private swimming pool shall not cast light or glare on surrounding properties and shall be directed away from adjacent property or buildings. Pool related lights shall be turned off between midnight and 6:00 a.m.

Section 3.26 Transition Zoning

The following uses are permitted to allow a transition between any two or more conventional zoning districts:

- (A) The first residentially zoned lot having a side yard adjacent to, or across the street or alley from, an office/service, commercial, or industrial district may be utilized in accordance with the next least restrictive residential zoning district. The order of restrictiveness of residential districts shall be as follows, from most restrictive to least restrictive:
- (1) RMH
 - (2) PB
 - (3) R1-C
 - (4) R1-B
 - (5) R1-A
 - (6) R2-A
 - (7) R3-A
 - (8) R3-B
 - (9) OW
- (B) The first 150 feet of a residentially zoned lot, or lots in common ownership, with a side yard similarly adjoining an office/service, commercial, or industrial district may be used for off-street parking, as regulated in [Article 15](#), an office for doctors, dentists, architects, engineers, or attorneys, or an insurance, institutional, or real estate office. Other semi-commercial uses that are of a similar character are permitted, subject to approval of the City Manager or designee. All nonresidential uses must meet the following conditions:
- (1) Off-street parking, adequate to meet the needs of the specific use, shall be provided in accordance with the parking space requirements of the zoning district and the general parking requirements in [Article 15](#).
 - (2) Building side yards shall meet the side yard requirements for the zoning district in which the lot is located.
 - (3) The exterior of a building, whether new or a conversion, shall have a residential appearance.
 - (4) Signs shall comply with the requirements of the district in which the use is located.
- (C) This subsection shall not apply to the transition between a form-based district and another district.

Section 3.27 Conversions

Whenever a residential dwelling unit is converted to a more intensive residential use, all dwelling units within the converted structure shall comply with the floor and lot area requirements of the zoning district in which it is located. Parking shall be as required by [Article 15](#).

Section 3.28 Sales of Motorized Vehicles

A motorized vehicle, including but not limited to automobiles, motorcycles, snowmobiles, and boats, for sale on a residential lot must have a valid title in the name of the current resident. The sale of motor vehicles from a residentially zoned property in such numbers or in any manner that requires a dealer's license from the State of Michigan is prohibited.

Section 3.29 Nonconforming Lots, Uses, and Structures

- (A) **Purpose and Scope.** This section permits the lawful use of land or a structure to continue as the use or structure existed at the time of the enactment of this ordinance or any amendment thereto, although the use or structure may not conform with the provisions of this ordinance. However, it is recognized that nonconforming uses and structures may adversely affect the value of nearby property and orderly development within the city or may otherwise be inconsistent with the purposes and intent of the ordinance and with the public health, safety, and general welfare. Accordingly, the gradual removal and elimination of nonconforming uses and structures is desirable.
- (B) Nonconforming uses and structures may be continued, resumed, restored, reconstructed, extended, enlarged, or substituted only as provided by this section.
- (C) **Form-Based Districts.** In the form-based districts, these requirements shall be in addition to the requirements of [Section 10.09](#). Where the requirements of this section conflict with the requirements of [Section 10.09](#), the requirements of [Section 10.09](#) shall prevail.
- (D) **Definitions.** As used in this section, the following words and phrases shall have the meaning provided by this section:
- (1) **Nonconforming use.** A use of land which was lawful prior to the effective date of this ordinance, or of any amendment to this ordinance, but which is no longer a permissible use under the terms of this ordinance as enacted or amended.
 - (2) **Nonconforming structure.** A structure that was lawful prior to the effective date of this ordinance, or of any amendment to this ordinance, but which, under the terms of this ordinance as enacted or amended, is no longer a conforming structure because of requirements regarding the height, yards, size, area, coverage, or other characteristics of the structure or its location on the property in question.
 - (3) **Major nonconforming use.** A major nonconforming use is any nonconforming use of the type as provided in Table 3.1 for the district in which it is listed.
 - (4) **Minor nonconforming use.** A minor nonconforming use is any nonconforming use which is not a major nonconforming use.

Table 3.1 Major Nonconforming Uses

District	Major Nonconforming Uses
PB, R1-A, R1-B, and R1-C	Multi-family residential; business, industrial, or storage uses; home occupation uses not in compliance with Section 12.11; and recreational vehicle storage (for rent or lease)
R2-A, R3-A, R3-B, and OW	Business, industrial, or storage uses.
OS-1, OS-2, C-1, and C-2	All residential uses; auto, boat, trailer sales or service; billboards; and truck and distribution centers.
C-3	All residential uses; manufacturing uses; and used vehicle sales which have not received special land use approval.
C-4 and C-5	All residential uses and manufacturing uses.
CBD, O, DE, NW, and 28	None

- (E) **Planned Unit Developments.** Any use that is allowed as part of an approved planned unit development shall not be considered a nonconforming use.

(F) Nonconforming Uses.

- (1) **Regulations applicable to all nonconforming uses, major or minor.** A nonconforming use, major or minor, may be continued, so long as it remains otherwise lawful, subject to the following:
 - (a) **Enlargement.** A nonconforming use shall not be enlarged, expanded, extended, or increased to occupy a greater area of land or structure than was occupied on the effective date of adoption or amendment of this ordinance.
 - (b) **Relocation.** A nonconforming use may be conducted only on the portion of the lot or parcel occupied by the use on the date of adoption or amendment of this ordinance and shall not be moved or relocated, in whole or in part, to any other portion of the lot or parcel, or to any other location, unless the use would then conform with the requirements of this ordinance.
 - (c) **Increase in Scope or Intensity.** Except as otherwise expressly permitted by this section, a nonconforming use shall not be increased in scope or intensity by changing the hours of operation, the number of employees, the type or nature of activities conducted on the property, or any other aspect of the nonconforming use, so as to increase to any degree the intensity of the use which existed at the date of adoption or amendment of this ordinance.
 - (d) **Abandonment of Use.** When a nonconforming use is discontinued or abandoned for six consecutive months, the structure or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exist, and which shall be deemed to constitute intent on the part of the property owner to abandon the nonconforming use:
 - (2) Utilities, such as water, gas, and electricity to the property, have been disconnected.
 - (3) The property, buildings, or grounds have fallen into disrepair.
 - (4) Signs or other indications of the existence of the nonconforming use have been abandoned, neglected, or removed.
 - (5) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use.
 - (6) Other actions, which, in the opinion of the City Manager or designee, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.At the end of the six-month period, the nonconforming use shall not be re-established or recommenced, and any future use of the property shall fully conform with the provisions of this ordinance.
- (7) **Anti-backsliding.** Any nonconforming use that is changed, in whole or in part, for any reason to a conforming use, or to a more conforming use, shall to that extent thereafter continue to be used for a conforming use, or more conforming use, and shall not revert to its prior nonconforming status, or to a less conforming use.
- (8) **Major nonconforming uses.** A major nonconforming use may be continued, so long as it remains otherwise lawful. A major nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which the property is located.
- (9) **Minor nonconforming uses.** A minor nonconforming use may be continued, so long as it remains otherwise lawful. A minor nonconforming use shall not be changed to another nonconforming use without the prior approval of the Zoning Board of Appeals. The board may grant the approval only if it finds:
 - (a) That the proposed nonconforming use will be more conforming, or will otherwise have a less deleterious effect on neighboring properties than the existing nonconforming use; and
 - (b) that no structural alterations are necessary to accomplish the proposed change in use.

- (c) In no event shall a minor nonconforming use be changed to a less conforming use. In permitting a change, the Zoning Board of Appeals may require appropriate conditions and safeguards consistent with the purposes and intent of this ordinance. A changed use, as approved by the Zoning Board of Appeals under this section, shall continue to be considered a nonconforming use for purposes of this ordinance.

(G) Nonconforming Structures. A nonconforming structure may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (1) **Structural alterations.** A nonconforming structure shall not be enlarged, expanded, extended, or altered in a way that increases, to any degree, the extent of any existing nonconformity or which causes the structure to be more nonconforming.

Structural alterations to a nonconforming structure that do not increase the extent of any nonconformity of the structure may be permitted upon the prior approval of the building inspector if the City Manager or designee finds that:

- (a) There is a reasonable need for the requested change;
- (b) there will be no unreasonable adverse impacts upon other nearby uses or properties; and
- (c) the change is otherwise consistent with the purposes and requirements as provided by this article and any applicable site development regulations.

In approving a change, the City Manager or designee may require appropriate conditions and safeguards consistent with the purposes and intent of this ordinance.

- (2) **Relocation.** A nonconforming structure shall not be moved or relocated, in whole or in part, to any portion of the lot or parcel, or to any other location, other than the portion of the lot or parcel occupied by the structure at the date of adoption or amendment of this ordinance, unless the structure thereafter fully complies with all applicable site development regulations as provided by this ordinance.
- (3) **Anti-backsliding.** A nonconforming structure that is changed, in whole or in part, for any reason, so as to conform, or more closely conform, with the applicable site development regulations shall to that extent thereafter continue to conform, or more closely conform, with those regulations and shall not revert to its prior nonconforming status, or to a less-conforming structure.

(H) Re-establishment of a Nonconforming Use or Structure after Damage, Destruction, or Removal.

- (1) A nonconforming use shall not be continued, re-established, or recommenced after damage, destruction, or removal of the structure in which the nonconforming use is conducted, whether or not it is a nonconforming structure, if the estimated expense of repair or reconstruction of the structure, at the time of the damage, destruction, or removal, exceeds the state equalized value of the use or structure, exclusive of the value of the land.
- (2) A nonconforming structure shall not be continued, re-established, or reconstructed in its nonconforming condition after damage, destruction, or removal of the structure, if the estimated expense of repair or reconstruction of the structure, at the time of the damage, destruction, or removal, exceeds the state-equalized value of the use or structure, exclusive of the value of the land.
- (3) If a structure occupied by a nonconforming use, or a nonconforming structure, is damaged, destroyed, or removed to the extent that the estimated expense of repair or reconstruction of the structure exceeds the state equalized value of the use or structure (exclusive of the value of the land) as provided by Subsections 1 and 2 above, as applicable, the right to continue the nonconforming use or structure shall immediately terminate and the property shall thereafter be used or occupied only in full compliance with the use and site development regulations provided by this ordinance.

- (4) Subsections 1 through 3 above do not apply to residential uses and residentially used structures in areas that have zoning designations other than residential.

- (I) **Repairs and Maintenance.** Ordinary repairs and normal maintenance may be performed on any structure devoted, in whole or in part, to a nonconforming use, or on any nonconforming structure, including repair or replacement of nonbearing walls or partitions, fixtures, wiring, or plumbing, provided that the expense of such repairs and maintenance do not exceed, during any 12 consecutive month period, 50 percent of the state-equalized value of the use or structure, exclusive of the value of the land.

Any nonconforming structure, or part thereof, declared to be unsafe by an official charged with protecting the public safety, may be strengthened or restored to a safe condition. However, repairs, maintenance, or other restoration of a nonconforming structure, as permitted by this section or any other provisions of this ordinance, shall not cause the nonconforming use or structure to be enlarged, expanded, extended, increased, relocated, or changed to any degree as prohibited by this section.

- (J) **Prior Commencement of Construction.** This section shall not be deemed to require a change in the plans, construction, or designated use of any structure for which, prior to the effective date of adoption or amendment of this ordinance, a building permit was obtained and on which actual construction was lawfully commenced on the site. Actual construction of the structure must have been commenced within six months of the issuance of the building permit and must thereafter be diligently carried on to completion according to the plans filed with the building permit application, without any period of suspension or abandonment of work in excess of six months.

For purposes of this section, the commencement of actual construction means work of a substantial character by way of preparation for an actual use of the premises. The actual use must be apparent and manifested by a tangible change in the land, as opposed to merely intended or contemplated work by the property owner. In this regard, preliminary operations, such as the ordering of plans, surveying the land, grading the land, clearing of trees and debris, and the removal of old buildings, are insufficient. The test in each case is not how much money may have been spent in reliance upon prior zoning regulations, but, rather, whether there has been any tangible change in the land itself by excavation and construction, such as the placing of construction materials in permanent position and fastened in a permanent manner.

Uses and structures that do not meet all of the requirements of this subsection shall be considered nonconforming uses and structures for purposes of this section.

- (K) **Change of Ownership or Occupation.** The ownership, occupation, or management of an existing nonconforming use or nonconforming structure may be changed, but the use or structure shall not be enlarged, expanded, extended, increased, relocated, or changed as otherwise prohibited by this article.
- (L) **Elimination of Nonconforming Use or Structure.** The City of Grandville may acquire by purchase, condemnation, or other means, private property, or an interest in private property, for the removal of any nonconforming use or structure, in accordance with the Zoning Act and all other applicable state and federal laws.

Article 4.

Floodplain Regulations

Section 4.01 Purpose and Intent

Certain areas in Grandville are subject to periodic or seasonal inundation which may result in flood damage to property, health and safety hazards, or loss of life; disruption of commercial, industrial, municipal, and other economic activities; and adverse effects upon the general welfare of the community.

- (A) **Purpose.** This section seeks to promote the public health, safety, and general welfare, and to minimize flood damage by:
- (1) Restricting or prohibiting uses that are dangerous to health, safety, and property in time of flood or which cause increased flood heights and velocities;
 - (2) Requiring uses vulnerable to floods, including public uses, to be constructed to protect against flood damage; and
 - (3) Protecting individuals from buying lands prone to flooding that are unsuited for intended purposes.
- (B) **Scope.** All lands prone to flooding that adjoin the Grand River, Buck Creek, and other properties as described in the Flood Insurance Study for the City of Grandville, dated March 16, 1982, and accompanying Flood Insurance Rate Maps and Flood Boundary Floodway Maps, as amended from time to time, are subject to these regulations. Such areas of the city are divided into floodway areas and flood fringe areas, with boundaries as shown on the previously described maps. Within these areas, the provisions of this article shall take precedence over any conflicting ordinances or codes. Uses otherwise permitted by the various regulations of this ordinance, but that are located in the floodway or flood fringe areas, shall not be permitted unless also permitted herein and developed in accordance with the regulations of this section.

Uses permitted by this article, but not permitted in the underlying zoning district are not authorized.

Section 4.02 Definitions

As used in this article, the following words and phrases shall have the meanings provided by this section:

Base Flood. A flood having a one percent chance of being equaled or exceeded in any given year.

Floodway Area. That portion of the floodplain carrying deeper fast-moving floodwaters, considered to be the 50-year flood area.

Flood Fringe Area. The portion of the floodplain that carries shallower, slow moving waters, considered to be lands between the 50-year and 100-year flood areas.

Development. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Section 4.03 Permitted Uses in the Flood Fringe Areas

- (A) Development that is a permitted use in the underlying zoning districts shall be permitted in flood fringe areas provided the following conditions are met:
- (1) New construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated at least one foot above the base flood level.
 - (2) New construction and substantial improvements of non-residential structures shall either:
 - (a) Have the lowest floor, including basement, elevated at least one foot above the base flood level; or
 - (b) Be constructed such that below the base flood level, together with attendant utility and sanitary facilities, the structure is water tight with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subpart are satisfied, and that the floodproofing methods are adequate to withstand flood depths, pressures, velocities, impact and uplift forces, and other factors associated with a base flood in the location of the structure. Certification shall be submitted to the City Manager or designee along with the application for building permit and shall indicate the elevation to which the structure is floodproofed.
 - (3) All manufactured homes that are placed within flood fringe areas after the effective date of this ordinance, or which are substantially improved thereafter, shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties in accord with the following specifications:
 - (a) Over-the-top ties shall be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, except that on manufactured homes of less than 50 feet in length, one tie per side shall be required.
 - (b) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, except that on manufactured homes of less than 50 feet in length, four ties per side shall be required.
 - (c) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - (d) All additions to a manufactured home shall be similarly anchored.
 - (4) Manufactured homes that are placed within flood fringe areas outside of existing manufactured home parks and manufactured home subdivisions after the effective date of this ordinance, or manufactured homes so located that are substantially improved thereafter, shall comply with the following standards:
 - (a) Manufactured homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level.
 - (b) Surface waters shall be adequately drained away from all structures, and access for a manufactured home hauler shall be provided.
 - (c) In the instance of elevation on pilings: lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten feet apart; and reinforcement shall be provided for piers more than six feet above ground level.

- (5) Manufactured homes placed within flood fringe areas in existing manufactured home parks or manufactured home subdivisions after the effective date of this ordinance, or manufactured homes so located that are substantially improved thereafter, shall comply with the standards set forth in Subsections a through c, above, whenever any repair, reconstruction, or improvement of streets, utilities, and pads in the park or subdivision equals or exceeds 50 percent of the value of the streets, utilities, and pads before repair.
 - (6) All new construction and substantive improvements shall provide safe access to the structure for ordinary and emergency vehicles.
 - (7) All new construction and substantial improvements shall:
 - (a) Be constructed with materials and utility equipment that is resistant to flood damage; and
 - (b) Be constructed by methods and practices that minimize flood damage.
 - (8) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
 - (9) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
 - (10) All public utilities and facilities shall be classified, constructed, and located to minimize or eliminate flood damage.
 - (11) Adequate drainage shall be provided to reduce exposure to flood hazards.
 - (12) Available flood hazard data from Federal, State, or other sources shall be reasonably utilized in meeting the standards of this article. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.
- (B) The City Manager or designee shall review development proposals to determine compliance with the standards in this article.

Section 4.04 Permitted Uses – Floodway Areas

- (A) The following uses have low flood damage potential because of their open space nature; and to the extent that they are permitted uses in the underlying zoning districts, said uses are permitted in floodway areas:
- (1) Agricultural uses, such as general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, sod farming, and wild crop harvesting;
 - (2) Industrial and commercial loading areas, parking areas, and storage yards for equipment or machinery which can be easily moved or is not subject to flood damage;
 - (3) Recreational uses, such as parks, swimming areas, golf courses, driving ranges, picnic areas, wildlife and nature preserves, fish hatcheries, fishing areas, camping areas, and hiking areas;
 - (4) Utility facilities, such as dams, transmission lines, pipelines, and water monitoring devices;
 - (5) Water related uses, such as docks, piers, wharves, bridges, culverts, and river crossings of transmission lines, subject to approval by the Michigan Department of Natural Resources; and
 - (6) Residential support uses, such as lawns, gardens, parking areas, and play areas.

- (B) No structures shall be built in floodway areas.

Section 4.05 Special Land Uses and Standards

- (A) The following additional uses for floodway areas may be authorized (after site plan and special land use review and approval) by the Planning Commission, to the extent they are permitted uses in the underlying zoning districts:
- (1) Accessory uses to any permitted use listed above, such as off-street parking, streets, roads, bridges, outdoor play equipment, streets, boat hoists, utility lines, bleachers, bank protection structures, signs, fences, and similar outdoor equipment and appurtenances, may be authorized, provided each of the following requirements are met:
 - (a) The use would not cause an increase in water surface elevation, obstruct flow, or reduce the impoundment capacity of the floodplain.
 - (b) All equipment shall be anchored to prevent flotation and lateral movement.
 - (c) Compliance with these requirements is certified by a registered engineer.
 - (2) Transient amusement events may be permitted.
 - (3) Extraction uses, such as sand, gravel, or other mining operations may be permitted.
- (B) In addition to the considerations specified in Article 13 and Article 14, the Planning Commission, when evaluating a proposed special land use, may consider such other factors as, in its opinion, are relevant to the purposes of public protection and shall seek the assistance and advice of such persons or departments as are qualified or required to provide pertinent advice.

Section 4.06 Variances

- (A) The Zoning Board Appeals shall hear and decide requests for variances from the requirements of this article and appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Manager or designee or Planning Commission with regard to this article. In lieu of the provisions of Section 18.04 of this ordinance, as applicable, the Board, in passing upon such applications and appeals shall consider all technical evaluations, all relevant factors, and all standards specified in this and other articles of this ordinance, and:
- (1) The danger that materials may be swept into other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(B) The Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this ordinance. Variances shall not be issued within any designated floodway area if any increase in flood levels during the base flood discharge would result. Variances shall be issued only upon a showing of good and sufficient cause and upon a determination that failure to grant the variance would result in hardship to the applicant or appellant.

Section 4.07 Disclaimer of Liability

The degree of flood protection herein required is considered to be the minimum necessary and reasonable for regulatory purposes. This ordinance does not imply that areas outside the floodway and flood fringe areas shall remain free of flooding or flood damage.

There shall not be created by this article a liability on the part of the city of Grandville, or any offices, commission, or employee thereof, for any flood damage that results from compliance with, or reliance upon, this article, or any administrative decision lawfully made in accordance with its regulations.

Section 4.08 Duties of City Manager or Designee

- (A) With regard to the National Flood Insurance Program, and the regulation of development within the flood fringe and floodway areas as prescribed in this article, the duties of the City Manager or designee shall include, but are not limited to:
- (1) Notification to adjacent communities and the State of Michigan of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration;
 - (2) Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basements, of all new or substantially improved structures constructed within the flood fringe areas, and in the case of floodproofed structures, the elevation to which the structure was floodproofed; and
 - (3) Recording of all certificates of floodproofing, and written notification to all applicants to whom variances are granted in any flood fringe or floodway area, indicating the terms of the variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
- (B) All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the City Manager or designee and shall be open for public inspection.

PART II

ZONING DISTRICTS

Article 5.

Summary of Zoning Requirements

Section 5.01 Zoning Districts

Grandville is divided into 22 zoning districts, as listed in [Table 5.01](#):

Table 5.01 Zoning Districts

Conventional Districts:	
Residential	
R1-A	One Family Residential
R1-B	One Family Residential
R1-C	One Family Residential
R2-A	Two Family Residential
R3-A	Moderate Density Residential
R3-B	Apartment Residential
RMH	Manufactured Home Park Residential
Office/Service and Commercial	
OS-1	Office/Service
OS-2	Regional Office/Service
C-1	Commercial Neighborhood Business
C-3	Commercial Highway
C-4	Commercial Shopping Center
C-5	Commercial Freeway Interchange
Industrial	
I-1	Restricted Industrial
I-2	Industrial

Form-Based Districts:	
CBD	Central Business Form-Based District
PB	Prairie/Barrett Form-Based District
28	28th Street
DE	Downtown Edge
NW	North Wilson
O	Ottawa
OW	Oakes-White

Section 5.02 Map

The boundaries of the zoning districts are established as shown on the map entitled “City of Grandville Zoning Map,” which accompanies and is a part of this ordinance.

Section 5.03 Lot Divided by Zoning Line

- (A) A zoning district boundary line may divide lots in single ownership and on record at the time this ordinance was enacted.
- (B) Any time that a zoning district boundary line divides a lot, the entire lot shall be considered to be wholly within the more restrictive zoning district.

Section 5.04 Uses Not Listed

- (A) Where a proposed use of land or a building is not specified by this ordinance, the City Manager or designee shall determine if the use is similar to a permitted or special land use authorized in the district in which the land or building is located. If the use is found to be similar, it may then be established according to the requirements and procedures outlined in this ordinance for the similar use. The City Manager or designee shall notify the Planning Commission of this action, who shall then determine if this ordinance should be amended to include the use.
- (B) Alternatively, the City Manager or designee may refer the determination to the Planning Commission.
- (C) The determination of the City Manager or designee, or the Planning Commission, as applicable, may be appealed to the Zoning Board of Appeals.

Article 6.

Single and Two Family Residential Conventional Zoning Districts

Section 6.01 Purpose and Intent

- (A) **R1-A, R1-B, and R1-C Single Family Residential Districts.** The single family conventional zoning districts contain a predominance of detached dwellings on individual lots or parcels, each housing only one family. These districts preserve single family residential areas and promote and encourage a suitable and safe environment for single family residential living. Uses that are accessory or ancillary to one-family dwellings, such as home occupations and storage buildings are also permitted, subject to the requirements contained in this ordinance.
- (B) **R2-A Two Family Residential District.** The R2-A District achieves the same character, stability, and high-quality residential environment as that for single family districts, but at a slightly higher population density and allows a mix of one and two-family residences.

Section 6.02 Table of Uses

The following abbreviations apply to the table of uses for the Single Family Residential Districts:

P:	Permitted Use: Land and/or buildings in this district may be used for the purposes listed by right.
SLU:	Special Land Use Permit: Listed uses may be permitted by obtaining special land use approval, subject to the standards and procedures cited in Article 13 and any use restriction in Article 12.
NP:	Not permitted.

If a listed use is accompanied by a cross reference, see that article or section for additional requirements applying to that use.

Table 6.02 Table of Uses, Single and Two Family Residential Conventional Zoning Districts

Requirement	R1-A	R1-B	R1-C	R2-A	Additional Requirements
Accessory Uses					
Accessory buildings or uses that are customarily incidental to any of the allowed principal uses	P	P	P	P	—
Adult foster care family homes	P	P	P	P	—
Family daycare homes	P	P	P	P	—
Home occupations	P	P	P	P	Section 12.11
Public schools	P	P	P	P	
Solar arrays, rooftop	P	P	P	P	Section 12.26
Solar arrays, freestanding accessory	SLU	SLU	SLU	SLU	Section 12.26
Swimming pools	P	P	P	P	—
Wind energy conversion systems (WECS) 50 ft. high or less/greater than 50 feet high	P SLU	P SLU	P SLU	P SLU	Section 12.30
Residential Uses					
Single family detached dwellings	P	P	P	P	Section 12.25
Two-family dwellings	SLU	SLU	SLU	P	Section 12.27
Accessory dwelling units	P	P	P	NP	Section 3.24.(D)
Institutional and Non-residential Uses					
Adult foster care small group homes	SLU	SLU	SLU	SLU	Section 12.02
Cemeteries	SLU	SLU	SLU	SLU	Section 12.06
Group child daycare homes	SLU	SLU	SLU	SLU	Section 12.09
Higher education institutions	SLU	SLU	SLU	SLU	Section 12.10
Office and studio uses in residential structures	SLU	SLU	SLU	SLU	Section 12.17
Places of worship	SLU	SLU	SLU	SLU	Section 12.18
Private or parochial schools	SLU	SLU	SLU	SLU	—
Public and private parks, playgrounds and community centers	SLU	SLU	SLU	SLU	Section 12.19
Public libraries and museums	SLU	SLU	SLU	SLU	—
Public utility buildings and substations	SLU	SLU	SLU	SLU	—
Wireless telecommunication facilities	P SLU	P SLU	P SLU	P SLU	Section 12.31

Section 6.03 Development Requirements

(A) Application and Review Requirements. The following chart outlines application and review requirements for the Single and Two Family Residential Districts. An application shall not be acted on unless it is in compliance with all of the following requirements, unless specifically waived by the City Manager or designee.

Table 6.03(A) Application and Review Requirements, Single and Two Family Residential Zoning Districts

Application	Requirements	Submission Deadline
Site Plan Review (Article 14) Required for nonresidential uses only	Completed application form	45 days prior to the scheduled Planning Commission meeting
	Application fee/escrow fee	
	Proof of ownership or interest in property	
	Legal description of property	
	Narrative addressing review standards of Section 14.05	
	Complete preliminary or final site plans in accordance with Section 14.03	
Special Land Uses (Article 13)	Same as site plan review	
	Narrative addressing review standards of Section 13.04 and applicable use restrictions in Article 12	

(B) Lot, Yard, and Building Requirements

Table 6.03(B) Single and Two Family Residential Zoning District Regulations

Requirements		R1-A	R1-B	R1-C	R2-A
Minimum Lot Size	Area (sq. ft.)	11,200	9,100	7,500	13,000
	Width (ft.)	80	70	60	100
Maximum Building Height	In stories	2.5	2.5	2.5	2.5
	In feet	35	35	35	35
Minimum Front Yard Setback ^{(1) (2) (3)}		30	30	30	30
Minimum Side Yard Setback ⁽³⁾	One side	8	7	5	9
	Total	20	18	13	22
	Corner side	30	30	30	20
Minimum Rear Yard Setback ⁽³⁾		25	25	25	25
Minimum Living Area per Unit (sq. ft.)	One family	1,100	1,000		600
	Two family				

Notes to Table 6.3(B):

(1) Buildings shall not be closer than 70 feet to the center line of a principal arterial street, as designated on the city master plan, or closer than 80 feet to the center line of 28th Street. A building or sign structure shall not be erected within 150 feet

of the intersecting center lines of principal arterial streets, as designated in the city master plan. Where these requirements conflict with the setback requirements of this article, the more restrictive requirement shall apply.

- (2) *Front yard setback: For one and two-family dwellings, if 40 percent or more of the frontage on one side of a street between two intersecting streets has been developed with residences, the front yard setback for the lot to be developed shall be the average front yard setback for the nearest homes on either side of the lot. A new house shall not have a front yard setback of less than 20 feet.*
- (3) *Additional setback requirements for corner lots and lots abutting corner lots: Where a corner lot adjoins the side yard of an adjacent lot or lots, no part of a building within 25 feet of the common lot line shall be nearer the street than the required front yard setback for the adjacent lot.*

(C) Parking Requirements. General parking requirements are listed in Article 15. The following specific requirements shall apply to all Single Family Residential Districts:

- (1) **Parking Space Requirements Table.** The following abbreviations apply to Table 6.03(C):

UFA = Usable Floor Area

GFA = Gross Floor Area

Table 6.03(C) Parking Requirements, Single and Two Family Residential Zoning Districts

Use	Parking Spaces Per Unit of Measurement
Residential	
Single family detached dwellings	2 per each dwelling unit
Two family dwellings	2 per each dwelling unit
Institutional and Non-residential Uses	
Adult foster care small group homes	0.75 spaces per resident
Auditoriums and places of public assembly, as included in uses allowed in the Single and Two Family Residential Districts	Fixed seats: 1 per each 4 seats, plus 1 per each 2 employees Without fixed seats: 1 per each 3 persons allowed within the maximum occupancy load as determined by local building or fire codes, plus 1 per each 2 employees
Cemeteries	2 spaces, plus 1 space for each 400 sq. ft. of UFA for office spaces, plus that required for a caretaker's residence
Group daycare homes	1 space for every three children in the maximum capacity of the facility
Higher education institutions	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats (in the maximum capacity, per the fire code) for assembly halls, classrooms, or other similar areas. The Planning Commission may determine that some assembly halls/classrooms will not be used at maximum capacity at the same time (i.e. a sports facility and a classroom) and reduce the parking requirement accordingly.
Places of worship	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats (in the maximum capacity, per the fire code) for worship space, classrooms, or other similar areas, plus spaces required for accessory/related uses. The Planning Commission may determine that some assembly halls/classrooms will not be used at maximum capacity at the same time (i.e. a sports facility and a classroom) and reduce the parking requirement accordingly.
Public, private, or parochial schools	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats (in the maximum capacity, per the fire code) for assembly halls, classrooms, or other similar areas. The Planning Commission may determine that some assembly halls/classrooms will not be used at maximum capacity at the

	same time (i.e. a sports facility and a classroom) and reduce the parking requirement accordingly.
Public and private parks, playgrounds, and community centers	10 per each athletic field, plus 1 per each 10 sq. ft. of indoor or outdoor play area
Public libraries and museums	1 per each 400 sq. ft. GFA
Utility and public service facilities and uses	1 per 500 sq. ft. GFA

- (2) Parking and storage of commercial vehicles and recreational vehicles shall conform to the requirements of Section 15.06.

(D) Accessory Structures. All accessory structures shall conform to the requirements of Section 3.24.

(E) Signs. All signs in the Single Family Residential Districts shall conform to the requirements of Article 17.

Article 7.

Multiple Family Residential Conventional Zoning Districts

Section 7.01 Purpose and Intent

- (A) **R3-A Moderate Density Residential District.** The R-3A Moderate Density Residential District accommodates moderate density residential development and encourages a mix of housing types (including multiple-family residential), occurring at higher densities than conventional one-family subdivisions, but not with lower quality standards. Moderate density residential development must be served by public utilities, community services, and/or amenities, and must be accessed by arterial or collector streets. In certain instances, the district may serve as a transition area between single family residential and either non-residential uses or high density residential development.
- (B) **R3-B, Multiple Family Residential District.** The R-3B Multiple Family Residential District accommodates higher density multiple family dwellings, including apartments, groups of apartments in single ownership, two-family dwellings, planned unit development projects in accordance with Article 11 of this ordinance, one-family dwellings, and institutional uses.
- (C) **RMH Manufactured Home Park Residential District.** The RMH Manufactured Home Park Residential District accommodates manufactured home dwellings within a manufactured home park, as regulated by applicable State of Michigan statutes and administrative rules. The applicable zoning regulations ensure a comfortable and pleasing residential environment for manufactured homes in suitable locations, where the necessary public utilities are available, and where there is direct access to an arterial street.

Section 7.02 Table of Uses

The following abbreviations apply to the table of uses for the Multiple Family Residential Districts:

P:	Permitted use: Land and/or buildings in this district may be used for the purposes listed by right.
SLU:	Special land use permit: Listed uses may be permitted by obtaining special land use approval, subject to the standards and procedures cited in Article 13 and any use restriction in Article 12.
NP:	Not permitted.

If a listed use is accompanied by a cross reference, see that article or section for additional requirements applying to that use.

Requirement	R-3A	R3-B	RMH	Additional Requirements
Accessory Uses				
Accessory buildings or uses that are customarily incidental to any of the allowed principal uses	P	P	P	—
Adult foster care family homes	P	P	P	—
Family daycare homes	P	P	P	—
Home occupations	P	P	P	Section 12.11
Solar arrays, rooftop	P	P	P	Section 12.26
Solar arrays, freestanding accessory	SLU	SLU	SLU	Section 12.26
Swimming pools	P	P	P	—
Manufactured home park office	NP	NP	P	—
Utility building for laundry and storage space serving manufactured home park residents	NP	NP	P	—
Wind energy conversion systems (WECS) 50 ft. high or less/greater than 50 feet high	P SLU	P SLU	P SLU	Section 12.30
Residential Uses				
Single family detached dwellings	P	P	P	Section 12.25
Two-family dwellings	NP	P	P	Section 12.27
Manufactured home parks	NP	NP	P ¹	
Multiple family dwellings	P	P	NP	
Senior housing	P	P	NP	
Institutional and Non-residential Uses				
Adult foster care small group homes	SLU	SLU	SLU	Section 12.02

Requirement	R-3A	R3-B	RMH	Additional Requirements
Cemeteries	SLU	SLU	SLU	Section 12.06
Child care center	SLU	SLU	SLU	Section 12.05
Group child daycare homes	SLU	SLU	SLU	Section 12.09
Higher education institutions	SLU	SLU	SLU	Section 12.10
Places of worship	SLU	SLU	SLU	Section 12.18
Private or parochial schools	SLU	SLU	SLU	—
Public libraries and museums	SLU	SLU	SLU	—
Public schools	P	P	P	—
Public and private parks, playgrounds, and community centers	P	P	P	—
Other				
Public utility buildings and substations	SLU	SLU	SLU	—
Wireless telecommunication facilities	P SLU	P SLU	P SLU	Section 12.30

Notes to Table 7.02:

- (1) *Manufactured home parks are subject to all current provisions of the Manufactured Home General Rules as adopted by the Michigan Manufactured Home Commission.*

Section 7.03 Development Requirements

- (A) Application and Review Requirements.** The following chart outlines application and review requirements for the Multiple Family Residential Districts. An application shall not be acted on unless it is in compliance with all of the following requirements, unless specifically waived by the City Manager or designee.

Table 7.03(A) Application and Review Requirements, Multiple Family Residential Zoning Districts

Requirements		Submission Deadline
Site Plan Review (Article 14) Required for nonresidential uses only	Completed application form	45 days prior to the scheduled Planning Commission meeting
	Application fee/escrow fee	
	Proof of ownership or interest in property	
	Legal description of property	
	Narrative addressing review standards of Section 14.05	
	Complete preliminary or final site plans in accordance with Section 14.03	
Special Land Uses (Article 13)	Same as site plan review	
	Narrative addressing review standards of Section 13.04 and applicable use restrictions in Article 12	

(B) Lot, Yard and Building Requirements, R3-A and R3-B Districts.
Table 7.03(B) Multiple Family Residential Zoning District Regulations

			R3-A		R3-B			
Requirements			SF Detached/ 2 Family	Multiple Family	SF Detached	2 Family	3-4 Units	5 or More Units
Minimum Lot Size (sq. ft.)	Area	Site	30,000	60,000	N/A			
		Per unit	5,500	5,500	7,500	3,000	3,000	3,000
Minimum Lot Width (ft.)			100	200	100	100	200	200
Maximum Building Height	In stories		2.5	2.5	2.5	2.5	2.5	2.5
	In feet		35	35	35	35	35	35
Minimum Front Yard Setback ^{(2) (3)}			(1)	(1)	25	25	25	25
Minimum Side Yard Setback ⁽²⁾	One side		7	15	7	7	15	30
	Total		13	30	18	18	30	60
	Corner side		20	20	20	20	20	30
Minimum Rear Yard Setback ⁽²⁾			30	30	30	30	30	30
Minimum Separation between Buildings			25	25	N/A	N/A	25	4, 5
Maximum Number of Units per Building			2	8	N/A	N/A	12 ⁶	12 ⁶
Minimum Living Area per Unit (sq. ft.)			900	700	1,200	700	700	700

Notes to Table 7.03(B):

- (1) The front yard setback for a one- or two-story building shall be not less than 25 feet, with an additional one foot setback required for each additional foot after the building exceeds 30 feet in height.
- (2) A multiple-family building that accommodates four or more families shall not be located closer than 50 feet to a single-family residential zoning district line.
- (3) A building shall not be erected or placed closer than 70 feet to the centerline of a principal arterial street, as designated by the city master plan, or closer than 80 feet to the centerline of 28th Street. A building or a sign structure shall not be erected within 150 feet of the intersecting centerlines of principal arterial streets. Where these requirements conflict with the setback requirements of this article, the more restrictive requirement shall apply.
- (4) The distance between any two residential buildings shall not be less than the height of the tallest one.
- (5) On lots with more than one apartment dwelling or building, the front of a building must be separated from another building by a common yard of at least 50 feet; the rear must be separated from another building by a common yard of at least 100 feet. A group dwelling must have a landscaped rear yard of at least 30 feet, unobstructed by an accessory building, provided such space may be located across a driveway leading to a garage within the dwelling.
- (6) Where an un-pierced fire wall is constructed and approved by the fire chief, up to 12 dwelling units may be located on each side of the wall; however, a building shall not contain more than 24 dwelling units.

RMH District. The minimum project area for a manufactured housing park in the RMH District shall be 20 acres. All other development requirements associated with the RMH District are subject to the provisions and rules of the Michigan Manufactured Housing Commission.

(C) Parking Requirements. General parking requirements are listed in Article 15. The following specific requirements shall apply to the multiple family residential zoning districts:

(1) Parking Space Requirements Table.

Table 7.03(C)(1) Parking Requirements, Multiple Family Residential Zoning Districts

Use	Parking Spaces Per Unit of Measurement
Residential	
Single family detached dwellings	2 per each dwelling unit
Two family dwellings	2 per each dwelling unit
Multiple family dwellings	2 per dwelling unit ⁽¹⁾ , plus .25 spaces per unit for guest parking
Senior housing	0.75 spaces per dwelling unit
Manufactured housing parks	As required by the provisions of the Michigan Manufactured Housing Commission
Institutional and Non-residential Uses	
Adult foster care small group homes	0.75 spaces per resident
Cemeteries	2 spaces, plus 1 space for each 400 sq. ft. of UFA for office spaces, plus that required for a caretaker's residence
Child Care Center	1 space for every three children in the maximum capacity of the facility
Group daycare homes	1 space for every three children in the maximum capacity of the facility
Higher education institutions	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats (in the maximum capacity, per the fire code) for assembly halls, classrooms, or other similar areas. The Planning Commission may determine that some assembly halls/classrooms will not be used at maximum capacity at the same time (e.g., a sports facility and a classroom) and reduce the parking requirement accordingly.
Places of worship	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats (in the maximum capacity, per the fire code) for worship space, classrooms, or other similar areas, plus spaces required for accessory/related uses. The Planning Commission may determine that some assembly halls/classrooms will not be used at maximum capacity at the same time (e.g., a sports facility and a classroom) and reduce the parking requirement accordingly.
Public, private, or parochial schools	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats (in the maximum capacity, per the fire code) for assembly halls, classrooms, or other similar areas. The Planning Commission may determine that some assembly halls/classrooms will not be used at maximum capacity at the same time (e.g., a sports facility and a classroom) and reduce the parking requirement accordingly.
Public and private parks playgrounds and community centers	10 per each athletic field, plus 1 per each 10 sq. ft. of indoor or outdoor play area
Public libraries and museums	1 per each 400 square feet of GFA
Utility and public service facilities and uses	1 per 500 sq. ft. GFA

Notes to Table 7.3.D:

(1) 50 percent of this requirement shall be met within garages or carports.

- (2) Parking and storage of commercial vehicles and recreational vehicles shall conform to the requirements of Section 15.06.

(D) Accessory Structures. All accessory structures shall meet the requirements of Section 3.24.

(E) Building Access.

- (1) In the R-3A District, a building entrance to a multiple family structure shall not be located closer than 25 feet to a street, access road, driveway, or parking area.
- (2) In the R-3B District, a principal building entrance or individual apartment entrance shall not be located more than 150 feet from a public or private street or 100 feet from an off-street parking lot serving the development. Entrances must face a street or parking lot.

(F) Signs. All signs in the Multiple Family Residential Districts shall conform to the requirements of Article 17.

(G) Landscaping. Developments with more than 2 two family lots and all multiple family and attached single family developments must meet the landscape requirements of this Ordinance.

(H) Multiple Family Residential Conventional Zoning Districts shall be landscaped according to the requirements of Article 16.

(I) Trash containers for multiple family uses shall be enclosed on all sides by a structure aesthetically compatible with the development and surrounding property. The enclosure shall be constructed of durable materials and, if constructed of wood, protected from vehicles with bollards or other means of protection. The waste storage area shall be free from litter and maintained in a sanitary condition.

Section 7.04 District Specific Requirements

(A) RMH District. A manufactured housing park in the RMH District shall have direct access to a regional or principal arterial street.

Article 8.

Office and Commercial Conventional Zoning Districts

Section 8.01 Purpose and Intent

- (A) **OS-1 Office/Service District.** The OS-1 Office/Service District accommodates a variety of business, professional, executive, and administrative office uses, sports or club buildings, and related activities, as well as a limited range of personal services. Uses in this district are to be located in close proximity to major streets and, by virtue of their relatively low level of intensity, unobtrusive hours of operation, and architecture, they may often serve as a transition between more intensive uses and residential uses.
- (B) **OS-2 Regional Office/Service District.** The OS-2 Regional Office/Service District provides a limited range of office and service activities along and near Rivertown Parkway. The district encourages office and certain service uses but discourages general commercial activities. Permitted uses are appropriate to allow a transition between residentially planned areas and the traffic and higher intensity uses along the Rivertown corridor. The regulations in this article ensure development will occur in a planned, coordinated fashion with regard to infrastructure and site use so as to protect the public health, safety, and general welfare; promote economic stability and growth; prevent the encroachment of uses incompatible with the character of the district; and promote the efficient movement of traffic.
- (C) **C-1 Commercial Neighborhood Business District.** C-1 Commercial Neighborhood Business District accommodates neighborhood shopping and personal service opportunities in close proximity to residential areas. The uses permitted in this district satisfy the need for nondurable convenience goods or personal services as demonstrated by the residential population in the immediate area. By encouraging the consolidation of neighborhood shopping and personal service uses in a limited number of locations, strip commercial development and the related impacts on traffic flow and resulting congestion are avoided.
- (D) **C-3 Commercial Highway District.** The C-3 Commercial Highway District serves the highway merchandising and servicing needs of Grandville and the surrounding area. These districts are found on regional and principal arterial streets, such as 28th Street and Chicago Drive.

- (E) **C-4 Commercial Shopping Center District.** The C-4 Commercial Shopping Center District accommodates planned regional commercial centers that, by virtue of their size, service not only the city but also the surrounding market. Such commercial centers are characterized by a single major structure, along with an integrated or planned cluster of retail establishments served by a common parking area. This article facilitates shopping center development in a planned, orderly fashion, so as to protect the public health, safety, and general welfare, especially relative to vehicular and pedestrian traffic.
- (F) **C-5 Commercial Freeway Interchange District.** The C-5 Commercial Freeway Interchange District accommodates a variety of uses that are appropriate to freeway interchange locations. Related regulations protect against uncontrolled development and optimize nonresidential land uses. All of this is accomplished while the immediate environment, both existing and proposed, is protected. The district also promotes rational urban design that provides community facilities or infrastructure, employment and retail opportunities, and services to the traveling public in a convenient and attractive manner and encourages creative and imaginative land use and design in a unique setting.

Section 8.02 Table of Uses

The following abbreviations apply to the table of uses for the Office and Commercial Zoning Districts:

P:	Permitted use: Land and/or buildings in this district may be used for the purposes listed by right.
SLU:	Special land use permit: Listed uses may be permitted by obtaining special land use approval, subject to the standards and procedures cited in Article 13 and any use restriction in Article 12.
NP:	Not permitted.

If a listed use is accompanied by a cross reference, see that article or section for additional requirements applying to that use.

Requirement	OS-1	OS-2	C-1	C-3	C-4	C-5	Additional Requirements
Accessory Uses							
Accessory buildings or uses that are customarily incidental to any of the allowed principal uses	P	P	P	P	P	P	—
Processing, packaging, assembly, and indoor storage of goods, incidental to the principal use	NP	NP	NP	P	SLU	P	—
Retail and service components that are accessory to a principal use, such as eyeglass sales, pharmacies, and similar	SLU	SLU	P	P	P	P	—
Drive up or drive through facilities accessory to any use, excluding those serving restaurants	NP	SLU	NP	SLU	SLU	SLU	Section 12.08
Solar arrays, rooftop	P	P	P	P	P	P	Section 12.26
Solar arrays, freestanding accessory	SLU	SLU	SLU	P	P	P	Section 12.26
Wind energy conversion systems (WECS) 50 ft. high or less/greater than 50 feet high	P SLU	P SLU	P SLU	P SLU	P SLU	P SLU	Section 12.30
Office and Service Uses							

Requirement	OS-1	OS-2	C-1	C-3	C-4	C-5	Additional Requirements
Banks and other financial services	P	P	P	P	P	P	—
Business services	P	P	P	P	P	P	—
Laundromats	NP	P	P	P	SLU	P	—
Medical, dental, and similar offices providing care on an outpatient basis	P	P	P	P	P	P	—
Medical, dental, and optical laboratories	P	P	SLU	P	P	P	—
Personal service establishments	P	P	P	P	P	P	—
Photographic and artistic studios	P	NP	P	P	P	NP	—
Professional offices	P	P	P	P	SLU	P	—
Retail Uses							
Regional shopping centers, not less than 300,000 square feet in gross leasable area	NP	NP	NP	NP	P	NP	—
Retail establishments: drugstores, hardware, novelties and gifts, books and music, video recording rental and sales, and similar stores	NP	NP	P ⁽¹⁾ SLU ⁽²⁾	P	P	P	Section 12.22
Retail food establishments: stores and markets selling groceries, baked goods, produce, dairy, meats, and similar	NP	NP	P ⁽¹⁾ SLU ⁽²⁾	P	P	P	Section 12.22
Restaurants, Entertainment, and Hospitality							
Banquet facilities	NP	SLU	NP	P	P	P	—
Hotels and motels	NP	NP	NP	P	SLU	P	—
Hotels, limited service	NP	SLU	NP	P	P	P	Section 12.13
Indoor recreation centers, health or fitness centers and sports training centers	P	P	P	P	P	P	Section 12.14
Licensed amusement and recreation establishments	NP	NP	NP	P	P	P	—
Restaurants, casual	NP	NP	P	P	P	P	Section 12.21
Restaurants, casual, with drive in or drive through facilities	NP	NP	SLU	SLU	SLU	SLU	Section 12.20
Restaurants, standard	NP	SLU	SLU	P	P	P	—
Theaters	NP	NP	NP	P	P	P	—
Automotive Related Uses							
Automobile refueling stations	NP	NP	SLU	P	NP	SLU	Section 12.03
Vehicle wash establishments	NP	NP	SLU	P	NP	SLU	Section 12.29
Automobile, boat, motorcycle, recreational vehicle, and truck dealerships	NP	NP	SLU	SLU	NP	SLU	Section 12.04
Vehicle repair (non-Industrial)	NP	NP	SLU	P	NP	SLU	Section 12.03

Requirement	OS-1	OS-2	C-1	C-3	C-4	C-5	Additional Requirements
Other Uses							
Child care centers	P	P	P	P	SLU	P	Section 12.05
Commercial schools, including art, beauty, music, dance and trade schools	P	P	P	P	SLU	SLU	—
Contractor or decorator showroom	NP	NP	NP	P	SLU	SLU	—
Funeral homes	SLU	P	SLU	P	NP	NP	—
Hospitals, 24-hour urgent care centers, and rehabilitation centers	SLU	SLU	SLU	SLU	SLU	SLU	Section 12.12
Laboratories and technology centers	SLU	SLU	SLU	SLU	SLU	SLU	—
Printing and publishing establishments	SLU	NP	NP	P	NP	NP	—
Processing, packaging, treatment, or assembly of products not manufactured on the site	NP	NP	NP	NP	NP	SLU	—
Public or municipal buildings	P	P	P	P	P	P	—
Public utility buildings and substations	P	NP	P	P	NP	NP	—
Nursing homes or group adult foster care facilities	NP	P	NP	NP	NP	NP	Section 12.16
Wireless telecommunication facilities	P SLU	P SLU	P SLU	P SLU	P SLU	P SLU	Section 12.30
Wholesale distribution uses	NP	NP	NP	P	SLU	SLU	—

Notes to Table 8.02:

- (1) Permitted by right in buildings of less than 25,000 square feet of gross floor area (GFA).
 (2) Allowed only as a special land use in buildings 25,000 square feet or greater GFA, but no more than 60,000 square feet GFA. See Section 12.22.

Section 8.03 General Development Requirements

- (A) Application and Review Requirements.** The following chart outlines application and review requirements for the Office and Commercial Zoning Districts. An application shall not be acted on unless it is in compliance with all of the following requirements, unless specifically waived by the City Manager or designee.

Table 8.03(A) Application and Review Requirements, Single and Two Family Residential Zoning Districts

Requirements	Submission Deadline	
Site Plan Review (Article 14) Required for nonresidential uses only	Completed application form	45 days prior to the scheduled Planning Commission meeting
	Application fee/escrow fee	
	Proof of ownership or interest in property	
	Legal description of property	
	Narrative addressing review standards of Section 14.05	
	Complete preliminary or final site plans in accordance with Section 14.03	
Special Land Uses (Article 13)	Same as site plan review	
	Narrative addressing review standards of Section 13.04 and applicable use restrictions in Article 12	

- (B) General Site Development Requirements.** See Section 8.04 for requirements specific to individual zoning districts.

Table 8.03(B) Office and Commercial Conventional Zoning District Regulations

Requirements		OS-1	OS-2	C-1	C-3	C-4	C-5
Minimum Lot Area (sq. ft.)		12,500	30,000	15,000	12,500	Project: 40 acres	1 acre
Minimum Lot Width (ft.)		100	125	100	100	660	150
Maximum Building Height (ft.)		35	35	35	35	50	35
Minimum Front Yard Setback ^{(1) (2)}		40	40	40	30	200 ft. ⁽³⁾	40
Minimum Side Yard Setback	One side	30	30	30	10		25
	Total	60	60	60	20		50
	Corner side	40	40	40	30		40
	Adjacent to a residential district	30	30	50	10		25

Requirements	OS-1	OS-2	C-1	C-3	C-4	C-5
Minimum Rear Yard Setback ⁽⁴⁾	30	30	25	16		40
Minimum Rear Yard Setback Adjacent to a Residential District	30	30	50	16		40
Maximum Lot Coverage (percent)	30	N/A	N/A	N/A	N/A	N/A
District Specific Requirements: See section:	N/A	8.04(A)	N/A	N/A	8.04(B)	8.04(C)

Notes to Table 8.03(B):

- (1) The established average setback shall apply where a setback line has been established by existing commercial buildings occupying 40 percent or more of the frontage within the same block.
- (2) A building shall not be erected or placed closer than 70 feet to the centerline of a principal arterial street, as designated by the city master plan, or closer than 80 feet to the centerline of 28th Street. A building or a sign structure shall not be erected within 150 feet of the intersecting centerlines of principal arterial streets. Where these requirements conflict with the setback requirements of this article, the more restrictive requirement shall apply.
- (3) A setback of 200 feet shall be maintained from an exterior property line or a C-4 District boundary.
- (4) An alley or railroad right-of-way that abuts the rear of the property may be included as part of the rear yard setback requirement.

(C) Parking Requirements. General parking requirements are listed in [Article 15](#). The following abbreviations apply to Table 8.03(C):

UFA: usable floor area

GFA: gross floor area

GLA: gross leasable area

Table 8.03(C) Parking Requirements, Office and Commercial Zoning Districts

Use	Parking Spaces Per Unit of Measurement
Accessory Uses	
Retail and service uses that are accessory to a principal use, such as eyeglass sales, pharmacies, and similar	4 per 1,000 sq. ft. GFA
Office and Service Uses	
Banks and business and financial services	5 per 1,000 sq. ft. GFA, plus 4 waiting spaces for each drive-through window or ATM machine
Laundromats	3 for drop off areas, plus 3 per 1,000 sq. ft. GFA
Medical, dental, and optical laboratories	4 per 1,000 sq. ft. GFA
Personal service establishments	4 per 1,000 sq. ft. GFA
Photographic and artistic studios	1 per 300 sq. ft. GFA

Use	Parking Spaces Per Unit of Measurement
Professional offices	4 per 1,000 sq. ft. GFA, professional offices
Medical and dental offices	6 per 1,000 sq. ft. GFA, medical/dental
Retail Uses	
Regional shopping centers, not less than 300,000 sq. ft. gross leasable area	4.5 per 1,000 sq. ft. GFA
Retail establishments: drugstores, hardware, novelties and gifts, books and music, video recording rental and sales, and similar stores	Less than 25,000 sq. ft. GFA: 4 per 1,000 sq. ft. GFA 25,000 sq. ft. or greater: 5 per 1,000 sq. ft. GFA
Retail food establishments: stores and markets selling groceries, baked goods, produce, dairy, meats, and similar	Less than 25,000 sq. ft. GFA: 5 per 1,000 sq. ft. UFA 25,000 sq. ft. or greater: 5 per 1,000 sq. ft. GFA
Restaurants, Entertainment, and Hospitality	
Banquet facilities	1.5 per each 3 seats in the maximum capacity according to the fire code
Standard and casual restaurants	1.5 per each 3 seats, plus 10 waiting spaces for allowed drive-through uses in the maximum capacity according to the fire code
Hotels and motels, including limited service hotels	1.1 per unit, plus additional spaces for accessory uses provided at 50% of the requirement as listed
Indoor recreation centers, health or fitness centers, and sports training centers	5 per 1,000 sq. ft. GFA, plus 1 per employee
Licensed amusement and recreation establishments	10 per 1,000 sq. ft. UFA
Theaters	1 per each 4 seats
Automotive Related Uses	
Automatic or self-service vehicle wash facilities	1 per each employee, plus 10 waiting spaces and 2 drying spaces at each automatic service bay, plus 3 waiting spaces at each self-service bay
Automobile repair and fueling stations	1 per each service bay, plus 1 per each employee, plus 1 per each 200 sq. ft UFA of retail area
New and used automobile, motorcycle, recreational vehicle, and trailer sales	1 per each 300 sq. ft. GFA of showroom, plus 1 per employee, plus required spaces for related uses
Other Uses	
Child care centers	1 per employee, plus 1 per each 10 children based on licensed capacity of the facility
Commercial schools, including art, beauty, music, dance, and trade schools	1 per 2 students (based on design cap)
Contractor or decorator showroom	1 per each 800 sq. ft. UFA
Funeral homes	1 per each 50 sq. ft. of assembly area
Hospitals or medical centers	2 per patient in the maximum capacity

Use	Parking Spaces Per Unit of Measurement
Printing and publishing establishments	2 per 1,000 sq. ft. GFA
Public or municipal buildings	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats for assembly halls (in the maximum capacity, per the fire code) or areas
Public utility buildings and substations	1 per 500 sq. ft. GFA
Nursing homes or group adult foster care facilities	1 per each 2 beds, plus 1 per employee
Outdoor sales and display of goods	1 per 800 sq. ft. of sales or display area
Wholesale distribution uses	1 per each 1,500 sq. ft. GFA
Processing, packaging, treatment, or assembly of products not manufactured on the site	1 per 300 sq. ft. UFA for office areas, plus 1 per 2,000 sq. ft. UFA for production areas
Laboratories and technology centers	2 per 1,000 sq. ft. GFA
Higher education institutions	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats (in the maximum capacity, per the fire code) for assembly halls, classrooms, or other similar areas. The Planning Commission may determine that some assembly halls/classrooms will not be used at maximum capacity at the same time (e.g., a sports facility and a classroom) and reduce the parking requirement accordingly.
Places of worship	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats (in the maximum capacity, per the fire code) for assembly halls, classrooms, or other similar areas, plus spaces required for accessory/related uses.
Public school	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats (in the maximum capacity, per the fire code) for assembly halls, classrooms, or other similar areas. The Planning Commission may determine that some assembly halls/classrooms will not be used at maximum capacity at the same time (e.g., a sports facility and a classroom) and reduce the parking requirement accordingly.
Private or parochial schools	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats (in the maximum capacity, per the fire code) for assembly halls, classrooms, or other similar areas. The Planning Commission may determine that some assembly halls/classrooms will not be used at maximum capacity at the same time (e.g., a sports facility and a classroom) and reduce the parking requirement accordingly.
Public libraries and museums	1 per each 400 sq. ft. GFA
Public and private parks, playgrounds, and community centers	10 per each athletic field, plus 1 per each 10 sq. ft. of indoor or outdoor play area

(D) Signs. Signs in the Office and Commercial Zoning Districts shall conform to the requirements of Article 17.

(E) Other General Development Requirements.

- (1) Landscaping shall be maintained in all required front, side, and rear yards in accordance with the approved site plan, according to Article 16.
- (2) Lights shall be installed and maintained to confine illumination to the property on which the use is located, and to prevent glare or illumination from adversely affecting the safety or welfare of an adjacent property.

- (3) Trash containers shall be enclosed on all sides by a structure aesthetically compatible with the development and surrounding property. The enclosure shall be constructed of durable materials and, if constructed of wood, protected from vehicles with bollards or other means of protection. The waste storage area shall be free from litter and maintained in a sanitary condition.
- (4) Heating, ventilation, or air conditioning units or similar electrical or mechanical devices, whether ground or building mounted, shall be properly screened. If ground mounted, the units shall not be located within a required front yard or corner side yard.
- (5) All business, service, or processing shall be conducted wholly within the confines of a building, except, where permitted:
 - (a) Sale of automotive fuel, lubricants, and accessories at permitted service stations;
 - (b) Sale of produce and plants;
 - (c) Vehicle dealerships;
 - (d) Drive in or drive through establishments;
 - (e) Licensed amusements or recreations; and
 - (f) Outdoor sales and display of goods, when permitted as a special land use.

Outdoor storage areas shall comply with the setback requirements of the principal building. On corner lots, the front yard requirements along each street frontage shall be met.

Section 8.04 District-Specific Requirements

(A) OS-2 District.

- (1) **Qualifying conditions.** To qualify for development in the OS-2 District, a single property or multiple properties shall be either:
 - (a) A project under single control or ownership that is at least five acres; or
 - (b) A project under single control or ownership that is at least three acres and has at least one building 10,000 square feet of gross floor area or larger.
- (2) **Yards adjacent to 44th Street;**
 - (a) Minimum building setback: 50 feet.
 - (b) Parking lot minimum setback: 30 feet; however, the setback may be reduced to 20 feet if the required buffer yard contains:
 - 1. Landscaping that exceeds the buffer yard requirements of [Article 16](#) by no less than 15 percent; or
 - 2. A berm with a side slope no greater than 3:1, in addition to the landscaping specified in Article 16.
 - 3. Buffer yard. See Article 16 for additional requirements.

(B) C-4 District.

- (1) The site must be located on a principal arterial street, as designated on the city master plan.

(2) **Development of Individual Outparcels.**

- (a) Outparcels shall be at least 30,000 square feet.
- (b) The area devoted to outparcels shall not exceed 10 percent of the total area of a regional shopping center.
- (c) Location: outparcel developments shall be limited to:
 - 1. Within 200 feet of the intersection of two regional, principal, or minor arterial streets; or
 - 2. Within 750 feet of the intersection of a regional, principal, or minor arterial street (as designated on the city master plan) and a mall access drive.

(3) **Landscaping, Buffer Yards, and Screening.** Landscaping and buffer yards shall be provided and maintained in all required yards as provided in Article 16.

(4) **Access.**

- (a) Customer access.
 - 1. Stores shall only be accessed from the interior of the mall; however, an anchor store, theater, or standard restaurant may have a direct exterior entrance.
 - 2. A driveway, street, or parking space shall not be located within 25 feet of a mall customer entrance.
- (b) Vehicular access.
 - 1. Driveways shall be meet adequate sight distance requirements, have appropriate grades, and not result in unsafe conditions and congestion.
 - 2. Specifications for driveways, lane tapers, and deceleration, acceleration, turning, and bypass lanes shall conform to Grandville driveway standards, except as noted. In case of a conflict, the more restrictive requirement shall apply.
 - 3. Driveways shall be located at least 250 feet from the intersection of a regional, major, or minor arterial street.
 - 4. Driveways accessing a public street shall be spaced at least 250 feet apart.
 - 5. All driveways intersecting a public street shall have a curbed and landscaped center island.

(5) **Building Orientation Adjacent to Arterial Streets.** When a property is directly adjacent to a regional, principal, or minor arterial street, all buildings shall be sited so that the front yard/façade faces the arterial street.

(6) **Use of Search Lights, Loudspeakers, Amplifiers, and Similar Devices.** Search lights, loudspeakers, sound amplifiers, or similar devices shall not be used to attract attention to any activity within the C-4 District or on outparcels.

(7) **Site Plan Approval.** In addition to the requirements of [Article 14](#), the following shall be submitted along with a site plan for development within the C-4 District:

- (a) A narrative describing:
 - 1. The percent of the shopping center district to be covered by buildings and parking;
 - 2. The authority and responsibilities to maintain streets and parking areas;

3. Project phasing, if any;
 4. Construction start and completion dates for the project and any of its phases; and
 5. Any other information the Planning Commission may request.
- (b) The approved site plan shall be part of the record of approval. All subsequent actions related to the development of the shopping center shall be consistent with the approved site plan unless a change, conforming to the zoning ordinance, is mutually agreed to by the shopping center owner or developer and the city. After the site plan has been approved, building permits may be issued for phased construction.

(C) C-5 District.

- (1) **Qualifying conditions.** Development in the C-5 District shall meet one of the following conditions:
- (a) A project under single control or ownership that is at least five acres; or
 - (b) A project under single control or ownership that is at least three acres and has at least one building of 10,000 square feet of gross floor area or larger.

Article 9.

Industrial Conventional Zoning Districts

Section 9.01 Purpose and Intent

- (A) **I-1 Restricted Industrial District.** The I-1 Restricted Industrial District accommodates industrial uses and processes of manufacture, fabrication, assembly, packaging, printing, reproduction, transportation, storage, and warehousing that meet the performance standards of [Section 9.03\(E\)](#).
- (B) **I-2 General Industrial District.** The I-2 Industrial District accommodates industrial uses and processes of manufacture, fabrication, assembly, packaging, printing, reproduction, equipment service, transportation, storage, and warehousing that meet the performance standards of [Section 9.03\(E\)](#), and excavation of natural resources.

Section 9.02 Table of Uses

The following abbreviations apply to the table of uses for the Industrial Zoning Districts:

P:	Permitted use: Land and/or buildings in this district may be used for the purposes listed by right.
SLU:	Special land use permit: Listed uses may be permitted by obtaining special land use approval, subject to the standards and procedures cited in Article 13 and any use restriction in Article 12.
NP:	Not permitted.

If a listed use is accompanied by a cross reference, see that article or section for additional requirements applying to that use.

Requirement	I-1	I-2	Additional Requirements
Accessory Uses			
Accessory buildings or uses that are customarily incidental to any of the allowed principal uses	P	P	—
Cafeteria facilities located on the premises for the employees of the allowed principal use	P	P	—
Corporate office facilities incidental to the allowed principal use	P	P	—

Requirement	I-1	I-2	Additional Requirements
Retail sales incidental to the allowed principal use	P	P	—
Child care facilities located on the premises of and for the employees of the allowed principal use	P	P	—
Solar arrays, rooftop	P	P	Section 12.26
Solar arrays, freestanding accessory	P	P	Section 12.26
Wind energy conversion systems (WECS) 50 ft. high or less/greater than 50 feet high	P SLU	P SLU	Section 12.30
Manufacturing Uses			
Assembly and manufacture of automotive, electrical fixtures, and hardware	SLU	P	—
Cardboard products fabrication	P	P	—
Central dry cleaning or laundry	SLU	P	—
Machine shops	P	P	—
Medical, dental, and optical laboratories	P	P	—
Manufacturing, compounding, processing, packaging, or treatment, or the assembling from previously prepared materials	SLU	P	—
Metal stamping, pressing, and buffing	SLU	P	—
Paint, rustproofing, and rust coating	P	P	—
Public utility buildings, lines, and substations	P	P	—
Publishing and printing operations	P	P	—
Research laboratories and technology centers	P	P	—
Structural steel fabrication (excluding stamping, saw mills, or planing mills)	P	P	—
Sheet metal shops	SLU	P	—
Tool and die shops	P	P	—
Wholesale warehousing and distribution centers	P	P	—
Other Uses			
Agriculture operations and greenhouses	NP	P	—
Boat sales, service, and repair	SLU	P	—
Chemical or bulk oil product storage	SLU	P	—
Commercial radio or television antennas	SLU	SLU	—
Designed industrial parks or developments	SLU	SLU	Section 12.07

Requirement	I-1	I-2	Additional Requirements
Golf courses	SLU	P	—
Indoor recreation centers and health or fitness centers	SLU	SLU	Section 12.14
Industrial sales and showrooms	P	P	—
Laboratories or technology centers	SLU	SLU	—
Manufactured home and implement sales	SLU	P	—
Mineral extraction (as a principal use)	NP	SLU	Section 12.15
Municipal buildings, public service buildings, or public utility buildings, telephone exchange buildings, and communication or relay facilities	P	P	—
Non-manufacturing research and development establishments, including accessory laboratories, offices, and other related facilities	SLU	SLU	—
Repair garage and body shops	SLU	P	—
Sexually oriented businesses	NP	SLU	Section 12.24
Solar arrays, freestanding principal use	SLU	SLU	Section 12.26
Truck and tractor sales, services, and repair	SLU	P	—
Truck terminals	NP	P	—
Vehicle repair, Non-Industrial	P	P	Section 12.03
Vehicle repair, Industrial	NP	P	Section 12.03
Wholesale establishments	P	P	—
Wireless communication facilities	P SLU	P SLU	Section 12.31

Section 9.03 General Development Requirements

- (A) Application and Review Requirements.** The following chart outlines application and review requirements for the Industrial Zoning Districts. An application shall not be acted on unless it is in compliance with all of the following requirements, unless specifically waived by the City Manager or designee.

Table 9.03(A) Application and Review Requirements, Industrial Zoning Districts

Requirements		Submission Deadline
Site Plan Review (Article 14) Required for nonresidential uses only	Completed application form	45 days prior to the scheduled Planning Commission meeting
	Application fee/escrow fee	
	Proof of ownership or interest in property	
	Legal description of property	
	Narrative addressing review standards of Section 14.05	
	Complete preliminary or final site plans in accordance with Section 14.03	
Special Land Uses (Article 13)	Same as site plan review	
	Narrative addressing review standards of Section 13.04 and applicable use restrictions in Article 12	

(B) General Site Development Requirements. All development within the Industrial Conventional Zoning Districts shall conform to the requirements of Table 9.03(B).

Table 9.03(B) Industrial Zoning District Regulations

Requirements		I-1	I-2
Minimum Lot Size (sq. ft.)		20,000	20,000
Minimum Lot Width (ft.)		80	80
Maximum Building Height (ft.)		35	50
Minimum Front Yard Setback ^{(1) (2)}		25	25
Minimum Side Yard Setback	One side	30 ⁽³⁾	20 ⁽⁴⁾
	Corner side	30	25
Minimum Rear Yard Setback ⁽⁵⁾		16	16

Notes to Table 9.03(B):

- (1) A building shall not be erected or placed closer than 70 feet to the centerline of a principal arterial street, as designated by the city master plan, or closer than 80 feet to the centerline of 28th Street. A building or a sign structure shall not be erected within 150 feet of the intersecting centerlines of principal arterial streets. Where these requirements conflict with the setback requirements of this article, the more restrictive requirement shall apply.
- (2) The established average setback shall apply where a setback line has been established by existing commercial buildings occupying 40 percent or more of the frontage within the same block.
- (3) For a lot with an average width of less than 200 feet, each side yard shall be not less than 15 percent of the average lot width.
- (4) For a lot with an average width of less than 200 feet, each side yard shall be not less than 10 percent of the average lot width.
- (5) An alley or railroad right-of-way that abuts the rear of the property may be included as part of the rear yard setback requirement.

(C) Parking Requirements. General parking requirements are listed in Article 15. The following abbreviations apply to Table 9.04(C):

UFA: usable floor area

GFA: gross floor area

Table 9.03(C) Parking Requirements, Industrial Zoning Districts

Use	Parking Spaces Per Unit of Measurement
Accessory Uses	
Corporate office facilities incidental to the allowed principal use	5 per 1,000 sq. ft. GFA
Retail sales incidental to the allowed principal use	1 per each 300 sq. ft. UFA 1 per each 400 sq. ft. GFA
Child care facilities located on the premises of and for the employees of the allowed principal use	1 space for every three children in the maximum capacity of the facility under state law and the fire code
Manufacturing Uses	
All assembly and manufacturing, light industrial uses, or laboratory and research uses	1 per each 750 sq. ft. GFA
Wholesale establishments	1 per each 1,500 sq. ft. GFA
Non-Manufacturing Uses	
Indoor recreation centers and health or fitness centers (including indoor tennis or swim clubs), indoor hockey or ice skating rinks, and similar commercial recreational facilities completely within an enclosed building	5 per 1,000 sq. ft. GFA, plus 1 per employee 6 per 1,000 sq. ft. GFA
Municipal buildings, public service buildings, public utility buildings, telephone exchange buildings, and communication or relay facilities	1 per 500 sq. ft. GFA

(D) Signs. All signs in the Industrial Zoning Districts shall conform to the requirements of Article 17.

(E) Additional General Standards and Requirements.

- (1) **Outdoor storage.** All operations shall be conducted completely within a building. However, materials and equipment may be stored outdoors in the side or rear yard if screened from view of a public street or adjoining property by a solid, finished wall or fence with solid gates at least six feet in height, or by sufficient landscaping of a height and density to provide an opaque screen of all outdoor storage areas, as approved through the site plan review process.
- (2) Landscaping shall be maintained in all required front, side, and rear yards in accordance with the approved site plan, according to Article 16.
- (3) **Performance standards.**

- (a) **Fire and explosion hazards.** All activities shall occur in buildings classified as fireproof by the building code and in conformance with the fire prevention code. All operations shall be carried out in a manner and with precautions so as not to create a fire or explosion hazard, as determined by the State of Michigan, for a use on an adjacent property.
- (b) Bulk flammable liquids, other than fuels used for heating, shall be stored in an entirely enclosed building that is exclusively used for that purpose or in underground tanks. A building used for such storage shall not be closer than 100 feet to an adjacent building or closer than 80 feet to a property line. An underground storage tank shall be at least 40 feet from an adjacent building or property line.
- (c) Every building or flammable storage area shall be equipped with automatic sprinklers or other automatic fire extinguishers approved by the building inspector and the fire chief.
- (d) **Smoke, fumes, gases, dust, and odors.** Smoke, radiation, fumes, gas, dust, odors, or any other atmospheric pollutant that can disseminate beyond boundaries of a lot occupied by such a use and in such a manner to create a public nuisance or public danger or adversely affect the use of adjacent properties shall not be emitted.
- (e) **Liquid or solid waste.** Industrial waste shall not be discharged into groundwater or a water body. All such wastes shall be disposed of either using a public sanitary sewer or a sanitary system approved by the City Council and health authorities. When discharged into a public sewer, wastes shall conform to all public regulations.
- (f) **Vibration.** There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
- (g) **Noise.** Noise shall not emanate from a use beyond the boundaries of the site on which it is conducted that is more audible than the traffic noise on the street upon which the lot faces.
- (h) **Illumination.** Light levels measured at the property line of the lot occupied by the use shall not exceed 1.5 foot candles. This regulation shall not apply to lights positioned at the entrance or exit drives leading to a parking lot.

Article 10.

Form-Based Code Districts

Section 10.01 Purpose and Intent

The purpose of form-based districts is to provide specific regulations to achieve the following:

- (A) To develop a fully integrated, mixed-use, pedestrian-oriented environment with traditional residential neighborhoods and a traditional downtown with buildings containing commercial, residential and office uses.
- (B) To create a synergy of uses within the downtown supporting economic development and redevelopment.
- (C) To calm traffic, thereby creating a more pedestrian-friendly environment and preventing a clustering of auto-oriented uses.
- (D) To regulate building height and placement to achieve appropriate scale along streets and ensure proper transition between the different areas of the city.
- (E) To establish clear controls on building form and placement to frame a well-defined public realm comprised of human-scale streets, neighborhoods, and public spaces, all of which contribute to creating a safe, comfortable, and livable environment.

Section 10.02 Form-Based Districts

A form-based code is established for the core area of Grandville, which is divided into the following districts:

- (A) **PB – Prairie/Barrett District.** The Prairie/Barrett District supports a quiet single family residential setting, while preserving the traditional development patterns of the area.
- (B) **OW – Oakes/White District.** The Oakes/White District protects the residential character of Oakes Street and White Street while allowing a mix of densities and housing types.
- (C) **O – Ottawa District.** The Ottawa District envisions the creation of a small-scale mixed use and mixed density corridor along Ottawa Avenue leading from Chicago Drive to the Grand Castle on 28th Street.
- (D) **NW – North Wilson District.** The North Wilson District envisions the enhancement of the existing mixed-use gateway to Downtown Grandville along Wilson Avenue.
- (E) **28 – 28th Street District.** The 28th Street District envisions redevelopment of the 28th Street corridor into a mixed-use boulevard featuring retail, office, and upper-floor residential uses.

- (F) **DE – Downtown Edge District.** The Downtown Edge District is designed to enhance the mixed-use gateways to Downtown Grandville from the east and west.
- (G) **CBD – Central Business District.** The Central Business District protects the traditional, small town development character of Downtown Grandville and enhances a pedestrian-oriented environment. The district accommodates a mix of retail stores, offices, entertainment, public spaces, residential uses, and related activities that are mutually supporting and serve the needs of the community. The intent of this district is to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented and unified setting with shared parking.

Section 10.03 Application of Regulations

Within the form-based districts, all requirements of this ordinance shall apply, except as modified by this article. In applying the regulations to the form-based districts, if regulations elsewhere within this ordinance conflict or appear to conflict with the regulations in this article, the regulations of this article shall apply.

Section 10.04 Use Regulations

- (A) Uses shall be permitted based upon the district. Each use is listed in Table 10.04 as one of the following. Uses must also comply with the development requirements that are referenced in the right column.

P:	Permitted use: Land and/or buildings in this district may be used for the purposes listed by right.
SLU:	Special land use permit: Listed uses may be permitted by obtaining special land use approval, subject to the standards and procedures cited in Article 13 and any use restriction in Article 12.
MU:	Mixed use: Land uses permitted as part of a mixed-use building, but not otherwise permitted.
NP:	Not permitted.

Use	PB	OW	O	NW	28	DE	CBD	Development Requirements
Accessory Uses								
Accessory buildings or uses customarily incidental to any allowed principal uses	P	P	P	P	P	P	P	
Adult foster care family homes	P	NP	NP	NP	NP	NP	NP	Permitted only in an allowed residential use.
Family daycare homes	P	NP	NP	NP	NP	NP	NP	Permitted only in an allowed residential use.
Home occupations	P	P	P	P	P	P	P	Section 12.11. Permitted only in an allowed residential use.
Solar arrays, rooftop	P	P	P	P	P	P	P	Section 12.26
Solar arrays, freestanding	SLU	SLU	SLU	SLU	SLU	SLU	SLU	Section 12.26

Use	PB	OW	O	NW	28	DE	CBD	Development Requirements
Accessory								
Swimming pools	P	P	P	P	P	P	P	
Residential Uses								
Single family detached dwellings	P	P	P	NP	NP	NP	NP	Section 12.25
Single family attached dwellings	NP	P	P	P	NP	P	NP	
Bungalow court	NP	P	NP	P	NP	NP	NP	
Single dwelling unit in a mixed-use building	NP	NP	P	P	P	P	P	
Buildings with two dwelling units	SLU	P	P	NP	NP	NP	MU	Section 12.26
Buildings with three dwelling units	NP	P	P	NP	NP	NP	MU	
Buildings with 4-8 dwelling units	NP	P	P	P	NP	P	MU	
Buildings with 9 or more dwelling units	NP	NP	P	P	P	P	MU	
Senior housing	NP	NP	SLU	SLU	SLU	SLU	SLU	Section 12.23
Adult foster care small group home	NP	NP	P	P	P	P	P	Section 12.02 Permitted only in an allowed residential use.
Child care center	NP	NP	P	P	P	P	P	Section 12.05
Group child daycare home	NP	NP	P	P	P	P	P	Section 12.09 Permitted only in an allowed residential use.
Commercial Uses								
Banks and financial services	NP	NP	P	P	P	P	P	Walk up automatic teller machines are allowed.
Banks and financial services with drive up or drive through services	NP	NP	SLU	SLU	SLU	SLU	SLU	Section 12.08
Business services	NP	NP	P	P	P	P	P	-
Laundromats	NP	NP	P	P	P	P	P	-
Medical, dental, and similar offices providing health care on an outpatient basis	NP	NP	P	P	P	P	P	-
Professional offices	NP	NP	P	P	P	P	P	-

Use	PB	OW	O	NW	28	DE	CBD	Development Requirements
Personal service establishments	NP	NP	P	P	P	P	P	-
Office and service uses	NP	NP	P	P	P	P	P	-
Photographic and artistic studios	NP	NP	P	P	P	P	P	-
Radio, TV, and multimedia studios	NP	NP	P	P	P	P	P	-
Funeral homes	NP	NP	SLU	SLU	SLU	SLU	SLU	-
Retail Uses								
Retail establishments with a floor area of 30,000 sq. ft. or less	NP	NP	P	P	P	P	P	-
Retail establishments with a floor area of more than 30,000 sq. ft.	NP	NP	NP	P	P	P	SLU	-
Restaurants, Entertainment, and Hospitality Uses								
Assembly halls, recreational clubs, fraternal order halls, private clubs, lodge halls, or other similar places of assembly	NP	NP	P	P	P	P	P	-
Banquet facilities	NP	NP	SLU	P	P	P	P	-
Bed and breakfast inns	SLU	SLU	SLU	P	P	P	P	Permitted only in a residential structure.
Hotels and motels, including limited service	NP	NP	NP	P	P	P	P	Limited service hotels shall conform to Section 12.13 .
Indoor recreation centers, health or fitness centers, and sports training centers	NP	NP	P	P	P	P	P	Section 12.14
Licensed amusement and recreation establishments	NP	NP	P	P	P	P	P	-
Establishments serving food and beverages, including restaurants (casual or standard), taverns, bars, delicatessen, carryout, and similar establishments, with or without outdoor seating	NP	NP	P	P	P	P	P	-
Restaurants, casual with drive-up/drive-through facilities	NP	NP	NP	P	P	P	P	Section 12.20
Theaters	NP	NP	NP	P	P	P	P	-

Use	PB	OW	O	NW	28	DE	CBD	Development Requirements
Civic Uses								
Places of worship	SLU	SLU	SLU	SLU	SLU	SLU	P	Section 12.18
Cemeteries	SLU	SLU	SLU	SLU	SLU	SLU	NP	Section 12.06
Public, private, or parochial schools	SLU	SLU	SLU	SLU	SLU	SLU	NP	-
Public buildings	SLU	SLU	SLU	SLU	SLU	SLU	SLU	-
Public utility buildings and substations	SLU	SLU	SLU	SLU	SLU	SLU	SLU	-
Wireless communication facilities	P	P	P	P	P	P	P	Section 12.31 Must be accessory use.
Public and private parks, playgrounds, and community centers	SLU	SLU	SLU	SLU	SLU	SLU	P	Section 12.19
Wind energy facilities	SLU	SLU	SLU	SLU	SLU	SLU	SLU	Section 12.30 Must be accessory use.

Section 10.05 Building Types Permitted by District

- (A) All lots and buildings in the form-based districts shall meet the dimensional and design requirements of a building type permitted in the district. The building types permitted in each district are listed in [Section 10.05\(B\)](#), and the dimensional and design requirements for each are described in [Section 10.06](#).
- (B) In the table below, “P” shall indicate that a building type is permitted in a given district, while “NP” shall indicate that the building type is not permitted. The building type chosen must be appropriate for the proposed uses of the building, in the opinion of the Planning Commission.

Building Type	PB	OW	O	NW	28	DE	CBD
Single Family Attached/Townhouse	P	P	P	P	NP	P	P
Residential – 1-3 Dwelling Units	P ⁽¹⁾	P	P	NP	NP	NP	NP
Residential – 4-8 Dwelling Units	NP	P	P	P	NP	P	NP
Residential – 9 or More Dwelling Units	NP	NP	P	P	P	P	NP
Bungalow Court	NP	P	NP	P	NP	NP	NP
One Story Shopfront	NP	NP	P ⁽³⁾	NP	NP	P	NP
Commercial	NP	NP	P ⁽³⁾	P	P	P	P
Mixed Use	NP	NP	P ⁽³⁾	P	P	P	P
Civic	P	P	P	P	P	P	P
Parking Garage	NP	NP	NP	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾

Footnotes:

- (1) In the PB – Prairie/Barrett District, no more than two dwelling units shall be permitted on any lot. Special land use approval shall be required for two-unit buildings. All residential buildings shall meet the standards of the Residential - 1-3 Units building type.
- (2) Parking garages shall not be visible from Chicago Drive or Wilson Avenue. All parking garages must be screened from view from those streets by intervening buildings meeting another conforming building type.
- (3) Within the O – Ottawa District, One Story Shopfront, Commercial, and Mixed-Use building types shall only be permitted on corner lots.

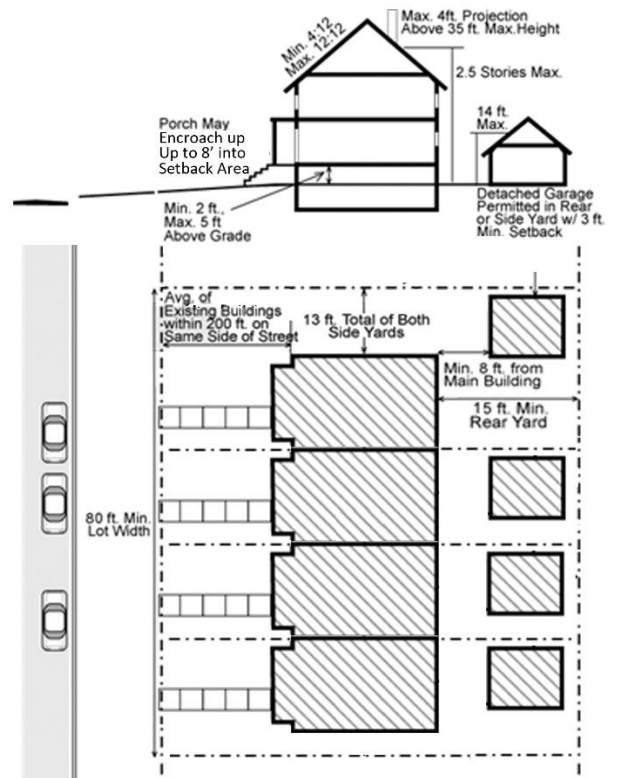
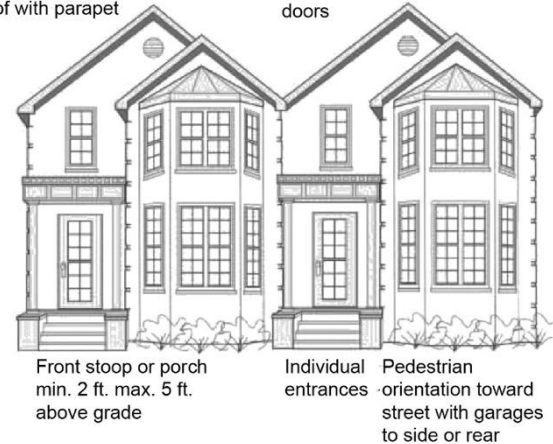
Section 10.06 Building Type Dimensional and Design Standards

(A) Residential Buildings.

(1) Single Family Attached/Townhouse	
Lot Size	
Minimum Area	6,000 sq. ft.
Maximum Area	30,000 sq. ft.
Minimum Width	80 ft.
Setback	
Minimum Rear Yard	15 ft. No rear yard setback is required for lots with rear alley access (30 ft. approach for garage doors, combining setback with extent of alley pavement).
Minimum Side Yard	4 ft. one side / 13 ft. total for both (unless adjacent to another townhouse, in which setback is waived).
All Street Frontages	Must be within five feet of the average front setback of existing residential buildings within 200 ft. on the same side of the street within the same zoning district.
Building Placement	
The building façade must occupy at least 80% of the lot width.	
Entrances	
Main unit entrances shall face the principal street frontage.	
Building Height ⁴	
Minimum	2 stories
Maximum	2.5 stories
Floor Elevation	
Residential Ground	Minimum 2 ft. and maximum 5 ft. above grade or front sidewalk.

Pitched roof between 4:12 and 12:12 or flat roof with parapet

Front facade min. 25% max. 50% windows and doors



Single Family Attached/Townhouse (Continued)
Floor to Floor Height

Minimum	No minimum
Maximum	10 ft.

Floor to Roof Height (from the top floor)

Minimum	No minimum
Maximum	10 ft.

Roof

Pitched Roofs	Permitted where the eaves are at least 20 ft. from the ground
Minimum	4:12 or flat
Maximum	12:12
Flat Roof	Flat roofs must have a 42 inch (minimum height) parapet. A parapet may exceed the maximum building height.

Floor Area

Minimum	700 sq. ft.
---------	-------------

Projections³

Overhead Awnings, Canopies, Balconies	Shall not project closer than 3 ft. to any lot line.
---------------------------------------	--

Front Stoop or Porch

Each dwelling unit shall have a front stoop or front porch with steps.

Minimum Stoop Depth	4 ft.
Minimum Stoop Area	24 sq. ft.
Porch Depth	A minimum of 8 ft. and maximum of 10 ft.
Porch Width	Greater than 40% of lot width

Garages

Off-street parking lots, carports, and garages shall be located in the side or rear yard, attached or detached.

Single Family Attached/Townhouse (Continued)

Off-Street Parking

Front Yard	Not permitted
Side and Rear Yard	Permitted

See Section 10.08(A) and Article 15 for general parking requirements and Article 16 for parking lot landscaping requirements.

Façades

Window Transparency Area	A minimum of 25% to a maximum of 50% of the front façades for each building shall consist of windows and doors.
--------------------------	---

Exterior Building Materials

80% of the building façade (after transparency requirements have been met) visible from public streets shall be constructed of the following:

- Brick
- Gypsum reinforced fiber concrete (for upper floors, trim, and cornice elements only)
- Metal (beams, lintels, trim elements, and ornamentation only)
- Rock faced block (foundation walls and chimneys only)
- Cut stone
- Painted wood

Awnings, Canopies, and Marquees:

- Awnings shall be positioned immediately above windows and have a planar shed that projects from the building.
- Awnings shall be constructed of durable materials such as canvas or steel that will not fade or tear easily. Plasticized, rigid, cubed, or curved awnings or mansard style canopies are prohibited.

Additional Requirements

1. ADA compliant ramps are permitted projections into otherwise required setbacks.
2. Additional habitable space is permitted within the roof area of a building when configured as a half story.

(2) Residential – 1-3 Units
Lot Size

Minimum Area 6,000 sq. ft.

Maximum Area 15,000 sq. ft.

Minimum Width 50 ft.

Setbacks

Minimum Rear Yard 25 ft.

Minimum Side Yard 5 ft. one side/13 ft. total both

All Street Frontages Must be within five feet of the average front setback of existing residential buildings within 200 ft. on the same side of the street within the same zoning district

Building Placement

Facade Must occupy at least 50% of lot width

Frontage Parallel to street and sidewalk

Projections

Eaves and Awnings Less than or equal to 2 ft. into front setback from main building

Bay Windows Less than or equal to 3 ft. into setback

Balconies Less than or equal to 5 ft. into setback

Porches or Stoops Less than or equal to 8 ft. into setback

Driveways

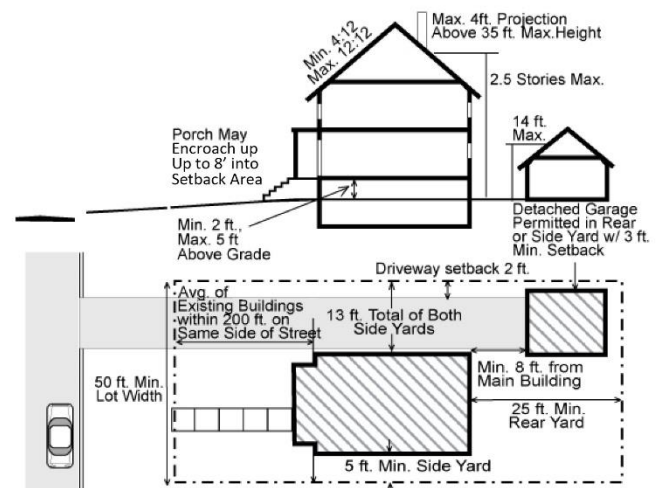
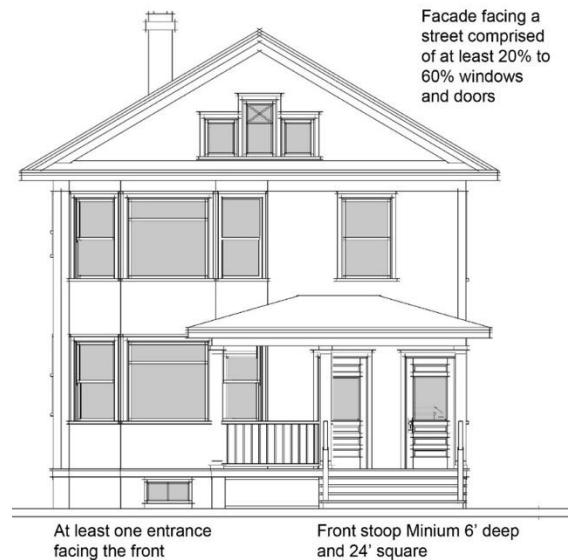
Parking Not allowed in front yard, except in a residential driveway

Driveways If not shared, setback minimum 2 ft. from common lot line

Roof Pitch

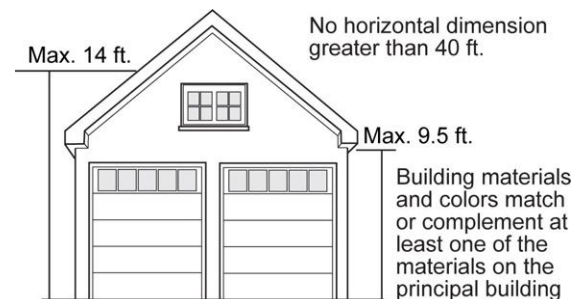
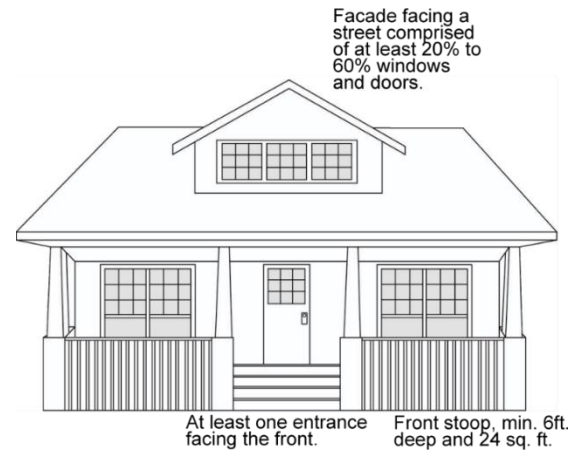
Minimum 4:12

Maximum 12:12



Residential – 1-3 Units (Continued)

Building Height	
Maximum Stories	2.5
Maximum Height	35 ft.
Ground Floor Elevation	Minimum 2 ft. and maximum 5 ft. above grade or front sidewalk
Floor Area	
Minimum	900 sq. ft. per dwelling unit
Facades	
Walls	Blank walls facing public street prohibited
Window Transparency Area	A minimum of 20% and maximum of 60% of façade facing street shall consist of windows and doors.
Entrances	At least one usable door facing front lot line
Front Porch or Stoop	
Each dwelling unit shall have a front porch or stoop with steps.	
Minimum Depth	6 ft.
Minimum Area	24 sq. ft.
Garages	
Location	Side or rear yard
Size	Single-story, no horizontal dimensions greater than 40 ft. are permitted
Maximum Height (Detached)	14 ft. average grade to average height of roof
Side Walls	Less than or equal to 9.5 ft.
Maximum Area	1,080 sq. ft.
Front-Facing Attached	Cannot encompass more than 50% of total building façade
Building Materials/Colors	Shall match or complement at least one of the materials on the principal building



Residential – 1-3 Units (Continued)**Non-Garage Accessory Buildings**

Location	Side or rear yard
Size	No horizontal dimension greater 40 ft.
Maximum Height	12 ft.
Maximum Area	144 sq. ft.
Setbacks	3 ft. from side and rear lot line, 8 ft. from any dwelling, 6 ft. from any other structure
Building Materials/Colors	Shall match or complement the materials on the principal building

Additional Requirements

1. ADA compliant ramps are permitted projections into otherwise required setbacks.
2. Additional habitable space is permitted within the roof area of a building when configured as a half story and all other requirements are met.
3. Duplex units may have one unit's door on the side.
4. Duplex units may share a front porch.

(3) Residential 4-8 Units

Lot Size

Minimum Area	10,000 sq. ft.
Maximum Area	40,000 sq. ft.
Minimum Width	45 ft.

Setbacks

Minimum Rear Yard	15 ft. No rear yard setback is required for lots with rear alley access (30 ft. approach for garage doors, combining setback with extent of alley pavement).
Minimum Side Yard	5 ft. one side / 13 ft. total both
All Street Frontages	Must be within five feet of the average front setback of existing residential buildings within 200 ft. on the same side of the street within the same zoning district

Building Placement

The building façade must occupy 80% of frontage and shall be built to the minimum front setback line within 25 ft. of any side setback at a block corner.

Entrances

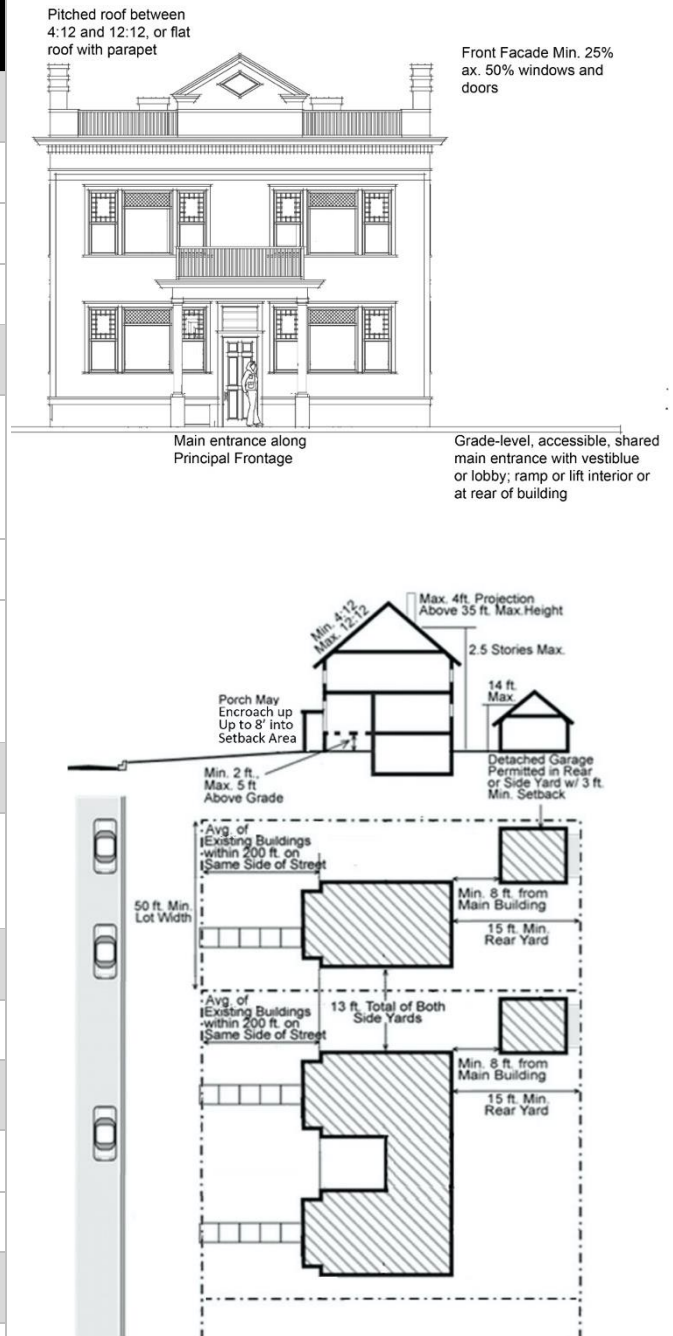
Main shared building entrance shall face the front lot line.

Building Height

Minimum	2 stories
Maximum	2 ½ stories

Floor Elevation

Residential Ground	A minimum of 2 ft. to a maximum of 5 ft. above grade or front sidewalk. The lobby or vestibule at shall be at grade.
--------------------	--



Residential 4-8 Units (Continued)
Floor to Floor Height

Minimum	No minimum
---------	------------

Maximum	10 ft.
---------	--------

Floor to Roof Height (at the top floor)

Minimum	No minimum
---------	------------

Maximum	10 ft.
---------	--------

Roof

Pitched Roofs	Permitted where the eaves are at least 20 ft. from the ground
---------------	---

Minimum	4:12
---------	------

Maximum	12:12
---------	-------

Flat Roof	Flat roofs must have a 42 inch (minimum height) parapet. A parapet may exceed the maximum building height.
-----------	--

Floor Area Unit Minimums

Efficiency Unit	400 sq. ft.
-----------------	-------------

One-Bedroom Unit	500 sq. ft.
------------------	-------------

Two-Bedroom Unit	700 sq. ft.
------------------	-------------

Three Bedrooms	900 sq. ft.
----------------	-------------

Four or More Bedrooms	1,000 sq. ft.
-----------------------	---------------

Projections

Overhead Awnings, Canopies, Balconies	Shall not project closer than 5 ft. to a common lot line
--	--

Garages

Off-street parking lots, carports, and garages shall be located in the side or rear yard and must be set back at least 3 ft. from side or rear lot lines.

Residential 4-8 Units (Continued)

Off-Street Parking

Front Yard	Not permitted
Side and Rear Yard	Permitted (see below)

See Section 10.08(A) and Article 15 for general parking requirements and Article 16 for parking lot landscaping requirements.

Façades

A minimum of 25% to a maximum of 50% of the front façades for each residential unit shall consist of windows and doors.

Exterior Building Materials

Simple arrangements of durable building materials and solid craftsmanship are required.

80% of the building façade (after transparency requirements have been met) visible from public streets shall be constructed of the following:

- Brick
- Gypsum reinforced fiber concrete (for upper floors, trim and cornice elements only)
- Metal (beams, lintels, trim elements and ornamentation only)
- Rock faced block (foundation walls and chimneys only)
- Cut stone
- Painted wood

Awnings, canopies, and marquees:

- Awnings shall be positioned immediately above windows and have a planar shed that projects from the building.
- Awnings shall be constructed of durable materials such as canvas or steel that will not fade or tear easily. Plasticized, rigid, cubed, or curved awnings or mansard style canopies are prohibited.

Additional Requirements

1. ADA compliant ramps are permitted projections into otherwise required setbacks.
2. Additional habitable space is permitted within the roof area of a building when configured as a half story and all other requirements are met.

(4) Residential 9 or More Units	
Lot Size	
Minimum Area	10,000 sq. ft.
Maximum Area	No maximum
Minimum Width	50 ft.
Setbacks	
Minimum Rear Yard	15 ft. No rear yard setback is required for lots with rear alley access (30 ft. approach for garage doors, combining setback with extent of alley pavement)
Minimum Side Yard	5 ft. one side / 13 ft. total both
All Street Frontages	Must be within five feet of the average front setback of existing buildings within 200 ft. on the same side of the street within the same zoning district
Building Placement	
Facade	Must occupy 80% of lot width within 25 ft. of any side setback at a block corner
Entrances	
Main shared building entrances shall face principal frontage.	
Building Height	
Minimum	2 stories
Maximum	2.5 stories
Floor Elevation	
Residential Ground	Minimum 2 ft. and maximum 5 ft. above grade or front sidewalk. The lobby or vestibule shall be at grade.
Floor to Floor Height	
Minimum	No minimum
Maximum	10 ft.

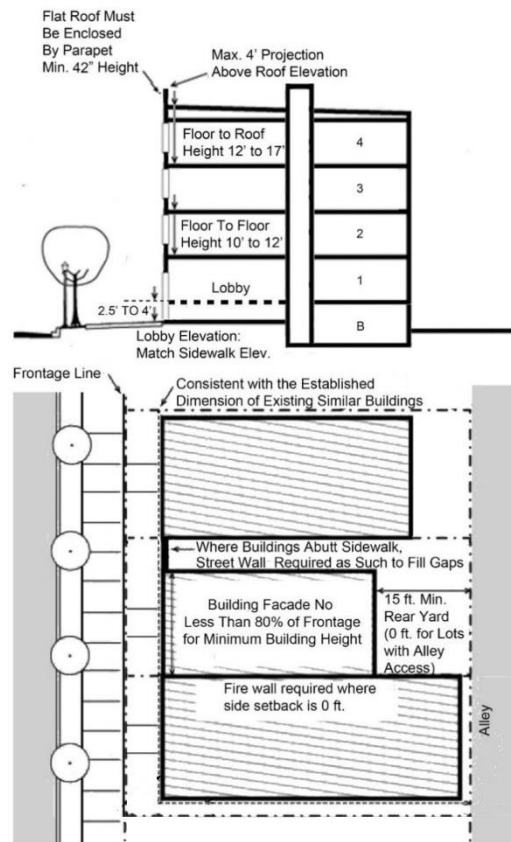
Flat roof with parapet or pitched roof between 4:12 and 12:12.

Windows and doors comprise between 25% and 75% of the front facade.



Pedestrian entrance facing sidewalk. Parking to side or rear.

First floor elevation min. 2 ft., max. 5 ft. above sidewalk.



Residential 9 or More Units (Continued)

Floor to Roof (at the top floor)

Minimum	No minimum
Maximum	10 ft.

Roof

Pitched Roofs	Permitted where the eaves are at least 20 ft. from the ground
Minimum	4:12
Maximum	12:12
Flat Roof	Flat roofs must have a 42 inch (minimum height) parapet. A parapet may exceed the maximum building height.

Floor Area Unit Minimums

Efficiency	400 sq. ft.
One-Bedroom Unit	500 sq. ft.
Two-Bedroom Unit	700 sq. ft.
Three Bedrooms	900 sq. ft.
Four or More Bedrooms	1,000 sq. ft.

Projections

Overhead Awnings, Canopies, Balconies	Shall not project closer than 5 ft. to any lot line
--	---

Garages

Off-street parking lots, carports, and garages shall be located in the side or rear yard.

Off-Street Parking

Front Yard	Permitted
Side and Rear Yard	Permitted

See section 10.08.A and article 15 for general parking requirements and article 16 for parking lot landscaping requirements.

Façades

Window Transparency Area	A minimum of 25% to a maximum of 75% of the front façade shall consist of windows and doors.
--------------------------	--

Residential 9 or More Units (Continued)**Exterior Building Materials**

Simple arrangements of durable building materials and solid craftsmanship are required. 80% of the building façade (after transparency requirements have been met) visible from public streets shall be constructed of the following:

- Brick
- Gypsum reinforced fiber concrete (for upper floors, trim and cornice elements only)
- Metal (beams, lintels, trim elements, and ornamentation only)
- Rock faced block (foundation walls and chimneys only)
- Cut stone
- Painted wood

Awnings, Canopies, and Marquees:

- Awnings shall be positioned immediately above windows and have a planar shed that projects from the building.
- Awnings shall be constructed of durable materials such as canvas or steel that will not fade or tear easily. Plasticized, rigid, cubed, or curved awnings or mansard style canopies are prohibited.

Additional Requirements

1. ADA compliant ramps are permitted projections.
2. Additional habitable space is permitted within the roof area of a building when configured as a half story.

(5) Bungalow Court



Improved seclusion for residential occupation along high-traffic street

Lot Size

Minimum Area	13,500 sq. ft.
Maximum Area	16,500 sq. ft.
Minimum Width	90 ft.
Maximum Width	120 ft.

Setbacks

Minimum from Rear Lot Line	15 ft.
Minimum from Side Lot Lines	5 ft. one side / 13 ft. total both
All Street Frontages	Minimum of 0 ft. and a maximum of 5 ft.
Between Buildings within the Bungalow Court	10 ft

Building Placement

All buildings must face an interior communal green space.

Bungalow Court (Continued)
Parking

Front Yard	Not permitted
Side Yard	Permitted; not permitted along secondary frontages
Rear Yard	Permitted

Building Height

Maximum Stories	1.5 stories
Maximum Height	35 ft.
Ground Floor Elevation	At-grade permitted

Roof Pitch

Minimum	4:12
Maximum	12:12

Floor Area

Maximum	672 sq. ft. on any one floor
Minimum	400 sq. ft.

Projections

Eaves and Awnings	Less than or equal to 2 ft. into setback from buildings
-------------------	---

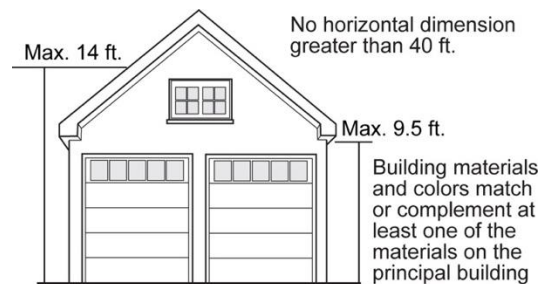
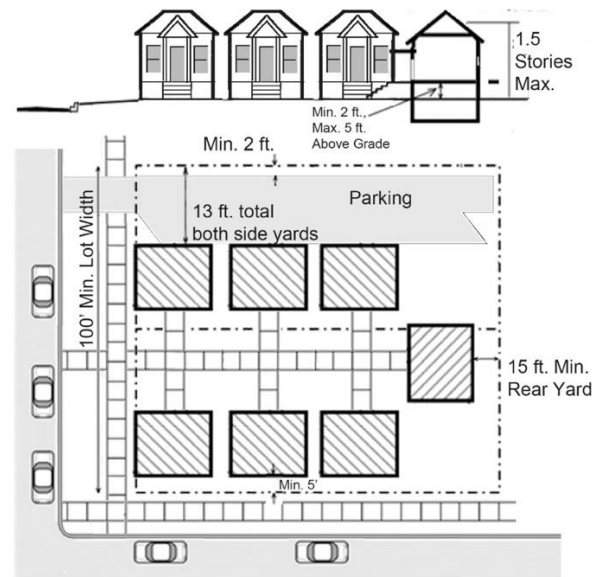
Front Porch or Stoop

Each dwelling shall have a front porch or stoop with steps.

Minimum depth	6 ft.
Minimum area	24 sq. ft.

Façades

Walls	Blank walls facing public street prohibited
-------	---



Bungalow Court (Continued)

Garages

Not permitted on typical lot. Larger lots may be split and assigned to residential and garages separately. Limit one garage per residential unit. The footprint of the garage or stall shall be limited to 250 sq. ft.

Non-garage Accessory Buildings

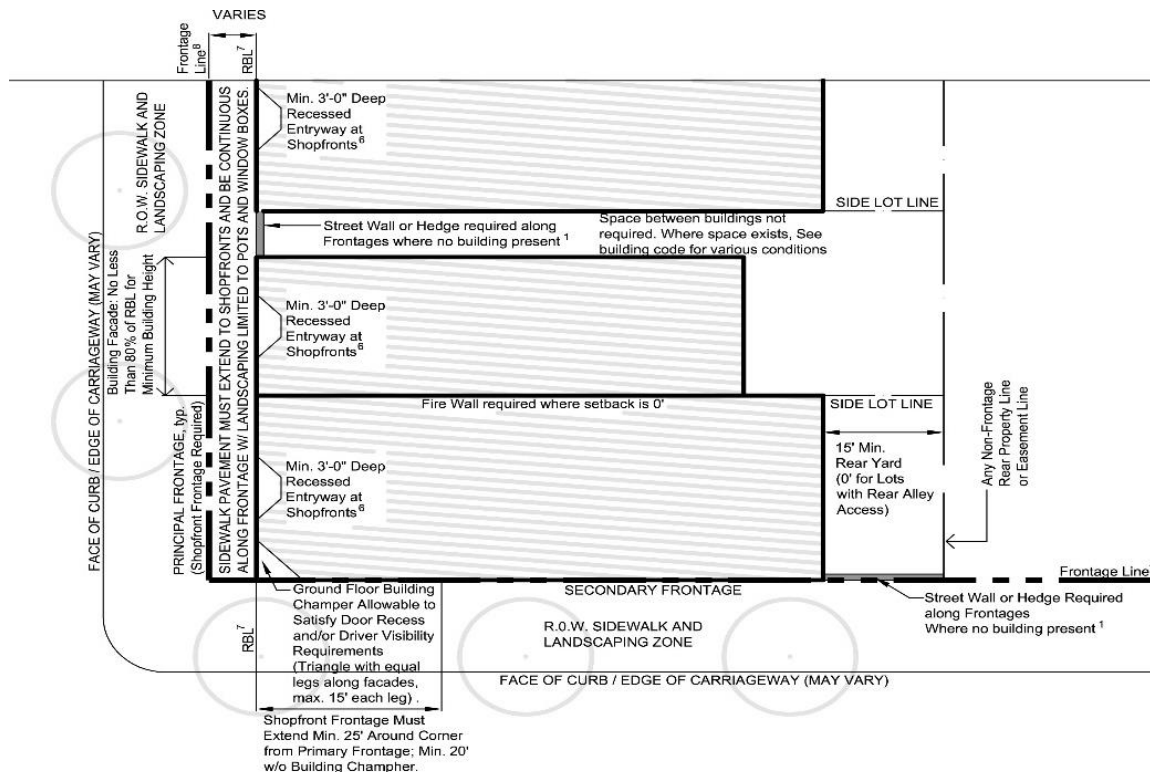
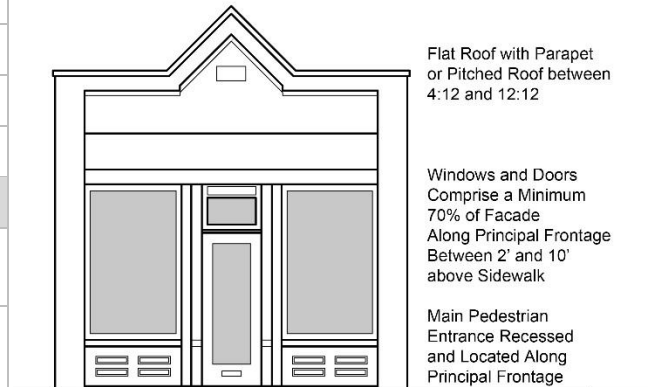
Location	Side or rear yard
Size	Horizontal dimensions no greater than 40 ft.
Maximum Height	14 ft. average grade to roof peak
Maximum Area	144 sq. ft.
Setbacks	3 ft. from side and rear lot lines, 8 ft. from any dwelling, 6 ft. from any other structure
Building	Shall match or complement at least one of the materials on the principal building materials/colors

Additional Requirements

1. ADA compliant ramps are permitted projections.
2. Additional habitable space (above the maximum of 672 sq. ft) is permitted within the roof area of a building when configured as a half story.

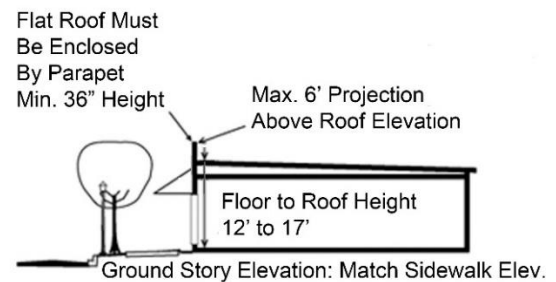
(B) Commercial and Mixed-Use Buildings

(1) One Story Shopfront	
Lot Size	
Minimum Area	No minimum
Minimum Width	No minimum
Maximum Width	75 ft.
Maximum Area	11,250 sq. ft.
Setbacks	
Minimum Rear Yard	15 ft. No rear yard setbacks are required for lots with rear alley.
Minimum Side Yard	0 ft. along secondary frontages or where fire wall is to be employed (where two or more buildings are spaced in proximity with one another, see Michigan Building Code for building separation requirements)
Minimum Front Yard	0 ft.
Maximum Front Yard	10 ft.



One Story Shopfront (Continued)

Building Placement	
Façade	Must meet setback requirements
Street Wall or Hedge ¹	Required along frontages where building façade is not already present
Building Height	
Minimum	1 story
Maximum	1 story
Floor to Floor Distances	
Ground Floor to Roof	Minimum of 12 ft. to maximum of 17 ft.
Roof	
Pitched Roofs ³	Permitted where the eaves are at least 10 ft. from the ground
Minimum	4:12
Maximum	12:12
Flat Roof	Flat roofs shall have a 42 in. (minimum height) parapet. A parapet may exceed the maximum floor to roof height.
Projections and Recesses	
Front entrances must be recessed.	
Recessed Entrance Depth	Minimum 3 ft. Maximum 12 ft.
Recessed Entrance Width	Minimum 4 ft. Maximum 8 ft.
Off-Street Parking	
Front Yard	Not permitted
Side and Rear Yard	Permitted



One Story Shopfront (Continued)

Building Façades

A new building with a façade that is more than 30 ft. wide shall be divided into multiple bays, creating the impression of multiple storefronts with entries / exits no more than 30 ft. apart.

Primary frontages shall consist of storefronts that have windows, doorways, and sign panels that are integrally designed.

Exterior Building Materials

80% of the building façade (after transparency requirements have been met) visible from public streets shall be constructed of the following:

- Brick
- Gypsum reinforced fiber concrete (for upper floors, trim and cornice elements only)
- Metal (beams, lintels, trim elements, and ornamentation only)
- Rock faced block (foundation walls and chimneys)
- Cut stone
- Wood siding; painted

Awnings, Canopies, and Marquees:

- Awnings shall be positioned immediately above windows and have a shed that projects from the building or a straight projection supported with cables.
- Awnings shall be constructed of durable materials such as canvas or steel that will not fade or tear easily. Plasticized, rigid, cubed, or curved awnings and mansard style canopies are prohibited.
- Awnings shall not be internally illuminated, and any signs shall be illuminated by fixtures located above the awning and directed downward.

Window Transparency

Only clear or lightly tinted, non-reflective glass in windows, doors, and display windows are allowed.

Shopfronts shall contain displays that are meant for viewing from the outside or shall be unobstructed for a depth of not less than 5 ft. into the building.

Buildings Facing Public	Minimum 70% transparency (windows or glass doors) on front façade
Ground Floor Window Sills	Greater than or equal to 2 ft. above grade
Window shape	Openings and panes shall be taller than they are wide (or square) or be divided into portions that are taller than they are wide (or square).

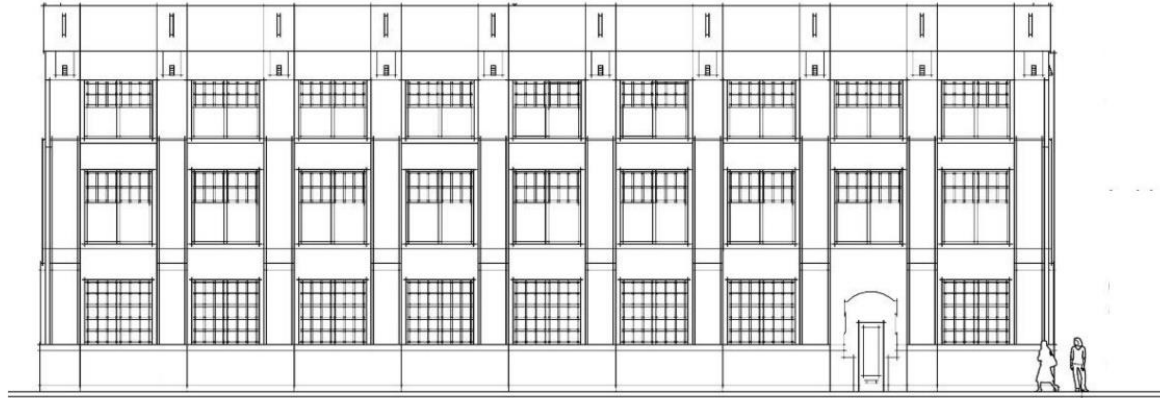
Exterior steel barriers and similar security devices are not permitted. If they are located inside a building, they may not be visible from the outside during business hours.

At least one main building entrance shall face a street.

Additional Requirements

1. Rooftop mechanical equipment shall not be visible from the street level in the immediate vicinity of the building.
2. Pilasters, eaves, canopies, awnings, walkway covers, are permitted projections into the required setback. ADA compliant ramps are also permitted projections.

(2) Commercial



Lot Size

Minimum Area	No minimum
Minimum Width	No minimum
Maximum Area	None
Maximum Width	None

Setbacks

Minimum Rear Yard	15 ft.
Side Yard	No minimum where fire wall is to be employed between buildings. If a side setback is proposed, the separation distance requirements of the Michigan Fire Code must be met.
All Street Frontages	Minimum 0 ft., maximum equal to the average front setback of existing buildings within 200 ft. on the same side of the street, within the same zoning district

Building Height

Minimum	2 stories
Maximum	4 stories

Commercial (Continued)
Floor to Floor Distances

Ground Floor to 2nd Floor	Minimum 10 ft. to maximum 12 ft.
Other Floors	Minimum 9 ft. to maximum 11 ft.

Floor to Roof

Minimum 12 ft. to maximum 17 ft.
 Lobbies and vestibules may be accessible at grade.

Roof

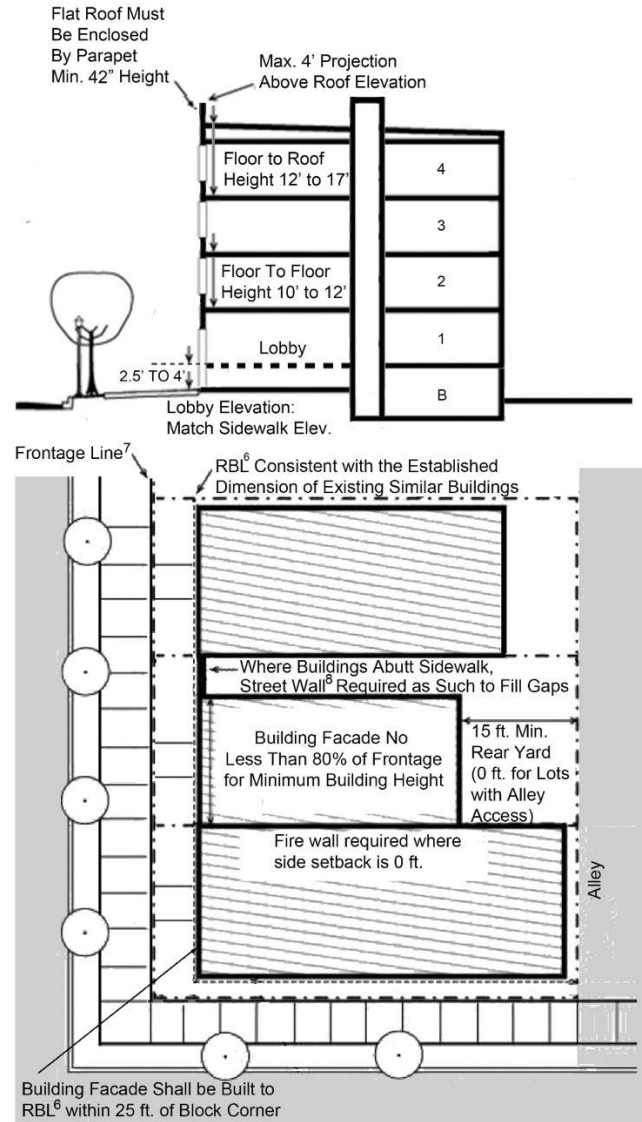
Pitched Roofs	Permitted where the eaves are at least 20 ft. from the ground
Minimum	4:12
Maximum	12:12
Flat Roof	Flat roofs shall have a 42 in. (minimum height) parapet. A parapet may exceed the maximum floor to roof height.

Projection and Recesses⁵

Features that are at least 8 ft. above sidewalk may project up to 6 ft. into a required setback or over a public sidewalk.

Off-Street Parking

Front Yard	Permitted
Side and Rear Yard	Permitted



Commercial (Continued)

Exterior Building Materials

Simple arrangements of durable building materials and solid craftsmanship are required.

Minimum 80% of the building façade (after transparency requirements have been fulfilled) visible from public streets shall be constructed of any of the following:

- Brick
- Gypsum reinforced fiber concrete (for upper floors, trim and cornice elements only)
- Metal (beams, lintels, trim elements, and ornamentation only)
- Rock faced block (foundation walls and chimneys)
- Cut stone
- Painted wood

Awnings, Canopies, and Marquees:

- Optional awnings shall be positioned immediately above windows and have a shed that projects from the building or a straight projection supported with cables. Only full-arch windows may have spherically shaped awnings.
- Optional awnings shall be constructed of durable materials such as canvas or steel and be maintained to remedy fading or tearing. Plastic cubed or curved awnings or mansard style canopies are prohibited. Only full-arch windows may have spherically shaped awnings.
- Awnings shall not be internally illuminated, and any signs shall be illuminated by fixtures external to the building, located above, and directed downward.

Window and Door Openings

Only clear or lightly tinted, non-reflective glass in windows, doors, and display windows are allowed.

Minimum 70% transparency (windows or glass doors) on front, first-floor façade.

Grounds Floor Window Sills

Only clear or lightly tinted, non-reflective glass in windows, doors, and display windows are allowed.

Exterior steel barriers and similar security devices are not permitted. If they are located inside a building, they may not be visible from the outside during business hours.

At least one main building entrance shall face a street.

Entrances

At least one main building entrance shall face the front lot line.

Additional Requirements

1. Rooftop mechanical equipment shall not be visible from the street level in the immediate vicinity of the building.
2. Pilasters, eaves, canopies, awnings, and walkway covers are permitted projections into the required setback. ADA compliant ramps are also permitted projections.

(3) Mixed Use
Lot Size

Minimum Area No minimum

Minimum Width No minimum

Setbacks

Minimum Rear Yard 15 ft.

Side Yard No minimum where fire wall is to be employed between buildings. If a side setback is proposed, the separation distance requirements of the Michigan Fire Code must be met.

All Street Frontages Minimum 0 ft., maximum equal to the average front setback of existing buildings on the same side of the street, in the same zoning district

Building Height

Minimum 2 stories

Maximum 4 stories

Floor to Floor Distances

Ground Floor to 2nd Floor Minimum 12 ft. and maximum 16 ft.

Other Floors 9 ft. to 11 ft.

Floor to Ceiling (at top floor) Minimum 8 ft. and maximum 14 ft.
Lobbies and vestibules may be accessible at grade.

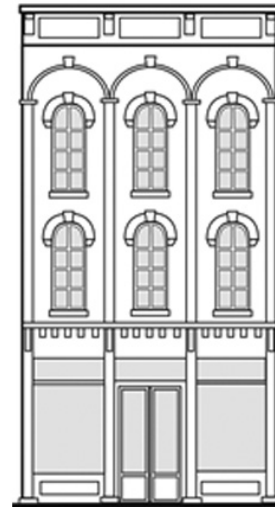
Roof

Pitched Roofs Permitted where the eaves are at least 20 ft. from the ground

Minimum 4:12

Maximum 12:12

Flat Roof Flat roofs shall have a 42 in. (minimum height) parapet. A parapet may exceed the maximum floor to roof height.



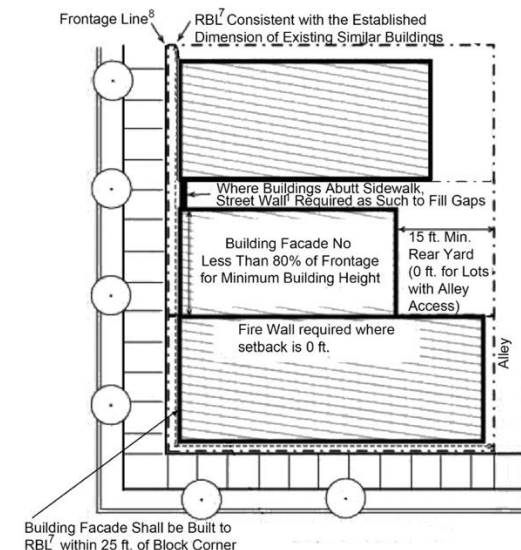
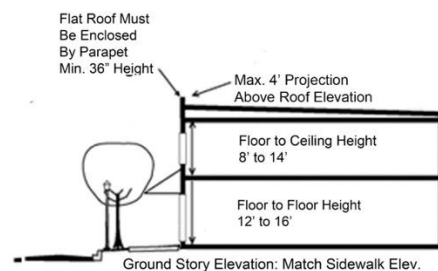
Flat roof with parapet or pitched roof between 4:12 and 12:12

Window openings and lights shall be taller than they are wide (or square)

Upper-story window masonry openings comprise between 25% and 40% of facade

Windows and doors comprise a minimum 70% of the first story facing a Principal Frontage

Main pedestrian entrance recessed and located along the Principal Frontage



Mixed Use (Continued)

Residential Unit Floor Area Minimums

Efficiency	400 sq. ft.
One-Bedroom Unit	500 sq. ft.
Two-Bedrooms Unit	700 sq. ft.
Three Bedrooms	900 sq. ft.
Four or More Bedrooms	1,000 sq. ft.

Projections and Recesses

Front entrances must be recessed.

Recessed Entrance Depth	Minimum 3 ft. Maximum 12 ft.
Recessed Entrance Width	Minimum 4 ft. Maximum 8 ft.

Window Transparency

Only clear or lightly tinted, non-reflective glass in windows, doors, and display windows are allowed.
Minimum 70% transparency (windows or glass doors) on front, first-floor façade.

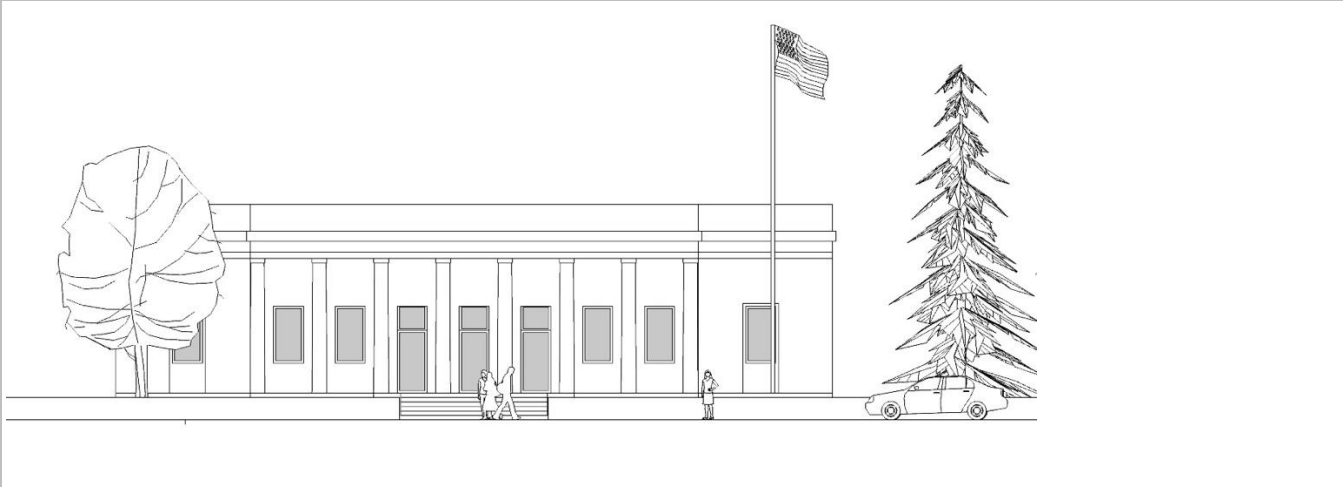
Ground Floor Window Sills	Greater than or equal to 2 ft. above grade
Window Shape	Openings and panes shall be taller than they are wide (or square) or be divided into portions that are taller than they are wide (or square).

Exterior steel barriers and similar security devices are not permitted. If they are located inside a building, they may not be visible from the outside during business hours.
At least one main building entrance shall face a street.

Additional Requirements

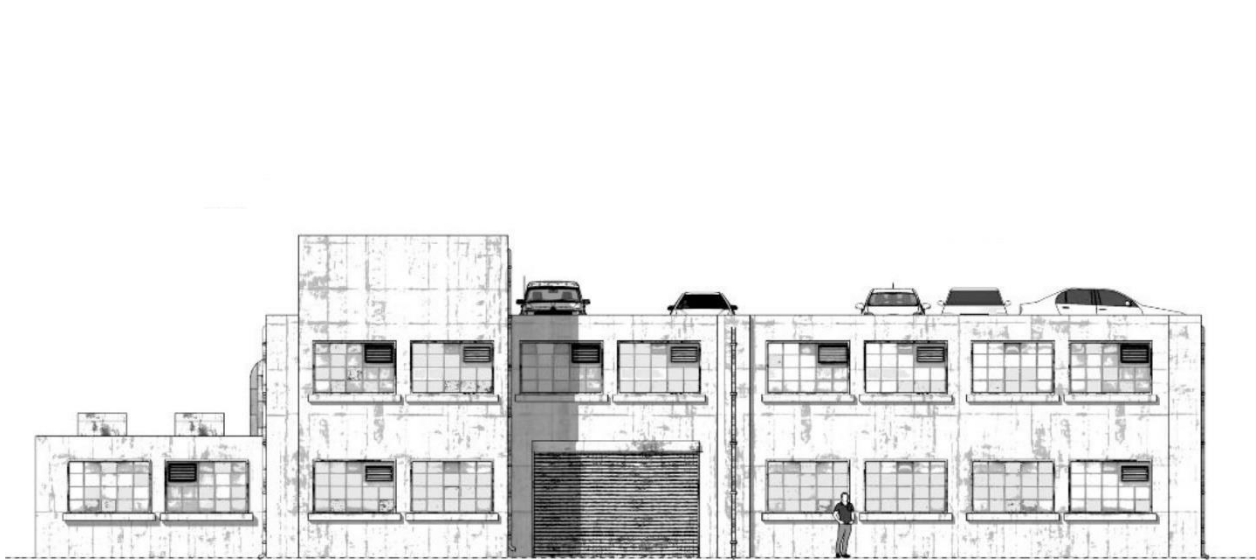
1. Rooftop mechanical equipment shall not be visible from the street level in the immediate vicinity of the building.
2. Pilasters, eaves, canopies, awnings, and walkway covers are permitted projections into the required setback. ADA compliant ramps are also permitted projections.

(C) Civic Buildings.



Front Setback	
Minimum Rear Yard	15 ft.
Side Yard	No minimum where fire wall is to be employed between buildings. If a side setback is proposed, the separation distance requirements of the Michigan Fire Code must be met.
All Street Frontages	Minimum 0 feet, no maximum

(D) Parking Garages



Lot Size

Minimum Area	No minimum
Minimum Width	No minimum
Maximum Area	15,000 sq. ft.
Maximum Width	160 ft.

Parking Garage (Continued)
Setbacks

Minimum Rear Yard	25 ft.; 0 ft. for lots with alley access
Minimum Side Yard	No minimum for lots abutting non-residential land uses or zoning districts. A minimum of 25 ft. for lots abutting residential land uses or zoning districts.
Minimum Street Frontage	0 ft.
Maximum Street Frontage	10 ft.

Building Height

Minimum	No minimum
Maximum	4 stories

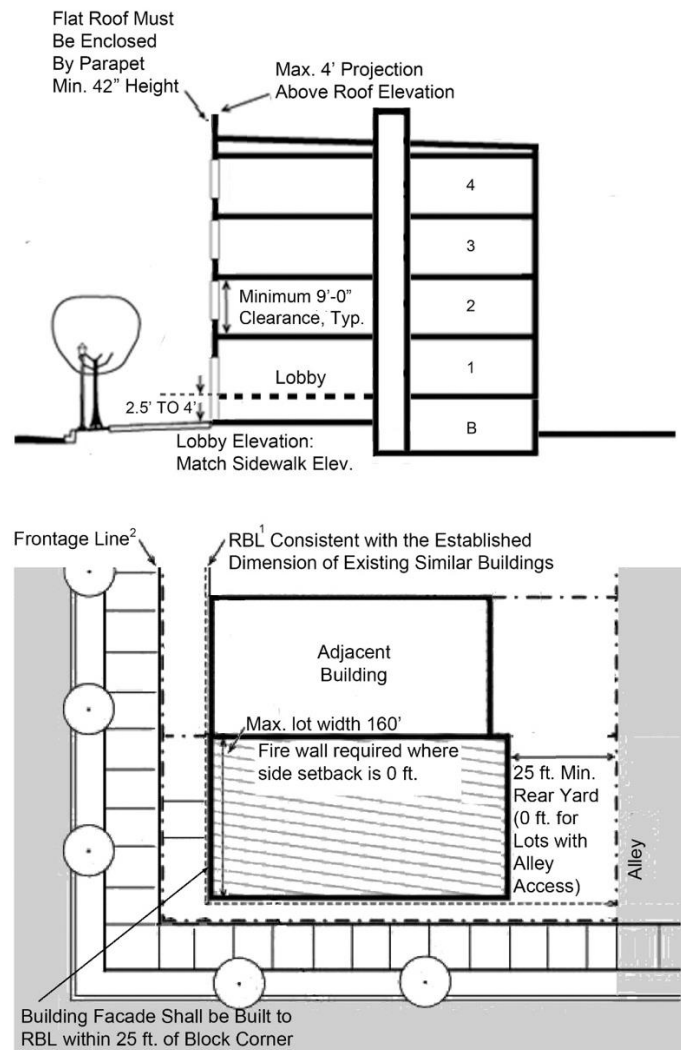
Exterior Building Materials

A minimum of 80% of the building façade (after transparency requirements have been fulfilled) shall be visible from public streets and shall be constructed of any of the following:

- Brick
- Poured concrete
- Rock faced block

Additional Requirements

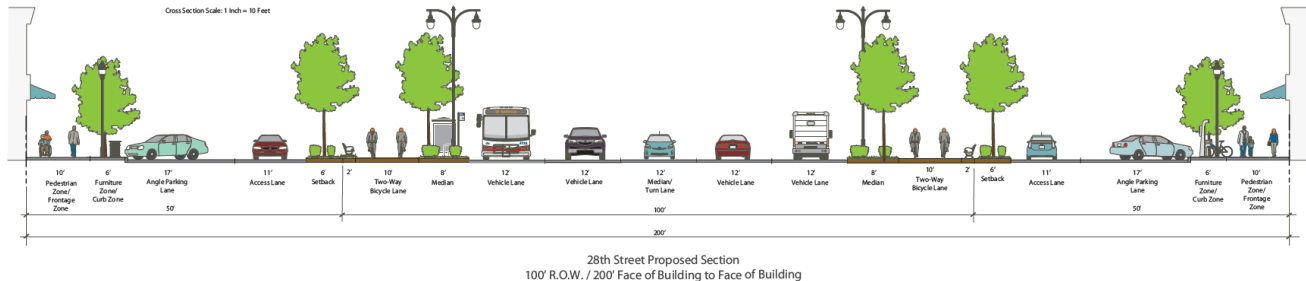
1. Pilasters, eaves, canopies, awnings, and walkway covers are permitted projections into the required setback. ADA compliant ramps are also permitted projections.



Section 10.07 Special Provisions for Individual Districts

The following provisions shall apply to all lots within the districts listed below. Where these requirements conflict with other requirements in this ordinance, the standards in this section shall apply.

- (A) **OW, O, and PB Districts.** No building shall exceed 2.5 stories in height, regardless of building type.
- (B) **CBD District.** No building shall exceed 3 stories in height, regardless of building type.
- (C) **NW District Minimum Front Setback.** No principal building shall have a front setback less than 5 feet, regardless of building type.
- (D) **NW District Church Street Restriction.** Within the NW District, the following shall apply:
 - (1) Within 50 feet of the Church Street right-of-way, the only permitted building types shall be single Family Attached/Townhouse, Residential 1-3 Units, and Residential 4-8 Units.
 - (2) Within 50 feet of the Church Street right-of-way, no building shall exceed 2.5 stories in height.
 - (3) No parking lot or structure shall be visible from Church Street, except for residential driveways serving townhouses or residential buildings with 8 or fewer units.
- (E) **28 District.**
 - (1) **Building Height Range.** No building shall be less than 2 stories in height, regardless of building type. There shall be no maximum height, regardless of building type.
 - (2) **Slip Street Requirement.** No principal building shall have a front setback less than 50 ft., regardless of building type. Within the 50 ft. setback, the following shall be constructed, in order to create a “slip street” or continuous connected parking lot serving adjacent lots:
 - (a) **6-foot-wide landscape area**, containing the street trees required in [Section 10.08\(B\)2](#), and immediately adjacent to the front lot line;
 - (b) **11-foot-wide drive aisle**, adjacent to the landscape area. The drive aisle shall connect to any existing parking lots or slip streets on adjacent lots;
 - (c) **Angle parking**, meeting the dimensional requirements of this ordinance;
 - (d) **16-foot-wide pedestrian area**, featuring amenities for the public, which could include, but are not limited to, trees, shrubs, benches, lights, bike racks, and trash cans. The Planning Commission shall determine whether the proposed amenities are sufficient. A 10-foot-wide clear walking area must be preserved free of amenities; and
 - (e) **Cross-access easements**, allowing the public to cross from one lot to the next using the required slip street, are required between all lots, and must be signed and recorded as a condition of any site plan approval in the 28 District, regardless of whether the adjoining slip street has been constructed or not.



Section 10.08 Accessory Provisions

(A) Parking. See Article 15 for general parking requirements and Article 16 for parking lot landscaping requirements

(1) Location.

- (a) Off-street parking shall be located behind the front wall of the principal building.
- (b) Parking shall not be permitted forward of the required setback.
- (c) These provisions shall not apply to any parking area forward of the required setback that exists at the time of adoption of this ordinance; however, any event that triggers conformance with these requirements as stated in Section 10.12 shall require, at minimum, that a street wall and/or landscaped screening be installed at the right-of-way line or at the required setback.

(2) Number of Off-Street Parking Spaces.

- (a) The number of off-street parking spaces shall meet the standards in the table below, except in the following circumstances:
 - 1. Fewer parking spaces may be approved, provided that a parking analysis, submitted by the applicant, demonstrates that the planned spaces will be sufficient.
 - 2. Additional parking spaces may be approved, based on documented evidence provided by the applicant, demonstrating that more parking will be required to accommodate the use on a typical day.
- (b) On-street parking spaces adjacent to the lot shall be included in calculating the number of required parking spaces. Storefronts split by multiple spaces shall be counted for the building frontage occupying at least 50% of the length of the space in front of the storefronts. Each space may only be counted one time.
- (c) If the owners are in dispute, the City Manager or designee shall make a determination as to which space will be counted toward a specific use, giving due consideration to the use already established.
- (d) Except for residential uses, off-street parking requirements may be met by a public or private shared off-street parking lot located within 300 ft. of the building/structure served.
- (e) Parking requirements shall not apply to the outdoor seating portion of a restaurant, adjacent to the street, and any other uses generally considered accessory to other principal uses.
- (f) Residential uses may utilize public parking spaces provided that a city-sponsored parking or permit program allows this use.

- (g) Except for residential uses, the minimum parking space requirements shall apply only to new structures built after the effective date of this ordinance.
- (h) Parking lots with more than 50 spaces shall provide one bicycle parking space for each 50 automobile parking spaces, with a minimum of six bicycle spaces.

Table 10.08(A) Parking Requirements

Use	Requirement
Residential*	1.5 spaces per dwelling unit, except senior assisted housing, which shall provide 0.5 spaces per dwelling unit
Retail Uses	3 per 1,000 sq. ft. UFA
Office and service uses, exc. personal service	3 per 1,000 sq. ft. UFA
Restaurant, entertainment, and recreation	1 space per 3 persons by occupancy or seating capacity
Hotels	1.1 per room, plus additional spaces for accessory uses provided at 50% of the requirement as listed
Personal service	1 space per 500 sq. ft. UFA
Utility	1 space per use
Higher education institutions	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats (in the maximum capacity, per the fire code) for assembly halls, classrooms, or other similar areas. The Planning Commission may determine that some assembly halls/classrooms will not be used at maximum capacity at the same time (e.g., a sports facility and a classroom) and reduce the parking requirement accordingly.
Places of worship	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats (in the maximum capacity, per the fire code) for worship space, classrooms, or other similar areas, plus spaces required for accessory/related uses. The Planning Commission may determine that some assembly halls/classrooms will not be used at maximum capacity at the same time (e.g., a sports facility and a classroom) and reduce the parking requirement accordingly.
Public, private, or parochial schools	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats (in the maximum capacity, per the fire code) for assembly halls, classrooms, or other similar areas. The Planning Commission may determine that some assembly halls/classrooms will not be used at maximum capacity at the same time (e.g., a sports facility and a classroom) and reduce the parking requirement accordingly.
Civic uses	1 per 400 sq. ft. GFA
Public and private parks, playgrounds, and community centers	10 per each athletic field plus 1 per each 10 sq. ft. of indoor or outdoor play area

**Residential uses shall provide reserved parking spaces or designated parking areas for each dwelling. Parking shall be located within 100 ft. of the dwelling; however, the City Manager or designee may approve a greater distance if pedestrian ways are provided.*

(B) Exterior Areas.

(1) Outdoor Temporary Display Areas.

- (a) Temporary outdoor display areas are permitted, limited to the area within three ft. of the façade of the building to which it is accessory and shall not extend into adjoining sites. If located at the rear or side yard, it shall be contained within the same lot. A minimum five ft. wide walking zone along the sidewalk and leading to the entrance to the establishment shall be maintained so that pedestrian circulation and access to the building is not impaired.

- (b) Alternate locations may be approved where pedestrian circulation or entrances to the building are not impaired.

(2) **Street Trees.**

- (a) One 3 ½ in. caliper street tree shall be provided and located per 30 ft. of street frontage.
- (b) Spacing may be varied by the City Manager or designee for individual site conditions.

(3) **Other.**

- (a) Space for bike racks, civic art, or other similar uses/activities may be permitted, provided a minimum 5 ft. sidewalk clear area is provided.

(C) Landscaping/Screening.

(1) **Parking Lots.**

- (a) Parking lots visible from a public street, sidewalk, or adjacent residential district or use shall be screened by a decorative masonry wall, constructed at the required setback of the lot, that is not less than 3 ft. and no greater than 5 ft. high. However, the wall must provide a break at intervals no greater than 50 ft. to allow pedestrian access.
- (b) Landscaping of the same height (at planting) may be used if it screens the parking area with at least 75% opacity.
- (c) Parking lots exceeding 15 spaces shall be landscaped to break up large expanses of pavement, provide shade, and assist with vehicular and pedestrian flow. At least one landscaped island shall be provided per 15 parking spaces.
- (d) The location and design of parking lot landscaping shall be approved by the City Manager or designee or the Planning Commission, as applicable. The number of plants and island requirements shall meet the requirements of Section 16.05.

(2) **Trash Enclosures and Other Outdoor Equipment.**

- (a) Exterior trash disposal areas and equipment shall be enclosed by brick, decorative concrete, or other material that matches the main building. The enclosure shall be at least 6 ft. high, with 3 sides and a gate on the fourth side. Outdoor mechanical equipment shall be similarly screened, provided that the enclosure needs to be only as tall as necessary to fully screen the equipment. Trash enclosures used in common by multiple users are permitted.
- (b) Group enclosures that span the width of more than one building may be constructed of a uniform material throughout, provided that it is complimentary to the adjoining buildings.

(D) Lighting. See Article 16 for general requirements

- (1) Lighting, if installed, shall be pedestrian-style lighting along all sidewalks, within parking areas, and along other pedestrian ways.
- (2) Pole lighting shall meet the height requirements of Section 16.07.
- (3) In the CBD District, higher fixtures not exceeding 30 ft. may be permitted for pole lighting if the fixture is located at least 200 ft. from any adjacent residential district or use property line.
- (4) Exterior building, wall, and pole light fixtures shall be directed down to reduce light trespass onto adjacent properties and streets. All light fixtures or structures shall be architecturally compatible with the building.

- (5) Outdoor lights shall be shielded to reduce glare and arranged to reflect light away from all adjacent residential districts or uses. Light levels shall not exceed 0.5 foot-candles at a residential property line and 1.0 foot-candles at a non-residential property line. Light levels internal to a site shall not exceed 10 foot-candles.
- (6) Greater intensities may be allowed where additional security to prevent vandalism or to protect pedestrians or drivers may be needed. A lighting plan shall be submitted as part of request for greater lighting. In no case shall illumination exceed 10 foot-candles.

(E) Public Art.

- (1) Public art is encouraged and may be located in appropriate areas without regard to setbacks, etc., provided that clear vision at corners is maintained.
- (2) Sponsorship signs on a decorative town clock or similar community art piece are permitted, provided that the area of such signs does not exceed 15 sq. ft.

Section 10.09 Variances and Deviations

Variances and deviations from the form-based requirements in the preceding tables shall be considered according to the requirements of Table 10.09.

Table 10.09 Variances and Deviations

Variances	Siting requirements	Placement of buildings, parking areas, driveways, or projections resulting in a setback that is less than the above requirements
		All minimum lot requirements (area, width, etc.)
		Percentage of RBL coverage in the CBD District
		Location of accessory structures
	General building requirements	Building height and number of stories
		Minimum floor area per dwelling unit
	Parking	Location
		Minimum number of parking spaces
	Exterior areas	Minimum clear area width
		Location of temporary outdoor display areas
	Landscaping/screening	Dimensions of landscaping/screening (height, number, separation, etc.)
	Other requirements	Height of trash enclosure
Deviations	All others	

Section 10.10 Sign Requirements

- (A)** All new signs and all existing signs that are altered, relocated, replaced, or reconstructed shall be required to obtain a sign permit under Article 17.

- (B) **PB and OW Districts.** Signs in the PB and OW Districts shall conform to the sign requirements in Article 17 for the R-1-A District.
- (C) **28 District.** Signs in the 28 District shall conform to the sign requirements in Article 17 for the C-3 District.
- (D) **CBD, NW, DE, and O Districts.** The signs listed in Table 10.10 shall be permitted in the CBD, NW, DE, and O Districts. Except as modified by this article, all signs shall comply with the requirements of Article 17.

Table 10.10(D) Sign Requirements for the CBD, NW, DE, and O Districts

Type of Sign ¹	Maximum Sign Area	Height	Location	Illumination	Number of Signs
Awning	1 sq. ft. per linear ft. of awning up to a max. of 30 sq. ft.	Cannot exceed height of awning	Must be located on front of a shed awning	External illumination only	Max. 1 per awning
Canopy	10 sq. ft.	Cannot exceed height of canopy	Must be located on canopy	External illumination only	Max. 1 per mixed use, commercial, or apartment building
Directory	9 sq. ft.	Max 6 ft.	Must be located on first storefront façade within 10 ft. of entrance	Not permitted	Max. 1 per mixed use or commercial building
Ground	32 sq. ft.	Max. 6 ft	Must be at least 5 ft. from the street right-of-way, as measured from the edge of the sign	External or internal illumination permitted	Max. 1 per lot
Institutional bulletin board	24 sq. ft.	Max. 6 ft.	Must be setback min. 5 ft. from front lot line	External or internal illumination permitted	Max. 1 per civic/institutional building
Marquee	1 sq. ft. per linear ft. of front building façade, up to max. 100 sq. ft.	Min. 8 ft. above sidewalk and below the second story windows	Must be located on front façade of building above the main entrance	External or internal illumination permitted	Max. 1 per mixed use, commercial, or civic/institutional building where the primary purpose is to accommodate public gatherings including theaters and institutional and community events
Projecting	12 sq. ft.	Min. 8 ft. and max. 14 ft above sidewalk OR below the second story windows, whichever is lower	Must be located on the front façade of building	External illumination only	Max. 1 per mixed use or commercial building, provided not within 18 ft. of another projecting sign. Corner buildings are permitted 1 sign per street frontage.
Rear entry	15 sq. ft.	Max. 8 ft. above ground level or sidewalk	Must be located on rear or side façade not facing street	External or internal illumination permitted	Max. 1 per rear entry for mixed use or commercial building
Sidewalk ³	12 sq. ft.	4 ft.	On sidewalk in front of business, at least 2 ft.	Not permitted	Max. 1 per business

Type of Sign ¹	Maximum Sign Area	Height	Location	Illumination	Number of Signs
			from curb		
Wall signs – ground floor uses ²	The total area of wall signage shall be no greater than 15% the area of the total wall. If multiple businesses are in a single building, the total sign area for all businesses shall not exceed 15% of the entire wall area.	Between the first and second story windows. Maximum height of the sign itself is 3 ft.	Must be mounted to the front façade and cannot extend beyond the wall surface more than 1 ft.	External or internal illumination permitted	Max. 1 per mixed use or commercial building. Corner buildings are permitted 1 sign per street frontage.
Wall signs – upper floor uses ²		Below the cornice of a flat roof building or roof eave of a pitched roof. Maximum height of the sign itself is 3 ft.	Must be mounted to the front façade and cannot extend beyond the wall surface more than 1 ft.	External or internal illumination permitted	Max. 1 per mixed use or commercial building ²
Window	No more than 25% of surface of windows	N/A	Only permitted on first story windows	Not permitted	Max. 1 per window on a mixed use or commercial building

Notes to Table 10.10(D):

- (1) A single building shall be permitted to have only one of the following types of signs: awning sign, canopy sign, marquee sign, or projecting sign.
- (2) Where a single use occupies both the ground and upper floors of a building, only one wall sign shall be permitted on either the ground floor or the upper floor façade.
- (3) A sidewalk sign shall be removed from the sidewalk and taken inside at the close of business each day. At least 35% of the sign area shall be permanently painted or affixed graphics. The remainder may allow for changeable letters (reader board/message board) or handwritten advertisements. The owner of the sign shall provide proof of insurance in the amount determined from time to time by City Council and shall provide proof that the City of Grandville is an additional named insured on the policy.

Section 10.11 Procedures

- (A) Within the form-based districts, special land uses shall be considered according to the requirements and procedures of Article 13 and any specific use requirements in Article 12. Where the requirements of this article conflict with any requirements in Article 12, the requirements of this article shall control.
- (B) **Administrative Approvals.** An administrative approval provides an incentive to applicants who develop projects or sites within form-based districts that fully comply with all of the requirements of this article, without deviations or variances, and do not require site plan review or special land use approval.
- (1) The City Manager or designee shall have the capacity to make an administrative approval. The City Manager or designee shall consult with designated representatives of other city departments, as deemed necessary, before making an approval.
 - (2) Within 30 days of submitting a completed application, unless a longer period is agreed to by the applicant in writing, the City Manager or designee shall administratively approve the plan or shall inform the applicant in writing as to why the administrative approval has not been granted.
 - (3) Permits for building or site development shall not be submitted or applied for until administrative approval has been granted.
 - (4) Decisions by the City Manager or designee may be appealed to the Zoning Board of Appeals.
 - (5) The City Manager or designee can opt to submit a plan for a site plan review even if it is eligible for administrative approval when the scale or effect of the project is deemed significant enough to warrant such review.
- (C) **Variances.** All variances listed in Table 10.09 shall be considered by the Zoning Board of Appeals, in accordance with Article 18.
- (D) **Deviations from Form-Based District Requirements.** A development in a form-based district that does not qualify for administrative approval requires site plan review.
- (1) Site plan review cannot permit a lesser building or site requirement than that contained in this ordinance. A request for a lesser requirement shall be considered a variance and may only be approved by the Zoning Board of Appeals per Article 18.
 - (2) A deviation from requirements not listed as variances shall be reviewed under the requirements of this subsection.
 - (3) The Planning Commission does not have the authority to change part of a site plan that meets the development requirements of the district.
 - (4) In determining if a deviation is warranted, the Planning Commission shall consider the following:
 - (a) Deviations shall be permitted when an applicant demonstrates that the resulting design is superior in terms of compatibility with surrounding structures and better fits the character of the area than when it conforms to form-based requirements.
 - (b) The Planning Commission may also allow deviations when the applicant shows that conformance with the form-based requirements is impractical due to existing building or site layouts or on adjacent sites, where the deviation has no exterior effect, or where the deviation is necessary to meet other laws or regulations.
 - (c) The deviation shall be the least necessary to achieve the results in either subparagraphs (a) or (b) above.

- (d) Cost, convenience, or franchise/corporate designs shall not, by themselves, be reasons for granting a deviation.
- (e) The Planning Commission may grant a lesser deviation than requested.
- (f) When approving a deviation, the Planning Commission may attach conditions necessary to meet the requirements of this section and to uphold the intent of this article.

Section 10.12 Nonconformities in the Form-Based Districts

Existing uses, structures (other than signs), and lots that do not conform to the requirements of the form-based districts shall be subject to the regulations of [Section 3.29](#), except that the following provisions shall apply:

- (A) CBD, DE, 28, and NW Districts.** Any expansion of a nonconforming structure greater than 25 percent of the gross leasable area of the existing building or any expansion or renovation of such structure greater than 50 percent of the assessed value of the structure at the time of the expansion shall require the entire structure to meet the requirements of the form-based district. For any expansion, the more restrictive of these two criteria shall be controlling. For the purposes of this subsection:
- (1) Expansion of a nonconforming structure shall be undertaken only one time per structure without requiring compliance with the code.
 - (2) The assessed value shall be determined at the time of the proposed expansion.
 - (3) An expansion on the front of a nonconforming building does not increase the extent of nonconformity if the expansion is at the same or less distance to the required build-to line as the existing structure is.
 - (4) Façade alterations to existing buildings or expansions that comply with the required build-to line shall also comply with building elements specifications of this article.
 - (5) Repair and maintenance work shall be allowed without regard to subparagraph (1), above; such exempt activities include roof replacement, window replacement and maintenance, mechanical and electrical upgrades, interior fit out (tenant improvement work), parking resurfacing, and other site work, such as stormwater improvements, landscaping, and site amenities. Any such non-complying expansion or site improvements shall nevertheless not occur outside of the required build-to lines of the property.
 - (6) A structure destroyed by any means by more than 50 percent of its value prior to such destruction shall be replaced only by a structure that conforms to the requirements of the form-based district; however, this does not preclude the property owner from seeking variances or deviations as provided by this article.
 - (7) Parking lots, bicycle facilities, loading areas, landscaping, screening, and other site improvements shall be considered structures for the purposes of these provisions.
- (B) PB, OW, and O Districts.**
- (1) Non-residential uses and structures shall be subject to the requirements of [\(A\) above](#).
 - (2) **Residential uses.** Any expansion or renovation of a residential structure greater than 50 percent of the assessed value of the structure at the time of the expansion shall require the entire structure to meet the requirements of the form-based district in question.
 - (3) A structure destroyed by any means by more than 50 percent of its assessed value prior to such destruction shall be replaced only by a structure that conforms to the requirements of the district; however, this does not preclude the property owner from seeking variances or deviations as provided by this article.

- (C) **Nonconforming Signs.** Existing signs that do not conform to the requirements of the form-based districts shall be subject to the regulations of Section 17.16, except that the permission granted by Section 17.16, allowing the restoration of destroyed or damaged signs under 50 percent of the value, shall be permitted only within six months of the damage.
- (D) New uses, structures, and lots that are created after the effective date of the form-based district regulations shall be subject to the requirements of the applicable form-based district.

Article 11.

Planned Unit Development Districts

Section 11.01 Purpose and Intent

Metropolitan growth and rising costs have necessitated land development that is economical, has higher densities, provides urban conveniences, and yet retains many of the attractive features of suburban living. PUDs are regulated so that carefully planned areas for imaginative land uses, variety in the physical makeup of the community, and attractive open spaces can be achieved. PUDs also include preserved and/or enhanced natural features, such as brooks, ponds, woodlots, floodplains, and other elements with significant aesthetic or recreational value.

The following PUD requirements fulfill the objectives of the zoning ordinance through a development review process that applies site planning criteria to guarantee that a project is integrated with the character of the site and the surrounding area. PUDs must achieve the following:

- (A) Provide innovative land uses and variety in the design, layout, and types of structures.
- (B) Accommodate economies and efficiencies in the use of land, natural resources, energy, and the provision of public services and utilities.
- (C) Assure that a combination of uses comply with sound site planning standards that may vary from zoning regulations, such as those that address the placement of land uses, lot area, and building regulations.
- (D) Include usable open spaces and extensive landscaping.
- (E) Provide opportunities to improve public streets or facilities, pathways, and natural storm water systems.
- (F) Accommodate a walkable, mixed-use development that results in more sustainable and healthy neighborhoods.
- (G) Provide a consistently high-quality and coordinated level of site and architectural design and materials.
- (H) Encourage the reuse and improvement of existing sites.
- (I) Encourage the use and improvement of land where site conditions make development under conventional zoning difficult and less desirable.
- (J) Provide enhanced residential, employment, and commercial opportunities that are particularly suited to Grandville's needs.

- (K) Accommodate varied densities and uses that are complementary to and help strengthen sustainable development practices.

Section 11.02 Rezoning to PUD

PUDs shall be reviewed according to the procedures and standards in this article. Upon approval, the property subject to the PUD shall be indicated as such on the city zoning map, including the PUD type as outlined in Section 11.04 below.

Section 11.03 Existing PUDs

PUDs in existence at the time this ordinance was adopted shall continue to be regulated based on the requirements in place when the PUD was originally approved. However, an amendment or an expansion of an existing PUD shall be considered based on the requirements of this article.

Section 11.04 PUD Types

- (A) **Residential PUD (RPUD).** This type of PUD allows a mix of housing types, such as single-family detached, single-family attached, two family, and/or multiple-family. It also permits cluster and zero lot line development.
- (B) **Mixed-Use PUD (MPUD).** This type of PUD allows a mix of residential and non-residential uses either within a project or within one or more buildings. The mix of uses is determined by the uses allowed in the underlying zoning district.
- (C) **Commercial/Industrial PUD (C/IPUD).** This type of PUD allows creative and innovative approaches for commercial and industrial projects. Commercial and industrial uses and a limited amount of multiple family dwellings may be mixed within a development.

Section 11.05 Qualifying Conditions

- (A) **Project Area.** The project area shall include a lot or a combination of contiguous lots that meet the specified minimum requirements. The area requirements cannot be modified except as specified in Section 11.06 below.
- (1) **Residential PUD.** Five acres - may be reduced to two acres when applied to a residential zoning district, provided the PUD contains only single-family detached, attached, cluster, or zero lot line homes.
 - (2) **Mixed Use PUD.** Five acres - may be reduced if a property is located in environmentally sensitive area.
 - (3) **Commercial/Industrial PUD.** Five acres.
- (B) **Ownership and Control.** A PUD application shall be made by the property owner, lessee, or other person with a legal interest in the property and written consent by the owner. A PUD shall be under single ownership or control at the outset of the process.
- (C) **Public Utilities.** A PUD shall be served by public sewer and water and the proposed density and use shall not unreasonably increase the demand for public services, facilities, and utility.
- (D) **Access.** A PUD shall have at least 66 feet of frontage on an existing public street that sufficiently provides site access.

- (E) **Recognizable and Substantial Benefits.** An application for a PUD shall demonstrate recognizable and substantial project benefits for residents, users, visitors, neighbors, and the overall community that would not be possible under the existing zoning classification. Benefits beyond those otherwise required by this ordinance include, but are not limited to:
- (1) Preservation of significant natural features;
 - (2) A complementary mix of uses;
 - (3) Extensive open space and recreational amenities;
 - (4) Open space that links to adjacent greenway corridors;
 - (5) Transitions from adjacent land uses;
 - (6) Preservation of historic buildings or site features;
 - (7) Improvements to public streets or other public facility improvements that mitigate traffic and/or other development impacts;
 - (8) Accommodating pedestrian and transit-oriented development;
 - (9) Coordinated development of multiple small parcels; and
 - (10) Removal or renovation of blighted buildings, sites, or contamination clean-up.
- (F) **Consistency with the Master Plan.** The PUD shall be compatible with the master plan.
- (G) **Districts Eligible.** Property in any conventional zoning district is eligible for rezoning to PUD, subject to the restrictions below. Property in a form-based district shall first be rezoned to a conventional zoning district prior to consideration of a PUD.

Section 11.06 Requirements Applying to All PUD Types

(A) **Dimensional Requirements.**

- (1) **Base Zoning Regulations.** The zoning requirements of the district in which the property is located at the time of PUD application shall remain in effect, except as modified per the approved PUD and any other modifications required or allowed by this article.
- (2) **Regulatory Flexibility.** To encourage flexibility and creativity, the Planning Commission may recommend the City Council grant departures, except as otherwise prohibited, from zoning requirements. Requirements for lot area and width, setbacks, building heights, and parking may be modified provided the results accomplish any of the following: additional open space; enhanced buffers to adjacent land uses; views that are screened along major streets; preserved natural features; pedestrian-oriented development; more efficiently used land; and proposed land uses that are compatible with adjacent ones.
- (3) **Approval of Departures.** In approving the PUD, the Planning Commission shall recommend approval of any departure from any development regulation(s) and state that the departure results in a higher quality of development than would be possible if the zoning requirements of the existing zoning district were applied.

- (B) **Open Space.** A PUD shall include common open space that preserves significant natural features, that is accessible to the residents of the development, and that connects with other open spaces within and adjacent to the development. For a non-residential PUD, open space shall preserve natural features to the extent practicable and shall be located to enhance the character of the property and to benefit the users and employees of the development.

- (1) Table 11.06(B) indicates PUD open space requirements, based on PUD type:

Table 11.06(B)(9): PUD Open Space Regulations

RPUD	15 percent
MPUD	20 percent
C/IPUD	10 percent

- (2) To avoid scattered, isolated, or remnant open spaces and to ensure they are valued and usable, contiguous open space shall be at least twenty thousand (20,000) square feet in area and have a maximum width to depth ratio of 3:1. This requirement may be waived for an open space corridor with a pathway that is located between a row of lots or buildings, that interconnects open spaces, and that is a desirable element of the project.
- (3) **Ineligible Open Space Areas.** Stormwater detention or retention, land under water, street rights-of-way, parking lots, required setbacks, or buffer yards are not considered open space.
- (4) **Protection.** Open space and common areas shall be protected in perpetuity and retained as open space, park land, recreation, conservation land, or other similar uses, by an irrevocable conservation easement or shall otherwise be dedicated to an association of residents or owners. Documents shall be approved by the city, recorded by and all costs paid by the applicant, before a building permit can be issued.
- (C) **Signs.** Signs shall comply with the requirements of [Article 17](#). However, the city may approve or require departures when necessary to ensure safe and efficient traffic circulation or to reduce the number of signs that would otherwise be allowed. A PUD application shall include a plan showing all signs by type, location and setbacks, and the height and area of each sign.
- (D) **Plats and Condominiums.** When a portion of a PUD is developed as a subdivision plat or condominium, the preliminary plat or the preliminary condominium site plan shall be submitted and reviewed concurrently with the final PUD. In such a case, the Planning Commission shall make a recommendation to the City Council in accordance with the city's subdivision regulations or condominium regulations, as applicable. The regular subdivision or condominium approval process shall be followed from that point forward.

Section 11.07 Residential Planned Unit Development (RPUD)

- (A) **Districts Permitted.** Any property located in the R1-A, R1-B, R1-C, R2-A, R3-A, and R3-B Zoning Districts is eligible for rezoning to RPUD.
- (B) **Permitted Uses.** All R1-A, R1-B, R1-C, R2-A, R3-A, and R3-B district uses are allowed in an RPUD. Special land uses may also be allowed, provided all applicable standards as outlined in Articles 12 (if applicable) and Article 13 can be met.
- (C) **Residential Density.**
- (1) The number of dwelling units shall not exceed the density requirements of the zoning district or districts in which the development is located at the time PUD approval is requested, except as provided in this section. To determine achievable underlying zoning district densities, a parallel plan meeting all applicable zoning and subdivision requirements may be required to illustrate how the site could be developed using conventional methods.

(2) **Density Bonus.**

- (a) The Planning Commission may recommend a density bonus, as provided in this section, if extraordinary benefits, smart growth principals, or sustainable land development can be achieved by meeting some or all of the following conditions:
1. The RPUD provides a wide range of housing opportunities and choices through varied housing types and dwelling and lot sizes or accommodates a mix of compatible and complementary residential and non-residential land uses;
 2. The RPUD supports a walkable neighborhood with continuous paths that link all areas of the development and the development to other destinations in the surrounding area and facilitates a variety of transportation choices by providing alternatives to automobile travel;
 3. The RPUD takes advantage of compact design by clustering development, affords walkable scale neighborhoods, and preserves significant open space and natural features;
 4. The project is consistent with the Grandville master plan, furthers the stated goals of the plan, and provides extraordinary benefits to the city; or
 5. The project results in redeveloping a deteriorating area.
- (b) Based on the quality of the development and its conformance with the previously stated conditions and the qualifying conditions in Section 11.05, the Planning Commission may recommend up to a 20 percent density bonus.

(D) **Development Requirements.** The following requirements shall apply to all RPUDs and cannot be modified per Section 11.06(A)(3):

- (1) Buildings and structures shall not occupy more than 35 percent of the total ground area of a site.
- (2) A building, structure, or parking area shall be erected at least 25 feet from an adjoining zoning district boundary. However, a detached single-family dwelling must only meet the side yard requirements of the adjacent zoning district.
- (3) Other yard and building spacing requirements shall be discretionary, based on the procedures for site plan approval set forth in Article 14.
- (4) The minimum floor area requirements of the underlying zoning district shall be met.

Section 11.08 Mixed Use PUD (MPUD)

(A) **Districts Permitted.** Rezoning to MPUD is permitted in all conventional zoning districts except the RMH, I-1, and I-2 Districts.

(B) **Permitted Uses.**

- (1) Land uses shall be evaluated consistent with the standards of Section 11.01. Uses determined not to be compatible with the overall intent of this article and that detract from the design or function of an MPUD shall be prohibited.
- (2) The mixture of uses permitted within a MPUD shall be based on the underlying zoning district, as shown in Table 11.08(B). However, based on the intent of PUDs in Section 11.01 and the qualifying conditions in Section 11.05, certain land uses may be further restricted if determined that their inclusion would not be compatible with the overall intent of this article.

Table 11.08(B) MPUD Allowed Mix of Uses

Underlying Zoning District	Uses Permitted	% of net site area* that may contain uses not permitted in an underlying zoning district
R1-A, R1-B, R1-C, R2-A, R3-A	All residential, office/service and commercial	80% for residential uses, 25% for non-residential uses
R3-B		70% for residential uses, 40% for non-residential uses
OS-1, OS-2, C-1, C-2		50% for all uses
C-3		75% for non-residential uses, 50% for residential uses
C-4, C-5		80% for non-residential uses, 30% for residential uses

* Net site area is the gross site area minus required open space, regulated wetlands, public rights-of-way, and unbuildable areas, due to slope or some other site condition.

(C) Development Requirements.

- (1) Landscaping and related site design feature approval shall be based on the unique characteristics of the site, the surrounding neighborhood, and the MPUD itself. In no case shall landscaping be less than that which is required in Article 16.
- (2) Buildings shall be constructed of brick and/or stone or of a similar and durable decorative material. Approval of architectural character shall be based on the relationship of the building to and the fit with surrounding uses and neighborhood context, the integration of form, texture, and color with architectural elements and features, and the surrounding landscape.
- (3) Front and streetside yards shall be landscaped in a way that is complementary to adjacent land uses. Environmentally sensitive areas, such as woodlands, wetlands, drainage areas, and landscaped boulevards, may be included in yard and buffer calculations. All landscaped areas shall be continuously maintained so that plants, trees, groundcovers, and turf are healthy and disease-free.
- (4) When a MPUD abuts a residential district, the buffer yards, landscaping, berms, and yards along the common property line shall conform to the standards of the underlying zoning district. These standards may be modified when the MPUD is separated from a residential district by a public right-of-way.

Section 11.09 Commercial/Industrial PUD (C/IPUD)

(A) Districts Permitted. Any property located in the OS-1, OS-2, C-1, C-2, C-3, C-4, C-5, I-1, or I-2 Districts is eligible for rezoning to C/IPUD.

(B) Permitted Uses.

- (1) Land uses shall be evaluated consistent with the standards of Section 11.01. Uses determined not to be compatible with the overall intent of this article and that detract from the design or function of a C/IPUD shall be prohibited.
- (2) A C/IPUD shall only contain land uses that are allowed in an underlying district (see Table 11.09(B)(2)). However, based on the standards in Sections 11.01 and 11.05, certain land uses may be further restricted if determined that their inclusion would not be compatible with the overall intent of this article.

Table 11.09(B)(2) C/IPUD Allowed Mix of Uses

Underlying Zoning District	Uses Permitted	% of net site area* that may contain uses not permitted in an underlying zoning district
OS-1	OS-1, R3-A, C-1	50%
OS-2	OS-2, R3-A, C-1	50%
C-1	C-1, OS-1, R3-A	50%
C-2	C-2, OS-1, OS-2, R3-A	50%
C-3	C-3, OS-1, OS-2	50%
C-4	C-4, OS-1, OS-2	50%
C-5	C-5, OS-1, OS-2	50%
I-1	I-1, OS-2, C-1	25%
I-2	I-2, OS-2, C-1	25%
I-3	I-3, OS-2, C-1	25%

**Net site area is the gross site area minus required open space, regulated wetlands, public rights-of-way, and unbuildable areas, due to slope or some other site condition.*

(C) Development Requirements.

- (1) Landscaping and related site design features approval shall be based on the unique characteristics of the site, the surrounding neighborhood, and the C/IPUD itself. In no case shall landscaping be less than that which is required in Article 16.
- (2) Buildings shall be constructed of brick and/or stone or of a similar and durable decorative material. Approval of architectural character shall be based on the relationship of the building to and the fit with surrounding uses and neighborhood context, the integration of form, texture, and color with architectural elements and features, and the surrounding landscape.
- (3) A C/IPUD shall abut a principal or minor arterial street, as shown on the city's master plan, or have direct access via a street adequately serving the project to such a thoroughfare.
- (4) The allowed density for multiple family uses shall be based on the density permitted under the R3-A District, applied to the area proposed for that use, including its related open space.
- (5) Front and streetside yards shall be landscaped in a way that is complementary to adjacent land uses. Environmentally sensitive areas, such as woodlands, wetlands, drainage areas, and landscaped boulevards, may be included in yard and buffer calculations. All landscaped areas shall be continuously maintained so that plants, trees, groundcovers, and turf are healthy and disease-free.
- (6) Outdoor material and/or equipment storage shall not be permitted, except in conjunction with uses in an underlying industrial district where outdoor storage is permitted. In any instance, additional and more extensive screening may be required for outdoor storage within a C/IPUD. In no case shall stored material or equipment exceed the height of a fence, wall, berm, or landscaping used for screening.
- (7) When a C/IPUD abuts a residential district, the buffer yards, landscaping, berms, and yards along the common property line shall conform to the standards of the underlying zoning district. These standards may be modified when the C/IPUD is separated from a residential district by a public right-of-way.

Section 11.10 PUD Rezoning Process

A PUD shall be considered in three steps:

- (A) Pre-application conference
- (B) Preliminary PUD review
- (C) Final PUD review, approval, and rezoning

Section 11.11 Pre-application Conference

An applicant who wishes to apply for a PUD shall first meet with the city planner, city engineer, and City Manager or designee to clarify development regulations, the city master plan, and the application process. At the pre-application conference, the applicant shall submit a preliminary concept plan for the proposed development that contains both maps and written documentation outlining the proposal. The surrounding area shall be sufficiently shown to demonstrate the relationship of the PUD to adjoining uses.

Section 11.12 Preliminary PUD Review

- (A) **Application Requirements.** After the preliminary concept plan has been discussed, a preliminary plan shall be prepared and presented to the Planning Commission for review. At minimum, the preliminary plan shall contain the following:
- (1) A site plan of the entire PUD at a scale of no less than 1":100' that indicates proposed land use area(s) and their relationship to each other, circulation patterns, and existing site conditions.
 - (2) An inset map of the broader neighborhood that shows the PUD and its relationship to existing roads, streets, and zoning districts within and immediately adjacent to the city.
 - (3) A description of existing adjacent land uses and proposed uses and their locations.
 - (4) Existing and proposed topography at two foot contour intervals for the site and nearby areas, at least within 50 feet of property lines. If the land is generally flat, topography must be identified at intervals necessary to identify grade differences.
 - (5) Location of existing and proposed utilities, including storm water management.
 - (6) Residential densities by sub-area or phase.
 - (7) Building and lot layout, including lot areas, lot dimensions, and building setbacks.
 - (8) All open space areas, including calculations to show compliance with requirements.
 - (9) Typical building elevations and floor plans.
 - (10) Location and description of proposed public or private recreation areas and facilities, including parks, club houses, and open space.
 - (11) Description and location of existing floodplains, wetlands, bodies of water, and other areas not suitable for development.
 - (12) Roads, sidewalks, and walkways.
 - (13) Description of development character in terms of building types, exterior materials, target sales or rental prices, and proposed site amenities.

- (14) A legal description of the property and a statement of ownership or option to purchase the property.
 - (15) A timetable that outlines the projected development schedule, including project phasing, if applicable.
 - (16) If departures from the underlying zoning requirements are anticipated, a table that identifies the ordinance provision from which a departure is sought, the reasons why it is necessary, and why such a departure will not negatively affect public health, safety, and welfare shall be provided. Only departures that are consistent with the intent of this ordinance and the master plan shall be approved.
 - (17) The City Manager or designee or the Planning Commission may require additional information to determine if the PUD meets the intent and qualifying conditions of this article.
- (B) The preliminary PUD plan shall be reviewed by all applicable city agencies, who shall forward their comments to the Planning Commission.
- (C) **Planning Commission Action.** The Planning Commission shall consider staff and public comments and review the preliminary plan to determine if it meets the standards of review outlined in Section 11.14 and shall recommend approval, approval with conditions, or denial of the preliminary PUD. In making a recommendation, the Planning Commission may include conditions of approval as follows:
- (1) Conditions shall be designed to protect natural resources and the health, safety, and welfare of those who will utilize the PUD, including residents, adjacent land-owners, and the community as a whole.
 - (2) Conditions shall be related to circumstances that are directly attributed to the proposed PUD and shall be a valid exercise of police power.
 - (3) Conditions shall be related to the intent and purpose of the zoning regulations.
 - (4) Conditions shall ensure compliance with the zoning ordinance and any of its related requirements.
- (D) **Effect of Denial.** A preliminary PUD that is denied shall not be considered for final PUD approval, unless directed by the City Council.

Section 11.13 Final PUD Review, Approval, and Rezoning

- (A) **Application and Site Plan.** Upon approval of the preliminary plan by the Planning Commission, the applicant shall submit a final PUD application and site plan within one year of receiving preliminary plan approval.
- (1) **Extension.** The Planning Commission may grant one extension, for a maximum period of one year, upon finding that the delay in submitting the final PUD was generally due to circumstances beyond the control of the applicant.
 - (2) **Effect of Lapse.** If the final PUD is not submitted as required by this section within one year or any permitted extension, the preliminary PUD shall lapse and any further PUD consideration for the property shall require a new application and review.
 - (3) **Site Plan Requirements.** The final PUD application shall comply with the applicable submittal requirements for site plans contained in Article 14. However, the Planning Commission may require other data, plans, or drawings considered to be necessary for their final consideration of the proposal.
 - (4) The final PUD site plan shall conform to the preliminary PUD as approved by the Planning Commission, including any conditions imposed.
- (B) **PUD Agreement.** The application for final PUD shall also be accompanied by a PUD agreement, in a form acceptable to the city attorney.
- (1) The PUD agreement shall include, at minimum, all of the following:

- (a) The permitted uses within the PUD, including the approved preliminary site plan for the site.
 - (b) The conditions upon which the approval is based, including phasing, on-site improvements, and contributions to improve public facilities.
 - (c) Open space or common areas that are to be conveyed in fee or dedicated to a property owners' association. Before building permits can be issued, documents establishing a homeowners' association or similar entity for the maintenance of open space shall be recorded.
 - (d) A program and financing to maintain common areas and features, such as walkways, signs, lighting and landscaping, that are not otherwise dedicated to the public and accepted by the city. A fund shall be established so that open space can be continually maintained.
 - (e) Architectural standards and requirements for building elevations and building materials.
 - (f) Assurance that existing trees and woodlands will be preserved as shown on the site plan or replaced on a caliper for caliper basis. All new landscaping that is destroyed or damaged or dies during or after construction shall be replaced with the same or a similar species and of an equal size to the original plant(s).
 - (g) Assurance that the construction and maintenance of all streets and utilities (including public water and waste water collection and treatment), recreational facilities, and other improvements shall be completed. Assurances shall include financial guarantees, as required by this ordinance, and the establishment of a condominium or owners' association (if applicable) with appropriate assessments to ensure that ongoing maintenance of all streets, storm drainage improvements, landscaping, and all other common areas is accomplished. If private roads are proposed to serve multiple properties, the association or condominium documents shall include provisions for a sinking or reserve fund, in an acceptable form, to pay for the long-term maintenance and reconstruction of streets.
 - (h) Provisions addressing any other city concerns regarding construction and maintenance of streets and common area improvements.
 - (i) Provisions for liability insurance in an amount to be determined by the city, naming the city as an additional insured.
 - (j) Provisions including specific terms or conditions regarding the expiration or revocation of the PUD special land use.
 - (k) Any other requirements deemed necessary by the city to conform with the requirements of this article and to carry out the conditions of PUD approval.
- (2) The PUD agreement shall be reviewed and approved by the city attorney as to form and content prior to City Council approval of the final PUD rezoning.
- (C) Public Hearing and Planning Commission Action.** The Planning Commission shall hold a public hearing and provide notice of the hearing in accordance with the Zoning Act. Upon due consideration of all public and developer comments and the standards of review in [Section 11.14](#), the Planning Commission shall recommend approval, approval with conditions, or denial of the rezoning to RPUD, MPUD, or C/IPUD. The Planning Commission shall find that the final PUD site plan conforms to the approved preliminary PUD site plan, including all conditions of approval that have been imposed and all other requirements of this article.
- (D)** The Planning Commission may recommend conditions to be imposed on the final PUD, in accordance with Section 11.12(C).
- (E) City Council Action.** The City Council shall consider the recommendation of the Planning Commission and shall approve, approve with conditions, or deny the PUD. The City Council may delete, modify, or add to any conditions recommended by the Planning Commission, in accordance with the requirements of Section 11.12(C).

- (F) Following City Council approval of the final PUD rezoning, any conditions imposed shall be incorporated into the final PUD agreement. The PUD agreement shall be reviewed by the City Manager or designee for compliance with the approved PUD and shall subsequently be recorded with the office of the Kent County Register of Deeds at the expense of the applicant. A recorded copy of the PUD agreement shall be delivered to the city by the applicant before building permits can be issued.
- (G) The Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the city covering the estimated cost of improvements and required actions associated with the PUD be deposited with the city clerk. This performance guarantee shall be deposited before building permits can be issued. Any cash deposits shall be rebated, as work progresses, in reasonable proportion to the percent of work completed. The proportion shall be based upon recommendations by the city engineer. A performance guarantee shall not be required for those improvements where guarantees have already been provided pursuant to the Land Division Act, P.A. 288 of 1967, as amended.

Section 11.14 PUD Standards of Review

- (A) **Review Standards.** When reviewing a PUD rezoning request, the Planning Commission and City Council shall consider the following:
- (1) The preliminary PUD shall conform to the intent and purpose of this article, as outlined in Section 11.01, all qualifying conditions outlined in Section 11.05, and all other requirements of this article.
 - (2) Streets, service roads, or driveways that provide vehicular ingress to and egress from each development site must be properly located and designed so that they appropriately and safely relate to the surrounding network of streets, paths, and sidewalks.
 - (3) Site circulation and parking areas must be designed to ensure:
 - (a) Safety and convenience for vehicular and pedestrian traffic, both within the site and on streets accessing the PUD.
 - (b) Harmonious relationships between the PUD and existing and prospective development on adjacent land, especially when the uses are dissimilar.
 - (c) Access for emergency vehicles.
 - (4) Land uses must be functionally, efficiently, and compatibly arranged on the site and relate well to adjacent uses.
 - (5) Public spaces must be of a size and configuration and be located to maximize access and visibility.
 - (6) There must be available capacity for sewer and water service and other utilities.
 - (7) Potential impacts related to air quality must be addressed.
 - (8) Potential noise impacts related to the PUD and its associated traffic must be addressed.
 - (9) The PUD must relate to and be compatible with the character of surrounding properties and not substantially interfere with the safety, light, air and convenience of surrounding private and public property.
 - (10) Any other matters that are within the jurisdiction of the city or its departments must be considered.
 - (11) The design of a PUD shall be more urban in character and emphasize walkability and pedestrian access. Automobile related facilities, such as parking lots, shall be designed to mitigate their impacts.

Section 11.15 Effect of Approval

Approval of the final PUD site plan shall be effective for a period of eighteen (18) months. Failure to complete substantial construction in that period shall void the PUD approval; however, the Planning Commission may grant a one year extension upon written request by the applicant.

A PUD that becomes void may not be constructed, and any further development of the property shall require a new PUD application to be filed, according to the process outlined in this article, or the property shall be rezoned to an appropriate district.

Section 11.16 Changes to an Approved PUD

- (A) All conditions imposed and recorded in the PUD approval action shall remain unchanged except upon the mutual consent of the City Council and the landowner. The City Council shall maintain a record of any granted changes in the conditions.
- (B) The Planning Commission shall determine if a change is major or minor and it may approve a minor change. As a guide, the standards for minor changes to site plans defined in Section 14.08 shall be used, but other changes not listed that would significantly impact the factors considered when the PUD plan was approved shall also be considered to be a major amendment.
- (C) Amendments that are determined by the Planning Commission to be major shall require the applicant, or the applicant's successors, to return to the Planning Commission and City Council for approval of an amended plan. The procedure outlined for original approval shall be followed when submitting an amended plan.

Section 11.17 Appeals of PUD Decisions

A decision by the city regarding a PUD or a request for a departure from any applicable standard may not be made to the Zoning Board of Appeals; however, the owners of individual properties within a PUD, to the extent not affected by the requirements and conditions of a PUD, may apply for variances to the underlying zoning district standards as they apply to the PUD, in accordance with the requirements of Article 18.

PART III

DEVELOPMENT PROVISIONS

Article 12.

Use Restrictions

Section 12.01 Specific Use Requirements

- (A) **Specific Regulations Apply to All of the Uses Listed in This Article.** These regulations apply in addition to all of the regulations of the zoning district in which the site is located, as well as all other requirements in this ordinance, as applicable.
- (B) A use identified in this ordinance as a special land use shall be established only according to the procedures and standards of Article 13. All standards listed in this article, in addition to the general standards for special land uses listed in Section 13.04, shall be met.

Section 12.02 Adult Foster Care Small Group Homes

The Planning Commission shall determine that the facility will not result in an excessive concentration of adult care facilities within a neighborhood.

Section 12.03 Automobile Fueling Stations and Vehicle Repair

- (A) **Permitted Uses.** The following uses are subject to this section:
- (1) Retail sales of gasoline, oil, and similar products;
 - (2) Vehicle washing as an accessory use, subject to Section 12.29;
 - (3) Vehicle repair, either as an accessory use to an automobile fueling station or as a stand-alone use;
 - (4) Automobile towing, including parking of a wrecker or inoperative vehicles waiting for immediate repair, as an accessory use to an automobile service station or accessory to a vehicle repair facility; and
 - (5) Parking and storage of inoperative vehicles, provided that the parking or storage area shall be within an enclosed building or shall be screened by a fence or landscape material of suitable height, only as an accessory use to a vehicle repair facility.
- (B) **Development Standards.**
- (1) Location, lot area, and frontage:

- (a) **C-3 District.** A facility shall be located on a corner lot that faces at least one principal arterial street and that has a minimum area of 10,000 square feet and minimum frontage of 100 feet.
 - (b) **C-5 District.** The required minimum lot frontage on a principal or minor arterial street, as designated by the Grandville master plan, is 200 feet.
- (2) A buffer strip that is at least 30 feet wide shall be located adjacent to all property lines bordering residential districts and shall be planted with trees and shrubs as required in Article 16.
- (3) **Setbacks:**
 - (a) **C-3 District.** A building or structure shall be located at least 25 feet from adjoining residential properties and be at least 40 feet from a public right-of-way.
 - (b) A gasoline or oil tank, pump, lift, filling, greasing, or other device, appliance, or apparatus shall be located at least 15 feet from a public right-of-way or property line.
 - (c) **C-5 District.** A building and accessory structures, including gasoline pumps, shall be located at least 50 feet from a lot line and 75 feet from a street right-of-way.
- (4) **Driveways.** Driveways, exclusive of curb returns, shall be at least 22, but not more than 30, feet wide and shall be at least 10 feet from any adjoining property. Driveways shall also comply with the surfacing, drainage, and location requirements of Article 15.
- (5) Equipment, including hydraulic hoists, pits, and lubrication, greasing, and automobile washing and repairing equipment shall be located entirely within an enclosed building. Outdoor storage of merchandise, such as tires, lubricants, and other accessory equipment is not permitted.
 - (a) All activities, except those required to be performed at the fuel pump, shall occur inside a building. All vehicles that are being worked on shall be located in a building.
 - (b) Above-ground tanks for the storage of gasoline, liquefied petroleum gas, oil, or other flammable liquids or gas are not permitted.
 - (c) All structures and tanks shall be at least 500 feet from a property used for public assembly, a fire house, or police station.
 - (d) Floor drains shall not connect to the sanitary sewer system.

Section 12.04 Automobile, Boat, Motorcycle, Recreational Vehicle, and Truck Dealerships

- (A) **Intent.** This subsection regulates automobile, boat, recreational vehicle, and truck dealerships and addresses their potential impacts on surrounding properties and the community in general.
- (B) **Development Standards.**
 - (1) The minimum lot size shall be 0.5 acres with a minimum lot width of 200 feet.
 - (2) **Signs.** Signs shall conform to the requirements of Article 17. Temporary signs, exterior banners, flags, pennants, balloons, ribbons, or other attention-getting devices are not permitted.
 - (3) Temporary or portable structures are not permitted.
 - (4) Dealerships shall include a showroom and a service bay(s).
 - (5) **Outdoor display.**

- (a) Vehicles, for sale or otherwise, shall be parked on approved hard surfaces.
- (b) **Motorcycle Dealerships.** Motorcycles may only be displayed outdoors during regular store hours. Up to 10 motorcycles can be displayed outdoors immediately adjacent to the building and not in a required yard.
- (c) All other merchandise available for sale, including, but not limited to, clothing, accessories, collectibles, etc., shall be entirely sold and displayed inside a building.
- (6) All service work, including car washing and general maintenance, shall be entirely conducted inside a building.
- (7) Audible paging systems or outdoor speakers are not permitted.
- (8) The use of spotlights or similar equipment is prohibited.

Section 12.05 Child Care Centers

- (A) At least 50 square feet of indoor play area shall be provided per child under 3 years of age in the proposed capacity of the child care center, and at least 35 square feet of indoor play area shall be provided per child over 3 years of age in the proposed capacity of the child care center. "Indoor play area" does **not** include kitchens, bathroom, utility space/storage, or areas used exclusively for eating or sleeping.
- (B) An outdoor play area shall be provided. The outdoor play area shall be at least 1,200 square feet, or 25 square feet per child in the total capacity of the child care center, whichever is greater.
- (C) An outdoor play area shall not be located in the required front yard nor abut a public right-of-way. It shall be located away from vehicular traffic and enclosed by a minimum three-foot tall ornamental or black vinyl-coated chain link fence. A six-foot tall privacy fence and/or approved landscaping shall be provided where a play area abuts an adjoining single-family residential lot.
- (D) The outdoor play area may be located on an adjacent lot, rather than on the same lot as the indoor portion of the child care center, provided that:
 - (1) The State of Michigan approves the location and design of the outdoor play area.
 - (2) The entrance to the playground is no more than 100 feet from the nearest entrance to the indoor portion of the child care center.
 - (3) The Planning Commission determines that:
 - (a) There is no location on the same lot as the indoor portion of the child care center that would be a safer and allow a better play area design than the proposed off-site playground.
 - (b) The walking route from the indoor portion of the child care center to the outdoor play area can be safely traversed by effectively supervised young children.
- (E) Buildings and parking lots shall be located from property lines at a distance sufficient to meet the buffer yard and landscaping requirements of [Article 16](#).

Section 12.06 Cemeteries

- (A) **Minimum Lot Area.** 10 acres.
- (B) Cemeteries shall be screened from all adjacent properties by landscaping in accordance with Article 16.

Section 12.07 Designed Industrial Parks or Developments

- (A) **Intent.** This subsection accommodates planned industrial parks that complement the existing character and quality of development in Grandville and also implements the purposes stated for the two industrial districts. Further, commercial or service uses shall not exceed 10 percent of the net usable area of the planned industrial development.
- (B) **Development Standards.**
- (1) **Minimum Lot Area.** 15 acres.
 - (2) **Maximum Lot Coverage.** 40 percent.
 - (3) **Buffer Yard.** A minimum 75-foot wide buffer yard, planted with trees and shrubs as described in [Article 16](#), shall be located along property lines that face, abut, or are adjacent to a residential district.

The buffer yard shall also have a berm with a height of least three feet, measured from the highest ground elevation within 25 feet of the buffer, and with side slopes that are sufficient to prevent erosion. The Planning Commission may not require a berm where a break is needed for site access or where it is unnecessary due to topography, adjacent site conditions, or the design of the proposed project.
- (C) **Permitted Uses.** In addition to the uses allowed in the underlying I-1 and I-2 Districts, the following uses are permitted:
- (1) Corporate office buildings;
 - (2) Corporate data processing centers; and
 - (3) Convenience commercial or service establishments, provided that the maximum lot area for convenience commercial or service uses shall not exceed 10 percent of the net usable area of the planned industrial development.

Section 12.08 Drive-Up and Drive-Through Facilities Accessory to a Use, Excluding Those Serving Restaurants

- (A) The drive-up or drive-through facility must be attached to a building.
- (B) The facility shall be screened from an adjacent residential district or use, and lighting shall be limited and fully shielded to prevent glare and light trespass.
- (C) Drive-through and stacking lanes and parking lot access shall be clearly identified and delineated.
- (D) A drive-through shall have an escape lane to allow a vehicle to pass those waiting to be served. The Planning Commission may waive this requirement if the applicant can demonstrate that such a waiver will not adversely impact public safety or inconvenience patrons.
- (E) A drive-through shall be located on the side or rear of the building to minimize visibility from a public or private street.
- (F) Amplified speakers and sound equipment shall be located at least 60 feet from an adjoining residential property. Additional landscaping and fencing shall be installed between such equipment and the adjoining residential property to muffle or minimize associated noise impacts.
- (G) A least five stacking spaces shall be provided per each drive-through lane.
- (H) In addition to the above, a drive-up/drive-through facility in the CBD Central Business Form-Based District shall be subject to the following:

- (1) All facilities shall be behind the front setback line and shall be screened from view from the primary street, to the extent possible, by the building served. Any portion of the facility visible from the primary street shall be screened by landscaping.
- (2) Access to the stacking lanes shall not be from the primary street. All stacking lanes shall be subject to the requirements of subparagraph (1), above.

Section 12.09 Group Child Daycare Homes

- (A) A group child daycare home shall be located at least one thousand five hundred (1,500) feet from another group daycare group home.
- (B) An on-site drive shall be provided for drop-off/loading and allow maneuvering without affecting traffic flow on a public street.
- (C) A fenced, contiguous open space area with at least 1,500 square feet of outdoor play area shall be provided on the same premises as the group daycare home and shall not be located within a required front yard.
- (D) A copy of the state license shall be submitted to the city with the special land use application.

Section 12.10 Higher Education Institutions

- (A) Primary vehicular access shall be from/to an existing or proposed arterial road with at least a 120-foot right-of-way.
- (B) Buildings and parking lots shall be located at least 80 feet from lot lines.
- (C) On-site student housing shall have 3,000 square feet of lot area per unit.
- (D) Landscaping and screening shall meet the requirements of Article 16.

Section 12.11 Home Occupations

A home occupation is permitted as an accessory use in a residential zoning district and includes any use that:

- (A) Is conducted entirely within a principal residential building and is not visible from the street or from a neighboring premise;
- (B) Does not change the physical character of the building in which it is conducted;
- (C) Does not constitute, create, or increase a nuisance to neighboring uses;
- (D) Is conducted on a single floor of the residential building and is operated by its inhabitants, plus not more than one other person;
- (E) Employs only mechanical equipment similar to that which is used for household and hobby purposes and does not affect insurance rates of the premises;
- (F) Does not display a sign that is not permitted in the zoning district in which the occupation is conducted;
- (G) Does not devote more than 50 percent of the floor area of one story of the dwelling to the home occupation;
- (H) Does not increase parking congestion on any street. Business related parking is limited to two vehicles of which only one may be parked on the street;

- (I) Does not keep stock in trade or for-sale commodities on the premises; and
- (J) Conforms to all requirements of the zoning district in which it is located.
- (K) Limited outdoor activities are permitted such as, but not limited to, dog training and walking, fitness training, and self-serve garden and flower stands so long as the use does not change the physical character of the premises on which its conducted, is operated by its inhabitants, plus not more than one other person, and there is compliance with subsections (C,) (E), (F), (H), and (I) above.

(L) Medical Marihuana Regulations.

- (1) **Definitions.** The following words, terms and phrases shall have the following meanings for purposes of this section:

- (a) "Act" means the Michigan Medical Marihuana Act, Public Act 2008, Initiated Law 1, being MCL 333.26421 et seq., as well as any and all amendments thereto, and also any legislation enacted in law to implement that statute.
- (b) "Marihuana" is also known as Marijuana and Cannabis.
- (c) "Medical marijuana dispensary" means any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marijuana is made available to, sold, delivered, transmitted, dispensed, or distributed by or to one or more of the following:
 - 1. A primary caregiver as defined by the Act.
 - 2. A qualifying patient as defined by the Act.
 - 3. Members of the general public.

A medical marijuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marijuana is smoked or consumed where three or more persons are present and smoking or consuming medical marijuana.

A medical marijuana dispensary does not include the lawful dispensation of medical marijuana by a primary caregiver personally dispensing to not more than five qualifying patients (as defined by the Act), so long as the primary caregiver personally delivers the lawful amount of medical marijuana to the qualifying patient in full compliance with not only the City of Grandville Zoning Ordinance, but with all applicable Michigan and federal laws and regulations.

- (d) "Medical use of marijuana" is the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined by the Act.
 - (e) "Primary caregiver" shall be as defined by the Act.
 - (f) "Qualifying patient" shall be as defined by the Act.
- (2) **Possession, Growth, Storage, Dispensing, and Use of Medical Marijuana.**
- (a) Any person holding a valid registry identification card issued by the State of Michigan Department of Health, either as a patient or as a caregiver, and who is allowed to possess, grow, store, dispense, or use medical marijuana in full compliance with the Act, may possess, grow, store, dispense, or use marijuana in compliance with that law in all residential zoning districts (R1-A, R1-B, R1-C, R2-A, R3-A, R3-B, PB, and RMH Districts) as a home occupation. In addition to compliance with the Act, the home occupation shall also be subject to all of the requirements of Sections 12.11.

- (b) This section shall not apply to those not possessing a valid registry identification card issued by the State of Michigan Department of Health, even if they are immune from prosecution under section 8 of the Act.
 - (c) Any residentially zoned property, as defined in subsection a above, in which medical marijuana is possessed, grown, stored, dispensed, or used, pursuant to a valid registry identification card issued by the State of Michigan Department of Health, shall be in full compliance with all building codes, building maintenance codes, plumbing codes, electrical codes, HVC/mechanical codes, and all other applicable codes adopted and/or enforced by the City of Grandville, for the protection of the property, occupants or owners of that property, and surrounding properties. Failure to do so shall constitute a violation of this zoning ordinance and subject all violators to all penalties or provisions of this ordinance, as well as a violation of the applicable codes which are described above.
 - (d) Possession, growth, storage, dispensation, or use of medical marijuana shall not be allowed in any zoning district, except those residential zoning districts described in subsection a above, unless specifically allowed by the Act or other state or federal law which may supersede this ordinance.
 - (e) Nothing in this ordinance shall be construed to allow any use of any property that would otherwise be illegal under federal, state, or local law.
 - (f) No medical marijuana dispensary shall be commenced, conducted, maintained, operated, or utilized anywhere within the city of Grandville or on or from any property, land, building, or structure within and from the city of Grandville. Furthermore, no person shall frequent, patronize, obtain, or purchase any marijuana from or through any medical marijuana dispensary within the city of Grandville.
- (3) **Required Compliance with Federal Law.**
- (a) Nothing in this ordinance is intended to grant, nor shall any provisions of this ordinance be construed as granting, immunity from prosecution for the growing, sale, consumption, use, smoking, distribution, or possession of marijuana which is not in strict compliance with the Act, the ordinance, and all other applicable laws and regulations.
 - (b) Since federal laws are not affected by the Act or this ordinance, nothing in this ordinance is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under federal law. The Act and this ordinance do not protect users, primary caregivers, qualifying patients, or the owners of properties on which medical use of marijuana is occurring from federal prosecution or from having their property seized by federal authorities under the federal Controlled Substances Act, as amended.
- (4) **Severability.** The various parts, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or involved by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 12.12 Hospitals, 24-hour Urgent Care Centers and Rehabilitation Centers

- (A) Site access shall be to a principal or minor arterial street as defined in the Grandville master plan.
- (B) All buildings shall be set back at least 100 feet from a lot line.
- (C) Maximum building height is five stories or 50 feet, whichever is less.

Section 12.13 Hotels and Motels

- (A) **Lot Area.** Minimum lot area is two acres, and the maximum is five acres.
- (B) **Lot Coverage.** Not more than 75% of a site shall be covered by buildings, driveways, parking areas, or pavement. The remaining 25% may include areas allocated for required front, side, and rear yards, existing vegetation, buffer, and landscaped areas, and on-site stormwater retention facilities, if any. Landscaped areas shall be well maintained and kept in an acceptable condition. Lot coverage shall be certified by the owner's architect or engineer at the time of site plan review.
- (C) **Buffer Yards.** In addition to the landscape requirements contained in [Article 16](#), a buffer yard adjacent to a residential district must:
- (1) Include two additional canopy or evergreen trees per 100 feet of buffer yard length. 10 percent of all deciduous buffer yard trees must have at least a three-inch caliper, and 10 percent of all evergreen trees must be at least eight feet tall when installed;
 - (2) Include five additional shrubs per 100 feet of buffer yard length;
 - (3) Include an undulating berm with an average height of three feet, but no part taller than 3 1/2 feet; and
 - (4) Parking shall not be allowed between the building and the buffer yard.
- (D) **Building Area.** Shall not exceed 100,000 square feet gross building area, and an accessory building used for related uses shall not exceed 10,000 square feet gross building area.
- (E) **Exterior Building Materials.** 50 percent of all exterior building elevations (exclusive of glass, door, and roof gable areas) shall be constructed of brick, stone veneer, or a material of similar quality, appearance, and durability.
- (F) **Signage.** Signs shall conform to [Article 17](#), and:
- (1) A master plan for all advertising and directional signs indicating placement, size, and design shall be submitted as part of the special land use review and approval process.
 - (2) Wall signs shall not face a residentially zoned district.
- (G) **Exterior Lighting.** All lighting shall conform to [Section 16.07](#).
- (H) **Separation Restrictions.** Must be located not less than 500 feet from an elementary school as measured from property line to property line.

Section 12.14 Indoor Recreation/Health and Fitness Centers

- (A) **Intent.** This subsection regulates commercial recreation establishments that generally charge a fee for admission or participation and are located in an enclosed building. The regulations address the potential impacts of commercial recreational facilities and ensure the facilities are compatible with adjacent land uses.
- (B) **Development Standards.**
- (1) Minimum lot area is two acres.
 - (2) A structure shall not be located closer than 100 feet to an adjoining residential district.
- (C) Existing trees and significant vegetation shall be preserved where possible.

Section 12.15 Mineral Extraction

- (A) **Where Permitted.** In all districts except the I-2 District, the removal of natural resources is permitted only as a temporary transitional use that prepares the land for a principal use permitted in the respective zoning district. However, in the I-2 District, mineral extraction that removes or processes natural resources such as sand, gravel, soil, rock, or minerals is allowed as a special land use.
- (B) **Temporary Transitional Use.**
- (1) When natural resources are to be removed as a temporary transitional use, a removal permit, issued by the City Manager or designee, is required.
 - (2) If the temporary transitional use involves less than 600 cubic yards of material to be removed or filled, or if unsuitable soil materials are to be removed and replaced with the same or lesser amount of suitable materials, the removal permit may be issued by the City Manager or designee for a period of one year.
- (C) **Special Land Use.** If more than 600 cubic yards of material are to be removed, the application shall be referred to the Planning Commission. If the Planning Commission finds that there is or will be compliance with all the conditions specified in subsection E below, it may issue a removal permit for a period of one year. The removal permit may be renewed annually by the Planning Commission upon review of all plans, progress, conditions, and sureties. Removal operations shall not begin until the removal permit is issued.
- (D) **Application.** An application for a mineral extraction permit shall be accompanied by the following:
- (1) A topographic map with two-foot contour intervals including the locations of all streets, buildings, and existing drainage facilities within 200 feet of the property.
 - (2) A topographic map with two-foot contour intervals showing final elevations, including the proposed locations of access drives, parking areas, and loading equipment.
 - (3) An estimated schedule for removal and an agreement conforming to all provisions of this section.
 - (4) A traffic control plan showing proposed truck routes to and from the site.
 - (5) A written description of proposed post removal use of the property.
 - (6) A fee, determined by resolution of the City Council, to defray review, administration, and inspection costs.
 - (7) If site plan review is required, the application required by this section may be incorporated into a site plan application.
- (E) **Conditions.** A removal permit shall not be issued unless activities comply with all the following conditions and a removal permit may be revoked if it violates any part of this subsection:
- (1) Activities shall comply with applicable soil erosion and sedimentation control regulations.
 - (2) Final grades shall not exceed five percent and shall meet existing elevations at all property lines. Grades in excess of five percent may be permitted if the applicant demonstrates that an increase is essential to implement a plan for future use.
 - (3) Soil removal shall not create permanent depressions that may fill with water. All storm runoff must discharge into existing drainage systems.
 - (4) Since artificial lakes and water bodies can present threats of ground water pollution and stagnant water, thereby adversely affecting the public health, safety, and welfare, they shall not be created as part of removal operations unless the applicant demonstrates:
 - (a) Engineering and geological studies find there will be a positive source of unpolluted underground or stream-fed water in adequate amounts to produce positive water flow at all times;

- (b) Plans for the proposed artificial lake or water body have received all State of Michigan approvals and conform to all federal, state, county, and municipal standards;
 - (c) A site plan of the proposed future development has been approved by the Planning Commission as required by Article 16 of this ordinance; and
 - (d) In an artificial lake or water body, a channel or lagoon shall not project beyond the main body of water greater than two times the width of the lagoon or channel unless the applicant can demonstrate adequate water circulation and all State of Michigan approvals have been received.
- (5) Other conditions may also be imposed, to protect the public health, safety, and welfare.
 - (6) The city may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond to guarantee compliance with the zoning ordinance and any conditions of approval.

Section 12.16 Nursing Homes or Group Foster Care Facilities

- (A) Buildings shall be located at least 75 feet from a lot line.
- (B) The site shall gain access from/to a principal or minor arterial street, as defined in the Grandville master plan.
- (C) At least 1,500 square feet of open space shall be provided for every bed, whether used or intended. Open space shall be landscaped, in addition to the requirements of [Article 16](#), and may not contain parking areas, driveways, or accessory uses or areas.

Section 12.17 Office and Studio Uses in Residential Structures

- (A) **Intent.** This section regulates uses and limited activities that are beyond the normal realm of accessory home occupations associated with one-family or two-family dwellings.

It further provides incentives for owners to continue to occupy and maintain structures of local historic and architectural significance, and those dwellings that due to age, energy, or maintenance costs may border on obsolescence. Existing neighborhoods are protected by the standards that prohibit potential nuisances or detrimental change in the character of a specific parcel and its surroundings.

- (B) **Permitted Uses.** The following uses are permitted:

- (1) Professional offices, but not medical, dental, counseling, or therapeutic professionals
- (2) Photographic and artistic studios
- (3) Telemarketing, mail order, or catalogue sales
- (4) Showroom for contractor or residential building material/remodeling suppliers
- (5) Telecommuting centers

- (C) **Development Standards.**

- (1) Office and studio uses shall only be permitted in an existing residential dwelling on a lot that has been designated by the Grandville master plan for non-residential uses or in an existing residential dwelling located on a minor arterial street and that abuts or is across the street from a C-5 Commercial Freeway Interchange District.
- (2) The use shall be conducted entirely within a principal residential building and not be visible from the street or from neighboring premises.

- (3) The use shall not change the physical character of the building in which it is conducted.
- (4) The use shall not constitute, create, or increase a nuisance to a neighboring use.
- (5) No more than four employees shall work in the building.
- (6) Only mechanical equipment similar in power and type to that used for household and hobby purposes and which do not affect insurance rates of the premises is permitted.
- (7) Signs are permitted per the requirements of the zoning district where the use is conducted.
- (8) The use shall not cause an increase in parking congestion on any street. Yards, landscaping, and residential appearance shall not be altered to provide off-street parking.
- (9) Stock in trade or sale of commodities shall not be kept on the premises.
- (10) Business hours shall be between 8:00 a.m. and 8:00 p.m.
- (11) All applicable building codes shall be complied with.

Section 12.18 Places of Worship

- (A) **Minimum Lot Area.** Three acres.
- (B) A site shall be adjacent to and have direct access to a principal or minor arterial street, as designated in the Grandville master plan.
- (C) The required front yard shall remain open, unoccupied, and unobstructed except for landscaping, access drives, sidewalks, and signs that conform to Article 17. Parking lots are not allowed in the required front, side, or rear yards.
- (D) A building may exceed 25 feet in height provided the front, side, and rear yard building setbacks are increased by one foot for every one foot the building exceeds 25 feet. The maximum building height shall be 45 feet, not including steeples, spires, or other similar architectural elements common to the use.
- (E) Building and parking lot setbacks shall be sufficient to meet the landscaping requirements in Article 16.
- (F) Child care centers are permitted as an accessory use, provided the requirements of Section 12.05 are met.
- (G) Places of worship with a gross floor area greater than 50,000 square feet shall directly abut an arterial road, as designated on the Grandville master plan, with at least a 120-foot right-of-way. Except for secondary emergency vehicle drives, site access shall not be from a residential or local street.

Section 12.19 Public and Private Parks, Playgrounds, and Community Centers

- (A) If the use serves or intends to serve persons from outside the immediate neighborhood, the property shall abut an arterial road, as defined in the Grandville master plan, at least on one side.
- (B) Principal buildings and any parking areas shall be located at least 80 feet from lot lines. The area within the setback shall comply with the landscaping requirements of [Article 16](#).
- (C) The number of required off-street parking spaces shall accommodate no less than one-half of the member families and/or individual members. The Planning Commission may reduce parking requirements if members are predominately from the immediate area and are likely to walk.

Section 12.20 Restaurants, Casual, with Drive-In or Drive-Through Facilities

- (A) A site shall have direct access to a principal or minor arterial street as defined in the Grandville master plan. However, a facility located in the CBD Central Business Form-Based district shall not be accessed from Chicago Drive.
- (B) In the CBD District, a drive-through window shall be located only at the rear of a building; in all other districts, the facility shall be located at the rear of the building or along a side wall. The side of a building adjacent to a drive-through lane shall be located at least 20 feet from a lot line.
- (C) Drive-through and stacking lanes and parking lots shall be clearly delineated and their configuration shall not impede on-site traffic flow.
- (D) An escape lane is required for a drive-through, allowing vehicles to pass those waiting to be served.
- (E) A drive-through lane with amplified speakers or sound equipment shall be at least 60 feet from an adjoining residential property. Additional landscaping and a fence shall be required between the lane and the adjoining property to reduce potential noise impacts.
- (F) A drive-through lane shall accommodate at least 10 waiting spaces.
- (G) Drive-through lanes in the CBD Central Business Form-Based District shall be located, to the extent possible, to be screened from view of the primary street by the building or by landscaping.

Section 12.21 Restaurants, Casual (C-5 District)

- (A) **Application.** These standards apply to casual restaurants in the C-5, Commercial Freeway Interchange District.
- (B) **Development Standards.**
 - (1) **Minimum Lot Size.** 1.5 acres.
 - (2) A maximum of 75 percent of a site shall be covered by buildings, driveways, parking areas, and pavement.
 - (3) Minimum distance from a single-family residential district shall be 600 feet.
 - (4) A lot used for such purposes shall be located within 1,000 feet of a street/I-196 off-ramp intersection.
 - (5) **Minimum Lot Area.** Three acres.
 - (6) The dining area of the restaurant shall have at least 75 seats.
 - (7) The majority of a building exterior shall be constructed of natural materials including brick, stone, glass, or wood. Ample windows shall be provided to avoid blank walls.
 - (8) Ground-mounted HVAC equipment shall be screened by a sufficiently tall solid fence or wall. Roof mounted units shall also be screened so that they are not visible from the ground.
 - (9) Only ground and wall signs are permitted and must comply with the C-5 sign requirements.
 - (10) Drive-in or drive-through facilities shall be reviewed as a special land use, per Article 13 and the specific requirements of Section 12.20.
 - (11) In addition to the landscaping requirements of [Article 16](#), two trees and three shrubs for every ten parking spaces shall be required in parking lots.

Section 12.22 Retail Establishments in Buildings Greater than 25,000 Square Feet (C-1 District)

- (A) **Intent.** This section regulates retail buildings that are between 25,000 square feet and 60,000 square feet (gross building area) in size in the C-1 Commercial Neighborhood Business District. It also addresses the potential impacts large commercial buildings can have on the character of the surrounding neighborhood and adjacent land uses.
- (B) **Application.** These standards apply to retail uses located in the C-1 District that are conducted in a building that exceeds 25,000 square feet but is no greater than 60,000 square feet in area.
- (1) The site shall have at least 200 feet of frontage on a principal arterial street, as designated by the Grandville master plan.
 - (2) A structure shall not be located closer than 50 feet to a property line.
 - (3) Where possible, existing on-site trees and other significant vegetation shall be preserved.
 - (4) The applicant shall submit a façade study that contains all building elevations and information on exterior materials, colors, and architectural details. Sketches, drawings, or other information that detail the treatment of truck wells, service areas and delivery points, HVAC equipment, dumpsters and the type, style, and location of exterior lights shall be included.
 - (5) A master plan that indicates the placement, size, and design of all signs shall be submitted.
 - (6) Landscaping shall comply with Article 16, except that, if a property is located along Rivertown Parkway and/or Century Center Drive, the buffer yard shall be 50 feet from Rivertown Parkway and/or 10 feet from Century Center Drive.
 - (7) Parking lots shall contain irrigated landscape islands.
 - (8) Driveways along a public street shall be spaced at least 250 feet apart.
 - (9) Full sharp cut-off and shielded lights shall be used to reduce illumination of adjacent properties and glare.
 - (10) Off-street loading areas shall not interfere with or impede traffic flow.

Section 12.23 Senior Housing

- (A) A senior assisted living development shall meet the following:
- (1) A site shall have direct access to a principal or minor arterial street, as defined in the Grandville master plan.
 - (2) At least 1,500 square feet of open space shall be provided for each bed. Open space shall be landscaped and may contain off-street parking, service drives, loading spaces, required yard areas, and accessory uses.
- (B) A senior independent living facility shall meet the following:
- (1) **Minimum Lot Size.** Five acres.
 - (2) Permitted land uses:
 - (a) One-story detached cottage and/or attached apartment style dwellings.

- (b) Common service areas containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
- (3) **Dwelling Unit Size.** Minimum 350 square feet per unit (not including kitchen and sanitary facilities).
- (4) Site coverage of all buildings shall not exceed 25% of the total lot, excluding dedicated public rights-of-way.

Section 12.24 Sexually Oriented Businesses

Sexually oriented businesses are regulated by Chapter 12, Articles II and III of the City of Grandville Code of Ordinances. In addition, the following shall apply:

- (A) Sexually oriented businesses shall not be located or operated within 500 feet of any of the following:
 - (1) Place of worship;
 - (2) Public or private elementary or secondary school;
 - (3) Public park;
 - (4) Child care center;
 - (5) Entertainment business that is oriented primarily toward children or family entertainment;
 - (6) Boundary of any residential district or any residential use not located within a residential district; or
 - (7) Any other sexually oriented business.
- (B) A sexually oriented business lawfully operating shall not become a non-conforming use by the subsequent location of a use listed in subsection (A), above.
- (C) Signs shall comply with the requirements of Article 17 and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated or flashing illumination.

Section 12.25 Single Family Dwellings (Outside of Manufactured Home Parks)

Dwellings located outside of manufactured home parks shall comply with the following:

- (A) Dwelling units shall have a minimum floor to ceiling height of 7.5 feet.
- (B) For a one-family dwelling unit, a minimum dimension of 20 feet, measured between the two longest exterior walls, shall be maintained along 67% of the length of the longer wall.
- (C) Dwellings shall have a concrete or block foundation around the entire exterior perimeter. The foundation shall be at least 42 inches below grade and have a maximum 16-inch and a minimum-8 inch exposed foundation wall above grade.
- (D) Dwellings without basements shall have a crawl space that is at least four feet high with a vapor barrier consisting of a two inch concrete floor below the entire dwelling; adequate drainage shall avoid any water accumulation in the crawl space. The City Manager or designee may allow an alternative building plan if it is consistent with approved construction in the city.
- (E) All dwellings shall be firmly attached to a foundation so as to be watertight as required by the construction code adopted by the city. A manufactured home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development regulations entitled "Manufactured Home Construction and Safety Standards."

- (F) Any chassis, wheels, pulling mechanism, or tongue, if present, shall be removed prior to placement on a foundation.
- (G) All dwellings shall be connected to a sewer and water supply system approved by the city.
- (H) A dwelling shall have steps or a porch, permanently attached to a foundation, where the difference in grade elevation between an exterior door and the surrounding grade is more than one foot. All dwellings must have at least two points of ingress and egress.
- (I) An addition to a dwelling shall meet all ordinance requirements.
- (J) A dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or, alternatively, with window sills or roof drains that concentrate water at collection points along the sides of a dwelling. The compatibility of design and appearance shall be determined in the first instance by the City Manager or designee upon review of submitted plans. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. A determination of compatibility shall be based upon standards set forth in this section, as well as the character, design, and appearance of residential dwellings, located outside of manufactured home parks, within 500 feet of the subject dwelling. The previous shall not be construed to prohibit innovative design concepts addressing such matters as solar energy, views, unique land forms, or a departure from common or standard home design.
- (K) Prior to issuing a building permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this ordinance, shall be submitted to the City Manager or designee. If the dwelling unit is a manufactured home, adequate evidence must be submitted to assure that it complies with the standards applicable to manufactured homes set forth in this section.
- (L) A dwelling unit shall have at least 100 square feet of enclosed storage space, excluding closets, which may include a basement, garage, shed, or other structure, approved by the City Manager or designee.

Section 12.26 Solar Energy Systems

- (A) **Intent.** In order to preserve the character and aesthetics of the city's neighborhoods and business districts, the viability of the city's land for economic development, the precious ecosystems contained within the city, and the health, safety, and welfare of the city's residents, the regulations of this section shall govern the development of solar energy facilities within the city of Grandville.
- (B) **Types of Solar Energy Systems.**
 - (1) **Rooftop Solar Arrays.** Rooftop solar arrays are solar energy systems where the panels are attached directly to a pre-existing building (either a principal building or an accessory building). A building may also be constructed in order to support a rooftop solar array, provided that the building meets the definition of "building" in this ordinance and that the building has a clear purpose other than supporting the solar panels.
 - (2) **Freestanding Accessory Solar Arrays.** Freestanding accessory solar arrays are solar energy systems where the panels are supported by a purpose-built structure that does not meet the definition of "building" in subsection (1) and where there is a principal use of the property other than the solar energy system. A vacant building may be considered a "principal use of the property" for the purpose of this section, provided that the building is available for occupancy by an active use.
 - (3) **Freestanding Principal Use Solar Arrays.** Freestanding principal use solar arrays are solar energy systems where the panels are supported by a purpose-built structure that does not meet the definition of "building" in subsection (1) and where there is no principal use of the property other than the solar energy system.
- (C) **General Requirements.** The following shall apply to all solar energy systems:

- (1) **Code Compliance.** All county, state, and federal requirements and regulations must be met, including, but not limited to, building and electrical codes.
- (2) **Glare.** Solar energy systems shall be designed and located to avoid glare or reflection onto adjacent lots and adjacent roadways and shall not interfere with traffic or create a safety hazard off-site.
- (3) **Batteries.** When batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used, shall be disposed of in accordance with applicable laws and regulations.
- (4) **Transmission Lines.** All power transmission lines and other utility wires associated with the solar energy system and located on the same lot as the solar energy system shall be located underground or within a building.
- (5) **Abandonment.** Abandoned or unused solar panels and associated facilities shall be removed by the owner of the solar panels. All decommissioned materials must be removed the city of Grandville within one month of the completion of the removal process. No permanent storage or disposal of decommissioned solar panels or related equipment shall be permitted in the city.

(D) Rooftop Solar Arrays.

- (1) **Height.** The height of the building, plus the height of the solar array, shall not exceed the maximum height permitted for the building in the zoning district in question. If the solar array is mounted on a principal building, the maximum height for principal buildings shall apply. If the solar array is mounted on an accessory building, the maximum height for accessory buildings shall apply.
- (2) No solar panel shall protrude beyond the edge of the roof.

(E) Freestanding Accessory Solar Arrays.

- (1) **Location.** Freestanding accessory solar arrays shall be located in a rear yard.
- (2) **Setbacks.** Freestanding accessory solar arrays must be set back at least 20 feet from all side and rear lot lines. All other accessory structures associated with the solar energy system must meet the minimum setback requirements for accessory structures in the zoning district where the solar energy system is located.
- (3) **Height.** The height of the solar panel and any mounts shall not exceed 15 feet when oriented at maximum tilt. Within the C-4, C-5, I-1, and I-2 Zoning Districts, the height may be increased to 20 feet for any solar panels and mounts that are more than 50 feet from a lot line.
- (4) **Screening.** At least one of the following screening options shall be installed along all side and rear lot lines. If any other screening requirements apply to the site, those requirements shall supersede these options:
 - (a) Evergreen trees, planted in a staggered double row designed to form a dense visual screen while still allowing for healthy development of the trees. The trees must be at least six feet in height at the time of planting.
 - (b) A six foot tall opaque screening fence.
 - (c) Existing trees and landscaping that, in the opinion of the City, sufficiently screen the solar array up to a height of six feet, as viewed from neighboring properties.

(F) Freestanding Principal Use Solar Arrays.

- (1) **Setbacks.** Freestanding principal use solar arrays must be set back at least 50 feet from all lot lines. All other accessory structures associated with the solar energy system must meet the minimum setback requirements for principal structures in the zoning district where the solar energy system is located.
- (2) **Height.** The height of the solar panel and any mounts shall not exceed 20 feet when oriented at maximum tilt.
- (3) **Side and Rear Screening.** At least one of the following screening options must be installed along all side and rear lot lines. If any other screening or buffer yard requirements apply to the site, those requirements shall supersede these options.
 - (a) Evergreen trees, planted in a staggered double row designed to form a dense visual screen while still allowing for healthy development of the trees. The trees must be at least six feet in height at the time of planting.
 - (b) A six foot tall opaque screening fence.
 - (c) Existing trees and landscaping that, in the opinion of the zoning administration, sufficiently screen the solar array up to a height of six feet, as viewed from neighboring properties.
- (4) **Front Yard Treatments.** At least one of the following landscape options must be installed along the front lot line and all other lot lines abutting public roads. These requirements shall supersede any other frontage landscape requirements in the ordinance.
 - (a) Evergreen trees, planted in a staggered double row designed to form a dense visual screen while still allowing for healthy development of the trees. The trees must be at least six feet in height at the time of planting.
 - (b) A mixture of evergreen and deciduous trees and shrubs, planted at a rate of one tree and eight shrubs per 50 feet of frontage and within the required 50 foot setback area.

Section 12.27 Two-Family Dwelling Units (R1-A, R1-B, and R1-C Districts)

- (A) **Intent.** This subsection regulates and guides the conversion to or construction of two-family dwelling units in the R1-A, R1-B, and R1-C Residential Districts. Two-family dwellings fill a need in the community for sound, affordable housing for persons of varying age groups and requirements. Further, when confronted with current energy and maintenance costs, converting a one-family dwelling to a two-family may extend the effective life of a structure that may otherwise border on obsolescence.

Duplexes may also serve as transitional uses in select situations. Therefore, the design provisions of this section do not stifle architectural design or style, but rather provide the minimum design controls needed to achieve the objectives of this section. Under these circumstances, the application of design guidelines for two-family units is based on the architectural elements of the structure being harmonious, proportional, and relating to surrounding uses and structures.

- (B) **Application.** This section shall apply to the development of two-family dwellings in the R1-A, R1-B, and R1-C Districts only.

- (C) **Development Standards.**

- (1) In the R1-A and R1-B Districts, Two-family dwellings are considered transitional uses and shall be located at subdivision entrances, abutting principal or minor arterial streets (as designated by the Grandville master plan) or high-traffic areas, or adjacent to public, multi-family residential, office, or other non-residential uses.

- (2) In the R1-C Districts, two-family dwellings are consistent with the neighborhood character, and are appropriate within the interior of neighborhoods, but many lots within that district are not large enough to include the necessary parking and yard space for two dwelling units. Therefore, within the R1-C District, duplexes shall only be located on lots that are 0.5 acres or greater in area.
- (3) A two-family dwelling shall look much like a one-family dwelling, have a similar scale, proportion, design, and character, have not more than one entrance per front or side elevation, and include a garage. An elevation drawing shall be submitted with a special land use application for new construction.
- (4) Required parking shall be provided off-street.
- (5) The minimum floor area for a dwelling unit shall be 900 square feet.
- (6) A minimum lot width of 100 feet is required for newly constructed two-family dwellings.

Section 12.28 Reserved

Section 12.29 Vehicle Wash Establishments

- (A) All washing activities must occur inside a building.
- (B) The building exit for washed vehicles must be at least 75 feet from the entrance drive that accesses the site.
- (C) Required stacking spaces for waiting vehicles shall not be located within a public or private right-of-way and shall not conflict with maneuvering areas and other activities, and vehicle queues shall not extend beyond the property.
- (D) Wastewater must be recycled, filtered, or otherwise cleansed to minimize discharge of soap, wax, and solid matter into public sewers.
- (E) Only one curb cut is allowed along each street frontage.
- (F) For automated drive-through wash facilities, a bypass lane is required that allows bypassing waiting vehicles.
- (G) Overhead doors shall not face a street, except as approved by the Planning Commission in these circumstances:
 - (1) When the doors of a through-garage are located at the front and rear of a building;
 - (2) When a garage is located on a corner or through lot; or
 - (3) When determined that a rear garage door would negatively affect an abutting residential use or district.
- (H) A vehicle wash establishment building and any accessory uses and buildings shall be located at least 100 feet from a right-of-way or from a lot line that abuts a residential district.
- (I) The property owner or operator must comply with all city noise regulations. Noise that is readily discernible to the average person in an adjacent residential zoning district shall not be generated by permitted activities. Air handling equipment shall be located on a roof, be equipped with intervening noise reduction baffles, be in proper working condition, and comply with this provision.

Section 12.30 Wind Energy Conversion Systems

(A) On-Site Service WECS General Requirements.

- (1) Except as may otherwise be required by this ordinance, an on-site service WECS shall be allowed as an accessory use in any district, subject to the requirements of this section.

- (2) The minimum lot area for installation of a WECS shall be 12,000 square feet.
- (3) **Review Requirements.**
 - (a) For a WECS that does not exceed 50 feet in height, review shall be according to the site plan review requirements of Article 14.
 - (b) For a WECS exceeding 50 feet in height, a special land use must be approved, according to Article 13.
- (4) The power rating of a WECS turbine shall not be greater than 25 kW.
- (5) A WECS shall provide energy only to the structures and uses on the same property upon which the tower is located and must be owned or leased by the owner of the same property. However, this does not prevent power generated beyond the needs of the structures or uses on the property to be distributed to a local utility company. Except for the local utility company, power generated by the WECS may not be provided to any other property or entity.
- (6) Sound attributed to a WECS in excess of 55 dB(A) shall not be discernible at the property line.
- (7) A sign, not exceeding three square feet in area naming the manufacturer may be affixed to the base of the tower or to the nacelle. No other signs are permitted on the WECS.
- (8) Lights on or directed toward a WECS are not permitted.
- (9) A WECS shall be painted in a neutral matte color, such as gray or light blue, to blend with the sky. A building mounted WECS may be painted in colors complementary to those of the building.
- (10) A WECS shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or overspeeding. Emergency shut-off information shall be posted on the tower in a location that can be easily seen.
- (11) A WECS shall employ an anti-climbing device or be designed to prevent climbing or other unauthorized access.
- (12) The installation of a WECS shall not interfere with signal transmission or reception of an existing fixed broadcast, re-transmission, or reception antenna for radio, television, wireless phone, or personal communication systems.
- (13) The applicant shall provide written evidence that the WECS complies with all applicable federal, state, and county requirements, in addition to city ordinances.
- (14) WECS installations shall comply with applicable ANSI (American National Standards Institute), National Electric Code, and National Building Code standards, as adopted by the State of Michigan and the city.
- (15) A WECS shall be removed when the device or equipment is no longer operating or when it has been abandoned. A WECS shall be deemed abandoned when it has not produced electrical energy for 12 consecutive months.
- (16) An existing and approved WECS may be repaired and maintained. However, a WECS may only be replaced with a new WECS upon approval of the City Manager or designee, provided that the new WECS is of the same height, rotor diameter, setback, etc. as the WECS it replaces. A new or replacement WECS shall mean all of the WECS, excluding the tower or support structure.

(B) Ground-Mounted On-Site Service WECS.

- (1) A WECS shall be located on a property at a distance at least equal to its height from all property lines. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line. No part of a single WECS (including guy wire anchors) shall be located within or above a required setback.
- (2) WECS height shall be limited based on the setback requirements in subsection (1) above. However, WECS height shall not exceed 50 feet on a property at least 12,000 square feet, but less than one acre in area; or 75 feet on a property one acre in area or greater. Special land use review is required for a WECS over 50 feet in height, regardless of lot size.
- (3) The minimum rotor blade tip clearance from grade shall be 20 feet.
- (4) The minimum rotor blade tip clearance from any structure shall be 20 feet.
- (5) The diameter of the rotor depends on maximum WECS height and rotor blade tip clearance, but in no case shall exceed 50 feet.
- (6) The tower used to support a WECS shall be adequately anchored and meet applicable standards, as certified by an engineer.

(C) Building-Mounted On-Site Service WECS.

- (1) The diameter of the rotor shall not exceed 20 feet.
- (2) WECS height shall not exceed the maximum permitted height for principal buildings in the district, plus 15 feet.
- (3) A WECS shall be located from adjoining property lines a distance equal to the combined height of the WECS and the portion of the building on which it is mounted. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line.
- (4) A building-mounted WECS shall not be mounted to the vertical face of a gable end or dormer that is visible from the street. To the greatest degree possible, the WECS shall be mounted to the building in the least visible location.
- (5) The mount and the structure used to support a building-mounted WECS shall meet applicable standards, as certified by an engineer.

(D) Discretionary Conditions. The Planning Commission may impose other terms and conditions regulating the construction, installation, use, maintenance, repair, or removal of a WECS. Such other terms and conditions may include, but are not limited to, the following:

- (1) The preservation of existing trees and other existing vegetation not required to be removed for installation of a WECS.
- (2) The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a WECS.
- (3) Altering the location of the WECS to prevent impacts on neighboring properties, provided that all other requirements of this section are met.
- (4) Requiring a performance bond or letter of credit, in favor of the city, and conditioned upon the timely and faithful performance of all required conditions of the special land use, including, but not limited, to the timely and complete removal of a WECS, regulated under the terms of this Ordinance, when required. Such performance bond or letter of credit shall remain in effect during and after the operation of a WECS until its operations have ceased and it has been removed.

Section 12.31 Wireless Telecommunications Towers and Antennas

(A) **Purpose and Goals.** This section establishes general guidelines for siting wireless communications towers and antennas. Further, this section:

- (1) Protects residential areas and land uses from potential adverse impacts of towers and antennas;
- (2) Encourages the location of towers in nonresidential areas;
- (3) Minimizes the total number of towers throughout the city;
- (4) Strongly encourages the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5) Encourages tower and antenna users to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (6) Encourages tower and antenna users to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- (7) Enhances the ability of telecommunication service providers to provide such services to the community quickly, effectively, and efficiently;
- (8) Considers the impact on public health and safety of communication towers; and
- (9) Avoids potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furthering these goals, the city shall consider the city's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(B) **Definitions.** As used in this section, the following definitions apply:

- (1) **Alternative tower structure.** Manmade trees, clock towers, bell steeples, light poles, or similar alternative design mounting structures that camouflage or conceal antennas or towers.
- (2) **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.
- (3) **Backhaul network.** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- (4) **Commercial zoning district.** For the purposes of this article only, the C-1, C-2, C-3, OS-1, and OS-2 Districts.
- (5) **FAA.** The Federal Aviation Administration.
- (6) **FCC.** The Federal Communications Commission.
- (7) **Height.** When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- (8) **Heavy commercial zoning district.** For purposes of this article only, the C-4 and C-5 Districts.
- (9) **Industrial zoning district.** For purposes of this article only, the I-1 and I-2 Districts.

- (10) **Preexisting towers and preexisting antennas.** Any tower or antenna for which a building permit has been properly issued or special land use approval obtained, as applicable, prior to the effective date of this section, including permitted towers or antennas that have not yet been constructed so long as such permit or approval is current and not expired.
- (11) **Residential zoning district.** For purposes of this article only, the R1-A, R1-B, R1-C, R2-A, and R3-A Districts. The PB Prairie Barrett Residential Form-Based District shall not be considered as a residential district for the purposes of this article.
- (12) **Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar. The term also includes the structure and any support thereto.

(C) Applicability.

- (1) **New Towers and Antennas.** All new towers or antennas in the city shall be subject to the regulations of this section, except as otherwise excepted below.

(D) Exceptions. The following uses shall not be subject to this section:

- (1) **Amateur radio station operators/receive only antennas.** This section shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- (2) **Preexisting towers or antennas.** Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of Sections 5 and 6 below.
- (3) **AM array.** For purposes of implementing this section, an AM array, consisting of one or more tower units and supporting ground system, which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(E) General Requirements.

- (1) **Principal or Accessory Use.** An antenna and tower may be considered either a principal or an accessory use. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on the lot. A second tower on the same lot shall not be permitted.
- (2) **Lot Size.** For purposes of determining whether the installation of a tower or antenna complies with zoning district development regulations, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within the lot.
- (3) **Aesthetics.** Towers and antennas shall meet the following requirements:
 - (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable FAA standards, shall be painted a neutral color so as to reduce visual impacts.
 - (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping so that they will blend into the natural setting and surrounding buildings.

- (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (4) **Lighting.** Towers shall not be artificially lighted unless required by the FAA or other applicable authority. An applicant is responsible for providing evidence of such requirements. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (5) **State or Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If these standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring the towers and antennas into compliance with the revised standards and regulations within six months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with the revised standards and regulations constitutes grounds for the removal of the tower or antenna at the owner's expense.
- (6) **Building Codes and Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with the standards. Failure to bring the tower into compliance within that 30-day period constitutes grounds for the removal of the tower or antenna at the owner's expense.
- (7) **Measurement.** Tower setbacks and separation distances shall be calculated and applied to facilities located in the city irrespective of municipal and county jurisdictional boundaries.
- (8) **Not Essential Services.** Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- (9) **Franchises.** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the City Manager.
- (10) **Public Notice.** A request for special land use approval or variance, or any appeal of an administrative approval by the City Manager, shall require public notice to all abutting property owners and all property owners of properties that are located within 300 feet of the parcel on which the tower or antenna is located, in addition to any notice otherwise required by the Zoning Act.
- (11) **Signs.** Signs shall not be allowed on an antenna or tower.
- (12) **Buildings and Support Equipment.**
 - (a) **Antennas Mounted on Structures or Rooftops.** The equipment cabinet or structure used in association with antennas shall comply with all of the following requirements:
 - 1. The cabinet or structure shall not contain more than 144 square feet of gross floor area or be more than six feet in height.
 - 2. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than five percent of the roof area.
 - 3. Equipment storage buildings or cabinets shall comply with all applicable building codes.

- (b) **Antennas Mounted on Utility Poles or Light Poles.** The equipment cabinet or structure used in association with antennas mounted on utility poles or light poles shall be located in accordance with the following:

In all districts, the equipment cabinet or structure may be located:

1. In a front or side yard, provided that the cabinet or structure is no greater than three feet in height or 10 square feet of gross floor area and the cabinet/structure is located at least three feet from all lot lines, except as prohibited by Section 3.18, Traffic Visibility across Corner Lots. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42 inches and a planted height of at least 36 inches; or
 2. In a rear yard, provided that the cabinet or structure is no greater than six feet in height or 144 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
- (c) **Antennas Located on Towers.** The related unmanned equipment structure shall not contain more than 144 square feet of gross floor area or be more than seven feet in height and shall be located in accordance with the minimum yard and setback requirements of the zoning district in which it is located.
- (d) **Modification of Building Size Requirements.** The requirements of this subsection may be modified by the City Manager in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by special use, if the approving official or body finds modification is necessary to encourage co-location.
- (e) **Compatibility.** The equipment cabinet or structure used in association with all antennas located in residential districts shall be designed and constructed with materials (such as siding and shingles) compatible with residential dwellings, as determined by approving official or body.
- (13) **Multiple Antenna/Tower Plan.** The city encourages tower and antenna users to submit a single application for approval of multiple towers and/or antenna sites.

Applications for approval of multiple sites shall be given priority in the review process.

(F) Use Requirements. Wireless communication facilities may be located in accordance with Table 12.31(F).

Table 12.31(F) Requirements for Wireless Communication Facilities

Type/Location of Wireless Communication	Location(s) Permitted	Approval Procedure Facility
1. Wireless Communication Facility Attached to Existing Structures:		
Co-location upon an existing wireless communication support structure	All districts	Administrative approval
Replacing an existing wireless communication support structure with a new one to support additional co-location	All districts except form-based districts	Administrative approval if not more than 20 feet taller than the original structure; site plan approval per this section and Article 13 if greater than 20 feet taller
Attached to an existing utility structure	All districts	Administrative approval, with letter of acceptance from the utility company
Attached to an existing building	All districts except single-family residential districts and form-based districts	Administrative approval

	Single-family residential and form-based districts	Site plan approval in accordance with Article 14
2. New Wireless Communication Support Structure:		
Replacing an existing tower with a taller tower to permit additional co-location	C-3, C-4, C-5, I-1, and I-2 Districts or a government-owned site in any district	Site plan approval in accordance with Article 14
Monopole	Located on a municipally owned site in any zoning district	Site plan approval in accordance with Article 14
Monopole	Located on a site owned by county or state governmental entity, places of worship, or public school in any zoning district	Special land use approval in accordance with this section and Article 13
Monopole	C-1, C-2, C-3, I-1, and I-2 Districts	Special land use approval in accordance with this section and Article 13
Lattice tower where it can be shown that a monopole is not feasible	I-1 and I-2 Districts	Special land use approval in accordance with this section and Article 13
Replacement of a lattice tower with a monopole	All districts	Administrative approval
Alternative tower structure	C-4, C-5, I-1, and I-2 Districts	Administrative approval

(G) Application Requirements.

- (1) **Information Required.** An application for an antenna or tower shall contain the following, in addition to the requirements of site plan review in Article 14 and/or special land use in Article 13, if applicable.
 - (a) A scaled site plan containing the following:
 1. The location, type, and height of the proposed tower;
 2. On-site land uses and zoning;
 3. Adjacent land uses and zoning (including when adjacent to other municipalities);
 4. Master plan classification of the site and all properties within the applicable separation distances set forth in subsection (I)(5) below;
 5. Adjacent roadways and proposed means of access;
 6. Setbacks of the tower and all equipment from property lines;
 7. Elevation drawings of the proposed tower and any other structures;
 8. Topography;
 9. Parking, if applicable; and
 10. Other information necessary to assess compliance with this section.
 - (b) Legal description of the parent tract and leased parcel, if applicable.
 - (c) The distance between the proposed tower and the nearest residential unit and residentially zoned properties, platted or unplatted.

- (d) The separation distance from other towers described in the inventory of existing sites submitted pursuant to this subsection shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- (e) A landscape plan showing specific landscape materials.
- (f) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
- (g) A description of compliance with the requirements of this section and all applicable federal, state, or local laws.
- (h) A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
- (i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
- (j) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.
- (k) A description of the feasible locations of future towers or antennas within the city based upon existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.
- (l) An inventory of the proposed user's existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one mile of the border of the city, including specific information about the location, height, and design of each tower. The City Manager or designee may share such information with other applicants applying for administrative or special land use approval under this section, or with other organizations seeking to locate antennas within the jurisdiction of the city, provided, however, that the City Manager or designee is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(H) Administratively Approved Uses.

- (1) **General.** The following provisions shall govern the issuance of administrative approvals by the City Manager or designee for towers and antennas.
 - (a) Each applicant for administrative approval shall apply to the City Manager providing the information set forth in subsection (G) above and a nonrefundable fee as established by resolution of City Council to reimburse the city for the costs of reviewing the application.
 - (b) The City Manager or designee shall review the application for administrative approval and determine if the proposed use complies with the requirements of this section.
 - (c) The City Manager or designee shall respond to each application within 60 days after receiving it by either approving or denying the application. If the City Manager or designee fails to respond to the applicant within that 60 day period, then the application shall be deemed to be approved.
 - (d) If an administrative approval is denied, the applicant shall file an application for special land use approval by the Planning Commission pursuant to this section prior to filing any appeal that may be available under the zoning ordinance.
- (2) **Requirements for Certain Administratively Approved Uses.**

- (a) **Antennas on Existing Structures.** An antenna that attached to an existing structure and is not attached to a tower may be approved as an accessory use to any commercial, industrial, office or institutional structure, or to any multifamily structure of eight or more dwelling units in a conventional zoning district, as allowed in Table 12.31(F), provided that:
1. The antenna does not extend more than 20 feet above the highest point of the existing structure;
 2. The antenna complies with all applicable FCC and FAA regulations; and
 3. The antenna complies with all applicable building codes.
- (b) **Antennas on Existing Towers.** An antenna proposed to be attached to an existing tower may be approved by the City Manager and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided that the co-location is accomplished in a manner consistent with the following:
1. A tower that is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the City Manager or designee allows reconstruction as a monopole.
 2. **Height.**
 - (a) An existing tower may be modified or rebuilt to a taller height, not to exceed 20 feet over the tower's existing height, to accommodate the co-location of an additional antenna.
 - (b) This height change may only occur one time per the lifetime of the communication tower.
 - (c) The allowed additional height shall not require an additional distance separation as set forth in subsection (I) below. The tower's pre-modification height shall be used to calculate such distance separations.

(I) Special Land Use Approvals.

- (1) **General.** The following provisions shall govern the issuance by the Planning Commission of special land use approvals for towers or antennas, as allowed in Table 12.31(F):
- (a) Applications for special land use approvals under this section shall be subject to the procedures, standards, and requirements of Article 13, except as modified in this section.
 - (b) In granting a special land use approval, the Planning Commission may impose conditions that are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - (c) Any information of an engineering nature, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (2) **Factors Considered in Granting Special Land Use Approvals for Towers.** In addition to any standards for considering special land use approval pursuant to Article 13, the Planning Commission shall consider the following factors in determining whether to issue a special land use approval. The Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this section are better served and public health, safety, and welfare are still met:
- (a) Height of the proposed tower;
 - (b) Proximity of the tower to residential structures and residential district boundaries;

- (c) Nature of uses on adjacent and nearby properties;
 - (d) Surrounding topography;
 - (e) Surrounding tree cover and foliage;
 - (f) Tower design, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (g) Proposed service ingress and egress;
 - (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection (3);
 - (i) Willingness of the applicant to allow co-location of antennas at a reasonable charge on the applicant's existing towers within the city and within one mile; and
 - (j) Willingness of the applicant to allow co-location of antennas on the proposed tower at a reasonable charge.
- (3) **Availability of Suitable Existing Towers, Other Structures, or Alternative Technology.** A new tower shall not be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that an existing tower or structure or alternative technology that does not require the use of towers or structures cannot accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that an existing tower, structure, or alternative technology cannot accommodate the applicant's proposed antenna may consist of the following:
- (a) An existing tower or structure is not located within the geographic area that can meet the applicant's engineering requirements.
 - (b) Existing towers or structures are not tall enough to meet the applicant's engineering requirements.
 - (c) Existing towers or structures are not strong enough to support the applicant's proposed antenna and related equipment.
 - (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (4) **Setbacks.** The following setbacks shall apply to all towers for which special land use approval is required. However, the Planning Commission may reduce the setback requirements if the goals of this section would be better served and that public health, safety, and welfare are still addressed:
- (a) Towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line.

- (b) Guy wires and accessory buildings must satisfy the minimum zoning district setback requirements.
- (5) **Separation.** The following separation requirements shall apply to all towers and antennas for which special land use approval is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this section would be better served and that public health, safety, and welfare are still addressed:
- (a) **Separation from Off-Site Uses/Designated Areas.**
1. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 12.31(I)(5)(a), except as otherwise provided.
 2. Separation requirements for towers shall comply with the minimum standards established in Table 12.31(I)(5)(a):

Table 12.31(I)(5)(a) Separation distances from off-site uses

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential units ⁽¹⁾	200 ft. or 300% of height of tower, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval (or site condominium approval) which is not expired	200 ft. or 300% of height of tower ⁽²⁾ , whichever is greater
Vacant unplatted residentially zoned lands ⁽³⁾	100 ft. or 100% of height of tower, whichever is greater
Existing multiple-family residential units greater than two units	100 ft. or 100% of height of tower, whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

Notes to Table 12.30.H.5.a:

- (1) Includes manufactured homes used for living purposes.
 (2) Separation measured from base of tower to closest building setback line.
 (3) Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multiple-family residentially zoned land greater than duplex.

- (b) **Separation Distances Between Towers.** Separation between towers shall apply to and be measured between the proposed tower and existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 12.31(I)(5)(b).

Table 12.31(H)(5)(b): Separation distances between towers

Existing Tower Types					
Proposed Tower Types	Height	Lattice	Guyed	Monopole Height	
				75 ft. or Greater	Less than 75 ft.
Lattice	-	5,000	5,000	1,500	750
Guyed	-	5,000	5,000	1,500	750
Monopole	75 ft. or Greater	1,500	1,500	1,500	750
	Less Than 75 ft.	750	750	750	750

- (6) **Specific Special Land Use Requirements.** In addition to meeting the general standards of review for special land uses in Article 13, all tower facilities where a special land use is required shall comply with the following:
- (a) **Security Fencing.** Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Planning Commission may waive such requirements, as it deems appropriate.

- (b) **Landscaping.** The following requirements shall govern the landscaping surrounding towers for which special land use approval is required; provided, however, that the Planning Commission may waive such requirements if the goals of this section would be better served and public health, safety, and welfare are still addressed:
1. Tower facilities shall be landscaped with a landscape buffer that effectively screens the view of the tower compound from residential properties. The buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
 2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 3. Existing on-site mature trees and natural land forms shall be preserved to the maximum extent possible. In some cases, such as when towers are sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

(J) **Removal of Abandoned Antennas and Towers.** An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the antenna or tower owner shall remove it within 90 days of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within that 90 day period shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(K) **Nonconforming Wireless Telecommunication Facilities.**

- (1) **Existing Towers.** Existing towers shall be allowed to continue as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted. New construction other than routine maintenance on an existing tower shall comply with the requirements of this section.
- (2) **Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas.** Bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt based on administrative approval by the City Manager or designee, without having to meet the separation requirements. The type, height, and location of the tower shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with currently applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If a permit is not obtained or if the permit expires, the tower or antenna shall be deemed abandoned as specified in subsection (J).

Article 13.

Special Land Uses

Section 13.01 Purpose and Intent

Special land uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics, may not be desirable or compatible in all locations. Factors such as traffic, hours of operation, noise, odor, or similar potential effects require that the special land use be evaluated relative to its appropriateness on a case-by-case basis. Therefore, special land uses are permitted within a zoning district following a review of the use and its potential impact on its surroundings and city approval. This Article establishes the review procedures for special land uses and the general standards that must be met. Some special land uses require specific standards and requirements to mitigate their potential negative impacts. These specific standards, where applicable, are listed in Article 12.

Section 13.02 Scope

A special land use shall be permitted only when the Planning Commission has reviewed and approved the proposed use and the associated site plan, as provided by this Article and other applicable provisions of this ordinance. Except as otherwise expressly provided by this ordinance, the general procedures, standards, and requirements in this Article shall apply at least 30 days prior to the Planning Commission meeting at which it is first to be considered.

Section 13.03 Application and Public Hearing

- (A) **Application.** A person owning or having an interest in a property may apply for a special land use as provided in this ordinance.
- (B) **Filing.** An application shall be filed with the city clerk.
- (C) **Fees.** A non-refundable fee shall be paid to the city treasurer when an application is filed. The application shall not be considered until all fees, established by resolution of the city council, have been paid in full.
- (D) **Application Requirements.** A completed application, signed by the property owner, shall be accompanied by the following:
 - (1) Copies of a site plan that meets the standards and requirements of Article 14.
 - (2) A statement indicating that the proposed use complies with the general standards for approval in Section 13.04, any applicable specific standards required for the use in Article 12, and all other ordinance requirements that apply to the use.

- (E) **Scheduling Public Hearing and Site Plan Review.** The City Manager or designee will review the application and, if the application is determined to be complete, shall schedule a public hearing to consider the special land use. The public hearing shall be noticed as required by the Zoning Act.

Section 13.04 General Standards for Approval of Special Land Uses

The Planning Commission shall review the facts and circumstances of a special land use application and approve it only when it meets all of the standards of this Article and any specific standards that apply to the use as listed in Article 12:

- (A) The proposed use will comply with the general objectives and land use policies of the Grandville master plan.
- (B) The proposed use will be designed, constructed, operated, and maintained so it is appropriate and harmonious with the intended character and appearance of the surrounding area, will be compatible with the intent of the zoning district, and will not change the essential character of the surrounding area.
- (C) The establishment, maintenance, location, or operation of the use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in that zoning district.
- (D) The establishment, maintenance, location, or operation of the proposed use will not be detrimental to or endanger the health, safety, or general welfare of any persons, will not be injurious to or conflict with the use or enjoyment of neighboring property for the purposes permitted, and will not result in any significant adverse impact on the natural environment.
- (E) The proposed use will not involve activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- (F) Adequate utilities, highways, streets, access, drainage structures, police and fire protection, refuse disposal, schools, and other necessary services or facilities have been or will be provided to serve the proposed use, and the proposed use will not place undue demands on public services or facilities that result in exceeding their capacity.
- (G) The proposed use will, in all other respects, conform to the applicable regulations of the zoning district in which it is located, conditions of approval, and all other applicable provisions of law, ordinance, or statute.

Section 13.05 Conditions of Approval

Reasonable conditions may be imposed when approving a special land use to achieve the following goals:

- (A) To ensure public services and facilities affected by the proposed use or activity can accommodate increased service and facility loads resulting from the proposed use.
- (B) To ensure that the use is compatible with adjacent land uses and activities.
- (C) To protect natural resources, the health, safety, and welfare, the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners adjacent to or directly affected by the proposed land use or activity, and the community as a whole.
- (D) To relate to the valid exercise of police power and purposes that are affected by the proposed use or activity.
- (E) To meet the intent and purpose of the zoning ordinance, to be related to the standards established in the ordinance for the land use or activity under consideration, and to be necessary to ensure compliance with those standards.

Section 13.06 Special Land Use Approvals and Issuance of Permits

- (A) At the public hearing, or within a reasonable time afterward, the Planning Commission shall approve, approve with conditions, or deny the special land use request and accompanying site plan. The decision shall be incorporated in a statement of conclusions that specifies the basis for the decision and any conditions imposed related to an approval.
- (B) The Planning Commission shall also review the site plan submitted with the application and shall approve, approve with conditions, or deny the site plan in accordance with the procedures, standards, and requirements for site plan review as provided by [Article 14](#). If approved, or approved with conditions, the site plan as approved shall be part of the record.
- (C) Upon approval or approval with conditions of both the special land use request and the site plan, the City Manager or designee shall issue a special land use permit, which is subject to the conditions of approval imposed by the Planning Commission.
- (D) Construction permits shall not be issued for a special land use and construction, grading, tree removal, soil stripping, other site improvements, or changes shall not begin until both the special land use request and the required site plan have been approved by the Planning Commission and a special land use permit has been issued. Construction, or any other site improvements or changes, shall be in strict compliance with the site plan as approved by the Planning Commission, or as modified under Section 14.08 and any conditions imposed in connection with approval of the special land use.
- (E) The special land use or activity shall begin within one year of approval or it shall expire. The Planning Commission may approve an extension for up to one additional year if a request is made by the applicant prior to the initial expiration.
- (F) A special land use application that has been denied by the Planning Commission may not be re-submitted until one year from the date of denial, except when new evidence or information found sufficient by the Planning Commission justifies an earlier re-application.

Section 13.07 Performance Guarantees

To assure compliance with this ordinance and any conditions of approval, performance guarantees may be required by the Planning Commission for a special land use, as authorized under Section 4e of Act No. 207 of the Public Acts of 1921, as amended.

Section 13.08 Revocation of Permit

The Planning Commission shall have the authority to revoke a special land use permit when the applicant has failed to comply with any of the applicable requirements of this Article, other applicable sections of this ordinance, or the conditions of approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification process for the original approval. The applicant shall be invited to present information and to answer questions. The Planning Commission may revoke a previous approval if it finds that a violation exists and has not been remedied. The special use permit may be suspended or revoked according to the following procedures:

- (A) Conditions that may result in a suspension or revocation proceeding include, but are not limited to, the following:
 - (1) The special land use was not constructed in conformance with the approved plans, or the property is not being used in conformance with the approval special land use;
 - (2) Compliance with the special land use permit and any conditions have not been consistently demonstrated, and administrative attempts to secure compliance have been unsuccessful;

- (3) The special land use permit has been issued erroneously based on incorrect or misleading information supplied by the applicant and/or their agents;
 - (4) The operation of the use granted by the special land use permit has created a risk or danger to the public health, safety, or welfare; or
 - (5) The special use violates any provision of this ordinance or other city, county, state, or federal regulations.
- (B) If the City Manager or designee determines that a special land use permit should be suspended or revoked, they will prepare a report specifying the factual details of the violation and the reasons to suspend or revoke the permit.
- (C) The City Manager or designee shall file the report with the Planning Commission and provide a copy to the permittee, authorized agent, or employee by certified mail, return receipt requested.
- (D) Within 30 days of filing the report with the Planning Commission, a hearing date will be set for the Planning Commission to consider the alleged violation(s) to determine if the special land use permit should be suspended or revoked. The city shall notify the permittee, authorized agent, or employee either personally or by certified mail, return receipt requested, not less than 15 days before the scheduled hearing.
- (E) The permittee shall have an opportunity to defend against any allegations made by questioning any adverse witnesses, by presenting witnesses on their behalf, and by presenting arguments, personally or through legal counsel, on their own behalf.
- (F) The Planning Commission shall prepare a written report of its findings within 30 days of completing all hearings and provide them to the permittee either personally or by certified mail, return receipt requested. If the Planning Commission concludes that the special land use permit must be suspended or revoked, the permittee shall immediately cease to conduct, operate, or carry on the business or use for which the special use permit was granted.

Section 13.09 Appeals

A decision by the Planning Commission regarding a special land use permit shall not be appealed to the Zoning Board of Appeals.

Article 14.

Site Plan Review

Section 14.01 Purpose and Scope

- (A) **Purpose and Intent.** This article establishes standards and requirements for site plan review and approval by the Planning Commission. As used in this section, the term “site plan” includes the documents and drawings as specified by this article that are necessary as a part of land development review. That process ensures that a proposed land use or activity is in compliance with applicable local ordinances and state statutes and is compatible with the character of the surrounding area, the adjacent uses of land, the natural environment, the capacities of public services and facilities, and the public health, safety, and welfare. The standards and requirements of this Article are in addition to those required elsewhere in this ordinance, which are applicable to the use or activity under consideration.
- (B) **Scope.** Site plan review and approval by the Planning Commission is required for the following:
- (1) A change in use, whenever the change:
 - (a) is from a residential use to a non-residential use;
 - (b) is from a non-residential use to another non-residential use that results in increased intensity of use on the property; or
 - (c) requires an increase in the number of required parking spaces.
 - (d) includes an increase in the number of units in a multiple family development;
 - (e) includes the creation of a principal use or the erection of a structure other than single-family detached or two-family dwelling;
 - (f) includes the creation of any use or the erection of any structure for which this zoning ordinance otherwise requires site plan approval, such as a special land use;
 - (g) includes additions or expansions of existing structures and uses in excess of 500 square feet where a site plan is required or where a site plan was previously approved; or
 - (h) includes single-family attached units and/or detached site condominiums.
 - (2) The site plan for any use that does not meet one of the above conditions and does not have an effect on the exterior of the property may be reviewed and approved administratively by the City Manager or designee.

- (3) Notwithstanding the above, a project that qualifies for administrative approval within a form-based district, per [Section 10.07](#), is exempt from the requirements of this article.

Section 14.02 Application Procedures

- (A) An application, on a form supplied by the city, all required fees, and all other required submittals for site plan review shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which the project will first be considered. The City Manager or designee shall determine the required number of copies of the site plan, which shall be submitted along with the application.
- (B) Fees established by resolution of the City Council shall be paid to the city treasurer at the time the site plan is filed with the City Manager or designee. Transmittals shall not be made until required fees have been paid in full. Fees are not refundable.
- (C) The City Manager or designee shall review the site plan application and, if deemed to be complete, shall place it on the agenda of the next regular Planning Commission meeting.
- (D) The City Manager or designee shall not issue a building permit or a certificate of occupancy until a site plan required by this ordinance has been approved by the Planning Commission.

Section 14.03 Information Required for Site Plans

As deemed necessary to adequately review a proposed use or activity and to meet the purpose and intent of this code, site plans must contain the information required by this section. The information must be presented in sufficient detail to describe, where appropriate, adequate dimensions to show the size and placement of all proposed structures and adequate contour elevations to determine the existing and proposed configuration of the site for engineering purposes. Further, the information must be provided in sufficient detail to determine the demand on public services and facilities.

- (A) The City Manager or designee may waive certain submittal requirements when they are not applicable to the proposed development and shall cite any waived requirements in a report to the Planning Commission. The report shall be forwarded to the Planning Commission when the item is scheduled for their consideration.
- (B) An accurate site plan, drawn by a registered land surveyor or civil engineer at a scale not to exceed one inch equals 100 feet, shall be submitted and show:
- (1) The name, address, phone number, and seal of the individual who prepared the plan and the date it was prepared.
 - (2) Property boundaries, dimensions (including width, length, acreage, and frontage), and north arrow.
 - (3) Physical features of the site and vicinity including existing topography at two foot contour intervals for the site and nearby areas, at least within fifty (50) feet of property lines. If the land is generally flat, topography must be identified at intervals sufficient to identify grade differences. All trees/woodlots, flood plains, bodies of water, and unbuildable areas due to soil conditions, wetlands, topography, or similar conditions, if present, shall also be shown.
 - (4) Existing zoning of the property and zoning of all properties within 300 feet.
 - (5) The use and approximate locations of all structures on adjacent properties and within 300 feet of the subject property.
 - (6) The location, size, height, and use of all existing and proposed structures, including proposed setbacks, typical layout, and building elevations for each type of use or structure, and distances between structures and lot lines.

- (7) For residential developments, density calculations, number and types of residential units, and floor area per unit.
 - (8) Area in gross square feet that will be devoted to non-residential uses, and the number of rooms in a hotel or motel.
 - (9) All signs, including location, size, and type, with a notation stating that all signs will conform to the requirements of this ordinance.
 - (10) All exterior lighting, including location, mounting height, specifications, and informational cut sheets. The Planning Commission may also require a photometric lighting plan, in accordance with Article 16.
 - (11) Proposed parking areas, drives, and loading areas including locations and dimensions. Parking areas shall be designated by lines showing the number and location of individual spaces by size. Parking and loading areas shall be designed to meet the requirements of Article 15 of this zoning ordinance.
 - (12) Public and private streets, rights-of-way, drives, alleys, easements, acceleration and deceleration lanes, pedestrian walkways, and sidewalks, including location and width, as applicable. Also, proposed access routes, internal circulation, and the relationship to existing streets, rights-of-way, and adjacent curb cuts within and surrounding the property.
 - (13) Hydrants and utilities, including location and size of existing and proposed lines, estimated volumes, and proposed connections to public sewer and water systems.
 - (14) Existing and proposed subsurface and surface water drainage system and lines, including estimated flow, location, size, and type.
 - (15) A landscape plan, meeting the requirements of [Article 16](#), showing the location of all existing and proposed landscaping, vegetation, plantings, and screening, including the number of trees and shrubs by species and size.
 - (16) Proposed open spaces, including recreational areas, including their location, size, and purpose.
 - (17) Fences and walls, including their location, height, and type.
 - (18) All other known natural resources or natural features to be preserved.
 - (19) A grading plan that shows existing and proposed two foot contours.
- (C)** In addition to the required maps and drawings, the submittal shall include a narrative that contains the following:
- (1) The owner's name, address, and proof of ownership, and the applicant's name and address, if not the same as the owner's.
 - (2) The common and complete legal description of the property.
 - (3) A development schedule indicating the construction date(s) for the entire project or phase.
 - (4) Covenants, deed restrictions, easements, or other legal instruments affecting the land.
 - (5) Method of providing sewer and water service, as well as other public and private utilities.
 - (6) Proposed system of storm water management.
- (D)** Any additional information that is deemed necessary to adequately evaluate the proposed use or activity and its effects on the city shall be submitted.

- (E) **Environmental Impact Statement.** Before approving a site plan, the Planning Commission may require an environmental impact statement, paid for by the applicant, for any residential, commercial, or industrial development that is five acres or larger. The statement should analyze potential impacts of the proposed development on municipal utility systems; fire, police, and school services; solid waste disposal; water courses and site drainage; noise levels; added traffic that could negatively affect existing land uses or neighborhoods; and other similar factors that may be unique to a specific proposal.
- (F) **Information Required for Single-Family Detached Site Condominium Site Plans.** In addition to the requirements for site plans, the following must be provided in sufficient detail to determine the demand on public services and facilities:
- (1) A project description that describes, in narrative form, the nature and intent of the proposed development;
 - (2) An accurate site plan at a scale not greater than one inch equals 100 feet that shows:
 - (a) Proposed street names; and
 - (b) Condominium unit lot lines, lot line dimensions, and unit and block numbers.
 - (3) A master deed or by-laws related to common elements, construction requirements, and/or use restrictions.

Section 14.04 Site Plan Review Process

The Planning Commission shall review site plans based on the purposes, objectives, and requirements of the zoning ordinance and the standards of this Article. The Planning Commission may choose to review preliminarily and informally a proposed site plan with an applicant; however, such a review does not obviate the review procedures, standards, and requirements of this Article. The Planning Commission may also distribute site plans to governmental departments or officials allowing review and comment on matters that may fall under their jurisdiction.

Section 14.05 Standards of Review

When reviewing a site plan, the Planning Commission shall consider the following standards, as they may apply:

- (A) **Dimensional Requirements.** The arrangement of buildings and structures shall conform to the required yard, setback, and height restrictions of this ordinance.
- (B) **Building Arrangement.** Proposed buildings and structures shall have a harmonious relationship to the site, terrain, vegetation, open space, and other buildings, structures, and improvements, existing and proposed.
- The bulk, location, and height of proposed buildings and structures, as well as the general character of the development, shall minimize any adverse impacts on other development in the surrounding area and shall not place excessive demands on public services or facilities.
- (C) **Surface and Stormwater.** Surface and rainwater impacts shall be addressed in an appropriate manner that is environmentally sound, and yet does not adversely affect neighboring properties or the public storm water system. If practical, water shall be returned on-site to the groundwater table from roofs, canopies, and paved areas via best management practices, or shall be directed to an underground drainage system. Temporary on-site storage to reduce peak runoff may also be used. Rainwater from impervious areas shall not result in ponding that obstructs the flow of vehicular or pedestrian traffic. The use of rain gardens, sunken parking lot islands, pervious pavements, vegetated swales, and other low impact development techniques is encouraged.
- (D) **Public Services and Utilities.** The location, availability, and compatibility of sewer, water, and storm drainage systems shall be considered. The location of utility distribution lines or associated utility installations shall result in a harmonious relationship between neighboring properties and the site. Utility lines (electric, phone, cable, etc.) shall be located underground unless the site has existing overhead service.

- (E) **Vehicular Access and Parking.** Loading, unloading, parking, and on- and off-site vehicular and pedestrian circulation shall be done safely and in a way that does not place demands on public services or facilities in excess of their capacities. All buildings and structures shall be accessible to emergency vehicles.
- (F) **Pedestrian Access.** Pedestrians shall be able to access safely and conveniently major activity areas, employment and service centers, and residential neighborhoods through interconnected walkways. Sidewalks shall be provided along streets unless the Planning Commission determines another method better serves these objectives.
- (G) **Exterior Lighting.** All lights shall be installed and maintained to confine illumination, as much as practicable, or divert glare to the property upon which the use is located. Light levels shall be adequate for the safety of occupants or users of the site and glare shall not adversely affect the safety or welfare of an adjacent property or street.
- (H) **Signs.** The size, location, design, and lighting of signs shall be considered in relation to signs on adjacent sites, glare, traffic safety, and compatibility with adjoining properties. Signs shall be located and designed to avoid creating distraction or clutter.
- (I) **Special Features.**
 - (1) Storage areas, mechanical areas, service areas, truck loading areas, utility buildings and structures, and similar features shall be located, buffered, and/or screened so as to be unobtrusive and not interfere with access to, or circulation within, the site. Such areas, buildings, structures, and features shall not detract from the visual impression of the site.
 - (2) Trash containers shall be enclosed on all sides by a structure aesthetically compatible with the development and surrounding property. The waste storage area shall be maintained free from litter and in a sanitary condition.
- (J) **Landscaping.** Existing vegetation shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Grade changes made shall be in keeping with the general appearance of neighboring developed areas. Plants shall be used to enhance the appearance of the site, to screen unsightly or harsh elements, and to provide visual relief from large monotonous features, such as parking lots. Plants shall conform to the minimum requirements of the landscape regulations in [Article 16](#).
- (K) **External Effects.** Noise, odor, light, dust, dirt, smoke, or other external effects from any aspect of the proposed use shall not adversely affect adjacent and neighboring properties or uses.
- (L) **Compliance with All Applicable Laws.** The Planning Commission shall not approve a site plan that violates or is inconsistent with local, state, or federal laws or regulations.

Section 14.06 Site Plan Approvals

- (A) The Planning Commission shall review the site plan and shall approve, approve with conditions, or deny the site plan in accordance with this article and any of its applicable provisions. The basis for the decision and any conditions imposed relating to approval shall be specified in the record of the Planning Commission approving or denying the site plan. If approved, or approved with conditions, the site plan as approved shall become a part of the record.
- (B) The Chair of the Planning Commission and the applicant shall sign and date three copies of the site plan as approved. One signed copy shall be kept on file by the Planning Commission, one copy shall be forwarded to the City Manager or designee, and one copy shall be returned to the applicant.
- (C) A site plan shall expire one year from the approval date and shall be void unless the authorized use or activity has commenced prior to that time or unless an extension has been granted.

- (1) The Planning Commission may approve an extension or an additional period of up to one year if:
 - (a) The extension is requested prior to the expiration of the initial one-year period; and
 - (b) The applicant presents reasonable evidence that the delay was due to unforeseen difficulties and that the use or activity will commence within the approved extension period.
- (2) If the use or activity has not commenced within the approved extension period, or if an extension is denied, the site plan shall be void.

Section 14.07 Conditions of Approval

- (A) The Planning Commission may impose reasonable conditions in conjunction with site plan approval to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility demands that may result, to protect natural resources and energy, to ensure compatibility with adjacent land uses, and to promote the use of land in a socially and economically desirable manner.
- (B) Conditions shall:
- (1) Be designed to protect natural resources and the health, safety, and welfare of those who will use the proposed use, residents, and landowners immediately adjacent to the proposed use, and the community as a whole;
 - (2) Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity; and
 - (3) Be necessary to meet the intent and purpose of this zoning ordinance, be related to the standards established in this zoning ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 14.08 Site Plan Modifications

- (A) **Minor Changes.** A minor change to a site plan may be permitted by the City Manager or designee, subsequent to site plan approval, provided that the change is limited to the following:
- (1) A change in the location of a curb cut, if the relocation is ten feet or less in either direction from that which was originally approved;
 - (2) An increase in the width of a curb cut, if the increase is 50 percent or less than that which was originally approved;
 - (3) A change in the location, type, or size of landscaping as originally approved, provided that the overall size and quality of the landscaping is equivalent to that which was originally approved;
 - (4) A change in the location or arrangement of required parking as originally approved, provided that there is no reduction in the number of parking spaces and all other requirements of this ordinance are met;
 - (5) A change in the location of stormwater catch basins and utility connections as originally approved, provided such changes are consistent with city engineering requirements;
 - (6) A change in the location of any structure if the change is less than five feet in any direction from the location as originally approved;
 - (7) A change in the size of any structure if the change is less than five percent of the size of the structure as originally approved; or

- (8) A change in the location, type, or size of signs as originally approved, provided that all requirements of this ordinance are met.
- (B) **Major Changes.** Any change to an approved site plan that does not qualify as a minor change shall necessitate a new application following the requirements of this article.
- (C) An applicant requesting a change to an approved site plan shall provide the Planning Commission, or the City Manager or designee, with three copies of the site plan indicating the proposed change. If the change is approved as authorized by this article, the chair of the Planning Commission, or the City Manager or designee, and the applicant shall sign and date three copies of the modified site plan. One signed copy of the approved site plan shall be kept on file by the Planning Commission, one copy shall be forwarded to the City Manager or designee, and one copy shall be returned to the applicant. Any modification approved by the City Manager or designee shall be reported to the Planning Commission at the next regularly scheduled meeting.
- (D) The Planning Commission, or the City Manager or designee, shall not agree to change an approved plan unless the change conforms to the standards and requirements of this article and zoning ordinance.

Section 14.09 Performance Guarantees

The Planning Commission may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the city to ensure compliance with this zoning ordinance, any conditions imposed by the Planning Commission, and the faithful completion of any improvements shown on an approved site plan. The performance guarantee shall be deposited with the city clerk when the permit authorizing the activity or project is issued. If requested by the depositor, the city shall rebate a proportional share of a cash deposit. The amount of the cash deposit rebated shall be based on the percentage of work completed on the date of the request for the rebate, as attested to by the depositor and verified by the City Manager or designee.

Section 14.10 Enforcement

A site plan approved by the Planning Commission shall have the full force and effect of this zoning ordinance. Subsequent actions related to the authorized use or activity shall be consistent with the site plan as originally approved or subsequently modified, as allowed by this article. A violation of an approved plan shall be grounds for the city to stop to all construction and to withhold all building permits and certificates of occupancy until the violation has been removed or an adequate guarantee of its removal has been provided to the city. Violations of an approved site plan or failure to comply with any requirements of this article, including conditions of approval, shall be a violation of this zoning ordinance as provided by [Section 20.05](#).

Article 15.

Parking

Section 15.01 Purpose and Scope

This Article prescribes regulations for off-street motor vehicle parking in residential and non-residential zoning districts, ensures that adequate, safe, and convenient parking and access are provided, and affords reasonable protection to adjacent land uses from light, noise, air pollution, and other effects of parking lots. This Article also establishes parking lot plan review requirements.

Section 15.02 Applicability of Parking Requirements

For buildings and uses established after the effective date of this ordinance, the following off-street parking requirements shall be met.

- (A) Whenever the use of a building or lot changes to another use classification, off-street parking shall be provided as required by this ordinance.
- (B) If the intensity of the use of a building or lot increases because the floor area, seating capacity, or some other aspect was enlarged, additional off-street parking shall be provided to accommodate the increase.
- (C) Off-street parking lots existing on the effective date of this ordinance shall not be reduced below the requirements of this Article.
- (D) An area designated for required off-street parking shall not be changed to another use unless equal facilities are provided elsewhere in accordance with this Article.
- (E) **Form-Based Zoning Districts.** Parking requirements listed in Article 10 for the form-based districts shall apply in addition to the requirements of this Article. Where any requirements conflict, the requirements of Article 10 shall control.

Section 15.03 Parking Lot Plans

- (A) For all non-residential and multiple-family uses with more than two dwelling units, a site plan of a proposed parking lot shall be submitted to the Planning Commission for review and approval before a building permit can be issued. The site plan shall conform to the site plan review requirements of Article 14.

- (B) When reviewing parking lot plans, the Planning Commission shall determine if safe and convenient circulation has been provided, that drive aisles and ingress and egress are properly arranged to accommodate safe pedestrian and vehicular movement to existing and proposed buildings and adjacent land uses, and that the proposed parking lot will not result in unsafe conditions or congestion.

Section 15.04 Off-Street Parking Lot Design

All off-street parking lots shall be laid out, constructed, and maintained in accordance with the following regulations.

- (A) **Parking Lots in Form-Based Districts.** In addition to the requirements of this Article, a parking lot in a form-based district shall conform to the specific requirements of the applicable district. Whenever there are conflicts, the requirements for the applicable form-based district shall control.
- (B) **Location and Setbacks.**
- (1) Off street parking lots shall meet the applicable parking setback or build-to line requirements as specified in the zoning district or the standards for the use.
 - (2) Off-street parking is permitted within any yard except as regulated in subparagraph (3), below; provided the parking lot setbacks in the applicable district or use standards are met.
 - (3) **Setbacks.**
 - (a) In form-based districts, parking lots shall be located as required for the district.
 - (b) In all other districts, except for those allowing one- and two-family dwellings, off-street parking lots, including drive aisles, shall be located at least five feet from the rear and side lot lines, and at least 20 feet from the front lot line. Such open areas shall be landscaped, except for those containing drives, walkways, signs, utility or light poles, or similar structures. When additional and substantial screening or landscaping, acceptable to the Planning Commission, is provided, a parking lot may encroach into the front setback.
 - (c) Where more restrictive setback requirements are listed for specific districts or uses, the more restrictive requirements shall control.
 - (4) For all uses other than single-family or two-family dwellings, an off-street parking lot shall be located on the same lot or within 300 feet, measured along lines of public access, from the nearest point of the parking facility to the building(s) it is intended to serve. However, in the C-4 and C-5 Commercial Districts, off-street parking facilities shall be located within 1,000 feet of building(s) served.
- (C) **Access.**
- (1) Access to a parking lot shall be by adequate, clearly limited, and defined drives. Driveways for non-residential uses shall conform to the City of Grandville Driveway Construction Standards, as amended.
 - (2) All parking spaces shall be accessed by adequate maneuvering lanes.
 - (3) Except for single-family and two-family uses, the layout of a parking lot shall not require a vehicle to back into a street or use it to maneuver between parking rows.
 - (4) When located in a zoning district that allows uses other than single-family residential, a parking lot shall not be accessed across land that is zoned for single-family residential, except for alleys that form a boundary between a residential and non-residential district.
 - (5) An access drive to an off-street parking lot that is located in other than a single-family residential zoning district shall be at least 25 feet from an adjacent single-family residential district.

- (6) All parking lots and storage areas shall provide emergency vehicle access. Parking lot or storage area driveway security gates shall be breakaway, and the owner shall provide the city with a hold harmless clause in the development agreement for instances when an emergency vehicle could be delayed or not able to reach a part of the property because of the gated access.

(D) Dimensional Requirements. See Table 15.04(D).

Table 15.04 Off-Street Parking Dimensional Requirements

Parking Pattern	Parking Space		Maneuvering Lane Width	
	Width	Length	One-Way	Two-Way
0° (Parallel)	8.5 ft.	22 ft.	12 ft. ⁽¹⁾	22 ft.
30° to 53°	9 ft.	18 ft.	13 ft.	22 ft.
54° to 74°	9 ft.	18 ft.	16 ft.	22 ft.
75° to 90°	9 ft.	18 ft.	24 ft.	24 ft.

Notes to Table 15.04(D):

- (1) May need to be increased when fire or safety apparatus must use maneuvering lanes.

- (1) All parking lots shall be striped and maintained showing individual parking spaces in accordance with Table 15.04.
- (2) Angled parking between these ranges shall be to the nearest degree.
- (3) The length of a parking space may be reduced by up to two feet if an unobstructed overhang of not less than two feet is provided, such as a landscaped area or sidewalk. A sidewalk shall be at least eight feet wide when abutting a parking lot.

(E) Stacking Spaces for Drive-Through Uses. Required stacking spaces shall conform to the following:

- (1) Stacking spaces shall be at least 22 feet long and nine feet wide.
- (2) Stacking spaces shall not block required off-street parking spaces. The lane containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes.
- (3) When a single drive-through lane allows five or more vehicle to stack, an escape lane shall be provided that allows a vehicle to exit the waiting lane.
- (4) Stacking spaces shall avoid undue interference with on-site parking and prevent unnecessary hazards to pedestrians.
- (5) In no instance shall vehicles stack onto an adjacent public or private road.

(F) Snow Storage.

- (1) A site plan shall designate snow storage areas for parking lots with more than 100 spaces.
- (2) Storage areas shall only be located within a side or rear yard and shall not hinder driver or pedestrian site lines within the parking lot.

- (3) A snow storage area shall be at least equal to 10 percent of the area of the planned parking lot. The calculation for snow storage shall not include deferred parking areas until such time when the deferred parking area has been converted to parking.
- (4) Snow shall be removed as needed to maintain the number of required parking spaces.

(G) Construction and Maintenance. Parking lot construction shall require site plan approval in accordance with Article 14. Before a certificate of occupancy is issued, construction shall be completed and approved by the City Manager or designee and the city engineer.

- (1) Parking lots and vehicle and equipment storage areas shall be paved with asphalt or concrete. The city engineer may also approve alternate paving materials, such as permeable/grass pavers. The Planning Commission may approve a substitute for hard-surfaced pavement in storage areas if they determine that it will not adversely impact an adjoining property.
- (2) Surfacing of a parking lot shall be completed prior to occupancy unless seasonal restrictions apply. In such cases, the applicant shall provide a performance guarantee that ensures completion by a specified date the following season.
- (3) Parking spaces shall be striped with paint or other approved material, at least four inches wide, well maintained, and clearly visible.
- (4) Bumper blocks shall not be used in parking lots except where the Planning Commission determines they are necessary, or in the case of administrative approvals, the City Manager or designee determines they are necessary.
- (5) Rainwater from parking areas shall be detained on site in accordance with city engineering standards. Depressed landscape islands, rain gardens, permeable pavement, vegetative swales, and other low-impact designs are preferred as a way to avoid large detention basins.
- (6) To protect landscaped areas, sidewalks, buildings, or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot, a six-inch concrete curb, or alternative as determined by the Planning Commission, shall define all sides of a parking lot and landscaped islands. Curb openings to accommodate drives, sidewalks, and storm water drainage, as recommended by the city engineer, are allowed. Plants shall be located two feet from curbs to accommodate a bumper overhang.
- (7) Off-street parking areas shall be landscaped in accordance with the requirements of this Article.
- (8) Off-street parking areas shall be illuminated in accordance with the requirements of Article 16.
- (9) Fire lanes shall be designated and signed prior to occupancy. Vehicle circulation shall meet turning requirements established by the fire department.
- (10) Parking lots shall be free of trash and debris, and surfaces, curbs, light fixtures, and signs shall be maintained in good condition.

Section 15.05 General Off-Street Parking Requirements

- (A) Collective or Shared Parking.** Two or more buildings or uses may use a common parking lot provided the total parking spaces are equal to the required number when all uses are computed separately. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced by the Planning Commission when determined that one or more of the factors listed in subsection (B) below apply. When uses are on separately-owned lots, a legal agreement for shared parking shall be recorded and a copy provided to the city before a certificate of occupancy is issued.

- (B) **Reduction of Parking Requirements.** The Planning Commission may reduce the parking requirements based on the finding that there will be a lower demand for parking due to one or more of the following:
- (1) Parking is shared by multiple uses and a high proportion of multi-purpose visits or uses will have peak parking demands during different times of the day or days of the week. However, pedestrian connections shall be maintained between all uses, separate parking lots shall be adjacent to each other and both pedestrian and vehicular access shall interconnect. After approval by the Planning Commission and before a certificate of occupancy is issued, a shared parking agreement shall be filed with the Kent County Register of Deeds and the city clerk.
 - (2) Convenient municipal off-street parking or on-street spaces are located along the frontage of the site.
 - (3) Walk-in business is expected due to the density and intensity of adjacent residential neighborhoods or employment centers. When a reduction in parking spaces is allowed, off-site pedestrian connections and on-site pedestrian circulation must offer safe and convenient access to building entrances.
 - (4) Other forms of travel, such as public transit, are available. When a reduction in parking spaces is allowed, site design that incorporates transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities may be required.
 - (5) The applicant provides a parking study, conducted by a qualified traffic engineer, that demonstrates a different standard would be more appropriate based on the actual number of employees, expected level of customer traffic, or actual counts at a similar establishment. The Planning Commission may require a parking study to document that any one of criteria (1) through (4) above would be met.
- (C) **Maximum Allowed Parking.** To minimize excessive pavement that can negatively affect site aesthetics and contribute to high rates of storm water runoff, the Planning Commission may allow the minimum parking space requirement to be exceeded by not more than 10 percent. In granting additional parking spaces, the Planning Commission shall determine that, based on documented evidence, more parking will be required to accommodate a use on a typical day. The Planning Commission may require the additional parking spaces to be constructed using alternative paving materials, such as permeable/grass pavers or pervious concrete.
- (D) **Banked Parking.**
- (1) Where a reduction in the number of parking spaces is not warranted but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the Planning Commission may defer some of the parking. The city may request a performance guarantee to cover the cost of developing the deferred parking lot.
 - (2) The site plan shall identify portions of the site where future parking spaces may be located. Such areas shall be maintained in a landscaped appearance and not occupy required greenbelts or parking lot setbacks or be used for any other purpose. Landscaping, such as parking lot trees, that would otherwise be required shall be installed in the banked parking area.
 - (3) The banked parking shall meet all ordinance requirements if constructed, based on parking needs or observation. Construction of the deferred parking area may be initiated by the owner or required by the City Manager or designee. Such an action shall require administrative approval of an amended site plan.
- (E) **Prohibited Uses.** Except as may be approved as a special land use, the following are prohibited for areas designated for parking, access, and maneuvering:
- (1) Outdoor storage or display of merchandise;
 - (2) Motor vehicle sales, except on properties where vehicle sales are allowed as the principal use;
 - (3) Trucks or equipment, unless being used for a permitted construction project on the same site;
 - (4) Wrecked, junked, or unlicensed vehicles; or

- (5) Vehicle repair.

Section 15.06 Residential Districts

In a residential district, parking or storing commercial vehicles, trucks, vans, and similar vehicles that exceed the capacity or weight as specified by this section (regardless of if it is a commercial vehicle or not), and vehicles without current license plates are subject to the following limitations:

- (A) Commercial Vehicle, Truck, or Van Parking or Storage in a Residential District.** The parking or storage in a residential zoning district of a commercial vehicle, or of a truck, van, or similar vehicle as specified by this section is not permitted, except under the following conditions:
- (1) A commercial vehicle used personally by an occupant of the premises in going to work may be parked or stored on the premises, provided that the vehicle does not exceed a gross vehicle weight rating of 7,500 pounds. No more than one commercial vehicle per dwelling unit shall qualify as an accessory use under this section.
 - (2) Parking or storing trucks (including, but not limited to, pick-up trucks and panel trucks), vans, or similar vehicles with a rated capacity of more than one ton, or with a gross vehicle weight rating of more than 7,500 pounds, is prohibited in any residential zoning district.
 - (3) This prohibition does not apply to a recreational vehicle that is stored as permitted under subparagraph (B), below; to school buses, if parked at a school or school facility; or to buses owned or leased and exclusively used by an institution, or quasi-public organization and parked at their facility.
- (B) Storage and Parking of Recreational Vehicles.** The restrictions for the storage and parking of recreational vehicles, as defined in Section 2.10, shall be as follows.
- (C) Storage of Recreational Vehicles.** The restrictions for the storage of recreational vehicles, including, but not limited to, flatbed/enclosed trailers, vehicles, boats, boat trailers, travel trailers, motorized trailer dwellings, pick-up cabs, pick-up campers, and motor homes are listed below.
- (1) **Parking.** Recreational equipment may be parked on a paved driveway in any yard for a period not to exceed seven consecutive days AND not to exceed 48 total days in any calendar year. At no time shall a recreational vehicle block a sidewalk.
 - (2) **Storage.** "Storage" shall be defined as the keeping of a recreational vehicle for a longer period of time than the parking allowances described in subsection (1). Storage shall not be permitted in the front yard. Storage is permitted in one side yard or in the rear yard, provided it is located at least two feet from the side and/or rear property lines and is screened from neighboring properties by either a six foot solid fence or evergreen trees or shrubs as described below. Tightly spaced evergreen trees and/or shrubs that are at least six feet tall when planted may also be used to screen views. Storage shall be located behind a line that extends across the front façade of the residence. Storage is not permitted in a side yard adjacent to a street unless all side yard requirements can be maintained, and the vehicle is screened as required above. All storage recreational vehicles shall be moved from a lot at least twice per year.
 - (3) A recreational vehicle shall not exceed 8 1/2 feet in width, 13 1/2 feet in height, and 40 feet in length.
 - (4) Only one recreational vehicle shall be stored or parked outside per lot or parcel.
 - (5) Stored or parked recreational vehicles shall be operable, licensed, and maintained in good repair, and the open storage of disassembled or component parts for such items is prohibited at all times. Required vehicle licenses shall be kept current.
 - (6) Recreational vehicles shall not be used for lodging, housekeeping, or storage and shall be locked at all times to prevent entry except with permission or supervision by the owner.

- (D) **Non-licensed Vehicles.** A motor vehicle without current license plates shall not be parked or stored in any residential zoning district except within a completely enclosed building.

Section 15.07 Transition Zone Parking

Parking areas for non-residential uses may be established within a residential district or, in the case of a multiple-family use, in a single-family or two-family district, where the residential side yard either abuts or is across the street or alley from a commercial, industrial, or multiple-family district, and where such parking area does not extend more than 150 feet from the right-of-way line of the lot that abuts or is across the street or alley from the commercial, industrial, or multiple-family district. The Planning Commission may authorize such transition parking areas subject to the following conditions:

- (A) Such parking areas shall conform to all off-street parking requirements of this ordinance.
- (B) Transition parking areas shall not be located in the required front yard of a residential district and the front yard shall be landscaped as required.
- (C) Transition parking areas shall be used solely to park passenger vehicles. Commercial repair work or sales and service of any kind is prohibited. Signs, other than directional signs, are prohibited within transition parking areas.
- (D) Driveways that serve as a transitional parking area for a commercial or industrial use are not permitted on a street that is located within a residential district. If such parking areas contain more than four spaces, driveways serving such areas shall be located a minimum of 20 feet from the line of residentially zoned property and shall also meet the setbacks from intersection and clear vision regulations as contained within this ordinance.

Section 15.08 Schedules of Off-Street Parking Requirements

The number of required parking spaces for each use is listed with the requirements for each of the zoning districts.

- (A) **Determination of Required Spaces.**
 - (1) When units or measurements determining the number of required parking spaces result in a fraction over one-half, a full parking space shall be required.
 - (2) When parking space requirements are based on the number of employees, they shall be calculated upon the number of employees present during the peak shift or work period.
 - (3) When parking requirements are based on the number of seats and seating is provided using benches or pews, each seat shall be 24 inches of bench or pew length. In buildings where no fixed seating is provided, the number of seats shall be based upon the seating capacity as determined by the Building Inspector.
- (B) **Uses Not Listed.** Parking requirements for a use not specified in this ordinance shall be the same as the most similar use, as determined by the City Manager or designee during initial review of the parking lot plan and as subsequently approved by the Planning Commission.

Section 15.09 Off-Street Loading

Uses, except for one- and two-family dwelling units, that customarily receive or distribute materials or merchandise shall provide off-street loading and unloading spaces according to the following:

- (A) Each space shall be at least ten feet wide and 50 feet long.

- (B) A loading space may be located within a required side or rear yard, except for required landscape areas, and except that a loading space shall not be located in a side yard that abuts a street if it is on a corner lot. Loading spaces shall not be located in a required front yard.
- (C) The design and screening of off-street loading areas shall be reviewed at the time of site plan approval to ensure adjacent properties, especially residential districts, are protected from any disruptions normally associated with such a facility.
- (D) Off-street loading facilities that make it necessary to back directly into a public road are prohibited. All truck or vehicle maneuvering shall take place on site and not within a public right-of-way.

Article 16.

Landscaping and Exterior Lighting

Section 16.01 Purpose and Scope

This Article specifies landscape and exterior lighting requirements for all land uses requiring site plan review and provides landscape techniques to achieve compatibility between abutting and adjacent uses, including public and private streets. The landscape and exterior lighting regulations in this Article further:

- (A) Promote the public health, safety, and general welfare by reducing noise, air, and visual pollutions, air temperature, and light glare;
- (B) Improve air quality;
- (C) Prevent soil erosion and increase water retention;
- (D) Improve the appearance of off-street parking, vehicular-use areas, and property abutting public rights-of-way;
- (E) Improve the aesthetics and safety of pedestrian sidewalks, both within paved areas and along public rights-of-way;
- (F) Require buffering between incompatible land uses;
- (G) Protect residential privacy;
- (H) Provide landscaping that will survive and flourish in this area; and
- (I) Preserve, to the highest degree possible in an urban area, night skies unaffected by light pollution and glare.

Section 16.02 General Landscaping Provisions

- (A) **Applicability.** The requirements of this Article shall apply to all zoning districts; however, in the form-based districts, any additional or more restrictive requirements, as listed in Article 10, shall apply.
- (B) **All Plants Shall be Hardy and Maintained in a Neat and Orderly Manner.** Withered or dead plants shall be replaced within a reasonable period of time, but not to exceed one growing season. The owner of property shall maintain landscaping in a strong and healthy condition, free from refuse, debris, and insects.

- (C) **All Unpaved Areas Shall Be Landscaped with Grass or Other Similar Ground Cover.** Wood chips, decorative stone, or similar landscape material is permitted as an accent or mulching material, and must be contained within curbs or other means to prevent the materials from blowing or otherwise falling into parking areas, grass areas, etc.
- (D) Landscaping within or adjacent to parking areas shall be protected by a raised concrete curb or anchored landscape timbers that are designed to prevent motor vehicles from infringing upon landscaped areas and to ensure that the landscaping materials remain within a defined area.
- (E) Landscaping shall be arranged to simulate a natural setting such as staggered rows or clusters. The Planning Commission may, if requested by the applicant, approve a formal landscaping arrangement if it complements the character of a site or building.
- (F) Landscaping shall be designed to blend with adjacent sites where a road, walkway, or other pathway flows between parcels.
- (G) A bond, letter of credit, or escrow account may be required in the amount of the cost of landscaping and shall be recorded with the city, to be released only after landscaping is completed.
- (H) All required landscaping shall be planted before a certificate of occupancy can be obtained and/or any financial guarantees can be released. All landscaping shall be planted, and grading performed in a sound workmanlike manner, according to accepted planting and grading procedures.:
- (I) Minimum plant sizes at time of installation shall be according to Table 16.02(I):

Table 16.02(I): Minimum Plant Sizes at Installation

Plant Type	Minimum Size
Deciduous Canopy Tree	2.5 in. caliper
Deciduous Ornamental Tree	2 in. caliper
Evergreen Tree	6 ft. tall
Deciduous Shrub	2 ft. tall
Upright Evergreen Shrub	3 ft. tall
Spreading Evergreen Shrub	18 to 24 in. spread

- (J) A mix of plants such as evergreen and deciduous trees and shrubs is recommended as a protective measure against insect and disease infestation. The overall landscape plan shall not contain more than 25 percent of any one plant species.
- (K) A berm shall have a maximum slope of one foot of vertical rise to three feet of horizontal distance (1:3) with a crest area at least four feet wide.
- (L) The City of Grandville Tree Committee shall develop a list of undesirable trees. The trees on that list shall be not be used to comply with any tree planting requirement in this Ordinance.

Section 16.03 Landscape Plans

A complete landscape plan shall be submitted as part of the site plan review application. The landscape plan shall include, but not necessarily be limited to, the following items:

- (A) Location of natural features, wetlands, natural drainage areas, woodlots, existing free-standing trees outside of a woodlot over 12 inches in diameter, and vegetation to be preserved.
- (B) Location, spacing, size, and common and Latin description of each proposed plant type.
- (C) Turf areas or other ground cover and method of planting.
- (D) A typical cross-section including slope, height, and width of berms and swales, or height and type of construction of wall or fence, including footings.
- (E) Engineering details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- (F) Description of a landscape maintenance program including a statement that all diseased, damaged, or dead plants shall be replaced in accordance with the standards of this section.
- (G) **General Landscaping Requirements.**
 - (1) Some landscaping requirements may be waived if existing vegetation is preserved and as a result, ordinance requirements for landscaping, screening, or buffering are either met or exceeded.
 - (2) The Planning Commission may permit required plantings to be located in alternate locations on the site, based on existing conditions. For instance, a tree required along the street frontage may be re-located to a side yard due to the presence of overhead power lines. However, the Planning Commission shall not have the authority to reduce the total number of plantings required under this Ordinance.
 - (3) Using landscaping to address alternative stormwater management techniques, such as green roofs, rain gardens, and vegetative swales, is encouraged. Where such measures are incorporated into a site plan and the Planning Commission finds that the proposed techniques meet the intent of this section and that the low-impact stormwater management improves drainage or protects sensitive natural features (such as streams, lakes, or wetlands) on the site and/or within the surrounding area, some of the requirements of this section may be waived.
 - (4) **Existing Landscaping.**
 - (a) Existing trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If labeled "To Be Saved," protective measures shall be implemented, such as installing a construction fence around the tree(s) and vegetation at the critical root zone. Vehicles or other construction equipment shall not be parked or stored within such a protected area.
 - (b) Effort shall be made to preserve existing healthy trees on a property outside the immediate building area that are greater than 12 inches in diameter, measured 4 1/2 feet above the ground. In order to preserve landmark trees, the Planning Commission shall review and approve tree protection measures and may also require changes to a site plan.
 - (c) Should trees and plants, intended to meet the requirements of this section, be cut down, damaged or destroyed, they shall be replaced with the same species or an approved substitute. The Planning Commission may require up to three new trees, each with at least a 3 1/2 inch caliper, to replace any tree over 12 inches in diameter that has been cut down, damaged, or destroyed.

Section 16.04 Landscaping in Required Setbacks

- (A) For uses that require site plan review, in addition to required parking lot landscaping, all yards within a front setback shall be landscaped with at least one canopy tree and four shrubs for every 30 lineal feet of lot frontage, including driveways and curb cuts, abutting a public right-of-way, street, or road. A fractional requirement for a tree or shrub greater than one-half shall be treated as a whole number.
- (B) Yards located within a side and rear setback shall be landscaped with at least one tree and three shrubs, for every 40 lineal feet of property line. A fractional requirement for a tree or shrub greater than one-half shall be treated as a whole number.

Section 16.05 Parking Lot Landscaping

Parking lots with ten or more parking spaces shall be landscaped according to the following:

- (A) **Interior Lot Landscaping.**
 - (1) Parking lots exceeding ten parking spaces shall provide the equivalent of one landscape island for every 15 parking spaces.
 - (2) A landscape island, peninsula, or bump-out shall be at least 180 square feet and at least three feet wide.
 - (3) Islands shall be landscaped with one canopy tree and two shrubs for each 60 square feet of area.
 - (4) Depressed landscape islands or vegetative swales to manage storm water are encouraged and meet these requirements.
- (B) **Perimeter Parking Lot Landscaping.** In addition to the landscaping required in the interior of the lot, described above, landscaping shall also occur at the perimeter of a parking lot in accordance with the following requirements:
 - (1) Landscaping on a corner property shall be situated so that views of the intersection are not impaired, in accordance with [Section 3.18](#).
 - (2) To screen headlights, a three-foot tall wall or a hedge, consisting of evergreen shrubs at least 30 inches tall when planted and spaced three feet on-center, shall be located in front of parking spaces that are within 50 feet of a neighboring property or right-of-way line, provided the parking spaces are not otherwise obstructed by buildings, etc.
 - (3) Landscaping may be required to serve as windbreaks.

Section 16.06 Buffer Yards

A buffer yard is a designated open area that includes required plants, barriers, or fences. The required land area and the type and amount of landscaping specified by these provisions lessen impacts between adjoining land uses and minimizes potential nuisances such as noise, glare, activity, dirt, or unsightly parking lots. Buffer yard standards must be flexible and respond to the particular circumstances associated with different land uses and activities. A single standard applied to all circumstances could promote monotony and may impose unnecessary hardships. Accordingly, the following provisions provide flexibility by allowing four basic elements to be manipulated: distance, type of plant, density, and land forms.

- (A) **Buffer Yards Required.** When required, buffer yards shall be located along exterior lot lines and extend to the boundary of a lot or parcel. Buffer yards shall not extend into or be located within an existing street right-of-way.
- (B) **General Buffer Yard Requirements.**

(1) **When Required.**

- (a) A buffer yard is required whenever a property in a conventional commercial or industrial zoning district abuts property in the R-1, R-2, or R-3 Residential Districts or the OW Oakes/White or PB Prairie/Barrett Form-Based Districts, or when a property in an R-3 District abuts any property in the R-1, R-2, or PB Districts.
 - (b) The Planning Commission may also require a landscaped buffer yard in conjunction with site plan, planned unit development, or special land use reviews. When a buffer yard is required, it shall be located on the multiple-family or non-residential district property. The Planning Commission shall approve the location, size, shape, landscape design, materials, and other buffer yard specifications subject to the general requirements of this section.
- (2) A buffer yard may contain berms, landscaping as required by this section, additional plants where the required landscaping is insufficient, walls, fences, or any combination of these elements.
- (3) **Front Yards.** Except as otherwise required by this section, when a property in a different zoning district, as defined in Subparagraph (1)(a), above, is located across a street right-of-way, a buffer yard shall be located within the required front yard setback. In addition to the setback landscaping requirements in Section 16.04, the buffer yard shall be landscaped with at least one evergreen tree for every 20 lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Evergreen trees within a buffer yard shall be at least six feet tall at the time of planting.
- (4) **Buffer Yards Along All Other Property Lines.** Buffer yards shall be located within the required side or rear setback. In addition to the setback landscaping requirements listed in Section 16.04, the buffer yard shall contain four shrubs for every 20 lineal feet of property line and grass, ground cover, or other natural landscape materials.
- (5) Areas that do not contain trees or planting beds shall be planted with grass or other living ground cover.
- (6) Detention/retention areas shall be permitted within the required buffer yard, except as may be prohibited elsewhere in this Section. However, detention/retention areas shall not hamper screening or jeopardize plant survival.

(C) **District Specific Buffer Yard Requirements.**

(1) **OS-2 District.**

A buffer yard adjacent to 44th Street shall be landscaped as follows:

- (a) At least six canopy or coniferous trees for every 100 lineal feet of buffer yard; and
- (b) At least 15 shrubs for every 100 lineal feet of buffer yard.

(2) **C-4 District.**

- (a) A portion of the site that abuts a public street shall have a 50 foot buffer yard within the setback area adjacent to the road right-of-way. The buffer yard shall be landscaped with:
 - 1. At least six canopy or coniferous trees for every 100 lineal feet of buffer yard; and
 - 2. At least 15 shrubs for every 100 lineal feet of buffer yard.
- (b) Landscaping within a buffer yard shall be clustered to achieve a natural planting pattern and to maximize screening. The buffer yard may include an undulating berm with a maximum height of six feet and a maximum slope of 3:1.

- (c) The area between a driveway, off-street parking area, and a street right-of-way shall be landscaped and maintained in a neat and orderly condition. Berms are encouraged to help screen parking and loading areas from public view.
- (d) Heating, ventilation, or air conditioning units, or similar electrical or mechanical appurtenances shall be properly screened. All roof-mounted heating, ventilation, or air conditioning units and similar electrical or mechanical appurtenances shall be screened from street level views.

Section 16.07 Exterior Lighting Requirements

- (A) Outdoor lighting shall be shielded to reduce glare and shall be placed so that it does not create a nuisance for adjacent residences.
- (B) With the exception of ground-based lights that illuminate government flags, outdoor lighting shall be directed down toward the ground and shall not impair traffic safety on any street, public or private. Only the flag shall be illuminated, therefore, lights shall be placed so that glare is not directed toward streets or adjacent properties.
- (C) Commercial, industrial, and new residential parking lots shall be illuminated, but lights shall not be attached to a building. Commercial and industrial outdoor accent lighting including, but not limited to, luminous tube (neon), string lighting, LED, or fluorescent lighting may be allowed as an architectural detail on the exterior of any structure, provided that such lighting shall not completely outline or define property lines, building outlines, roofs, doors, windows, or similar areas in a manner that is not primarily for safety purposes. This Section does not regulate seasonal holiday lighting displays.
- (D) **Height.**
 - (1) In a residential district, light fixtures shall be no more than 15 feet in height.
 - (2) In a non-residential district, fixtures shall be no more than 20 feet in height when the use or zoning district is adjacent to a residential district. In all other cases, light fixtures shall be no more than 25 feet in height.
 - (3) Fixture height shall be measured from the parking lot grade to the light source. No part of a fixture shall extend more than one foot above maximum fixture heights.
- (E) The Planning Commission shall require roads that are being constructed as part of, or in advance of, a new development, to be illuminated and that all street lights shall be at a pedestrian or human scale. Lights shall be full cutoff fixtures and any decorative fixtures shall be shielded.
- (F) Security lighting shall be permitted but shall be shielded. The Planning Commission may prohibit constant illumination of a site or building, allowing instead only some of the lights to be in use during a 24-hour period. This requirement does not apply to residential subdivisions where it may be necessary to operate interior street lighting 24 hours per day.
- (G) **Under-Canopy Lighting.**
 - (1) Canopy lighting shall be mounted flush with the canopy surface.
 - (2) A light fixture shall not protrude below the underside (fascia) of a canopy.
- (H) **Fixtures.**
 - (1) Light fixtures shall direct light down and be full sharp cutoff.
 - (2) Protruding lenses are prohibited.

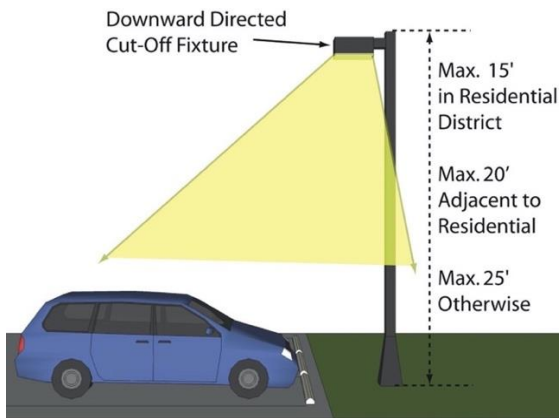


Figure 7

- (3) Unless otherwise approved by the Planning Commission, lights shall be high pressure sodium. Approved exceptions shall use warm light or natural lamp colors.
- (I) **Illumination Levels.** Site lighting shall not exceed 0.5 foot-candles at a residential property line and 1.0 foot-candles at a non-residential property line. Illumination levels shall be measured with a foot-candle meter or sensitive photometer and expressed in foot-candles.
- (J) **Lighting Plans.**
 - (1) Compliance with the lighting criteria shall be demonstrated by submitting the following information:
 - (a) Lighting plan (as part of the site plan package) showing light fixture locations and fixture type;
 - (b) Lighting equipment specifications and data sheets; and
 - (c) Any other materials or information required to convey the intent of the lighting design.
 - (2) **Photometric Plans.** The Planning Commission may require a photometric plan (lighting grid) prepared by an electrical or illumination engineer graphically illustrating the planned layout and design of the lighting. The photometric plan shall show horizontal luminance levels in a point-by-point format with contour lines. The photometric plan shall be provided for an empty and a full parking lot. Canopy lighting must also be included in luminance levels.

Article 17.

Signs

Section 17.01 Intent and Purpose

This article controls signs related to all land uses, encourages the effective use of signs as a means of communication, improves pedestrian and traffic safety, and maintains and enhances aesthetics in a manner that is consistent with public health, safety, and welfare. This article is intended to protect and preserve the First Amendment right to freedom of speech by regulating the size, type, and placement of signage, not the content of the signs themselves, and by establishing regulations based on the character of a given area, and not based on the message of potential signage.

Section 17.02 Applicability

- (A) Signs shall be allowed as an accessory use in all zoning districts. However, a sign may be erected, placed, established, painted, created, or maintained only in compliance with the standards, procedures, and requirements of this article.
- (B) All signs that are not expressly authorized by this Article are prohibited.

Section 17.03 Definitions

As used in this Article, the following words and phrases shall have the meaning provided by this Section. Words and phrases not defined in this Section, or not defined elsewhere in this ordinance, shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Abandoned Sign. A sign for which a legal owner cannot be found.

Awning. A canopy or other protective cover or shelter, usually placed over a door, entrance, window, or outdoor service area, constructed of fabric, plastic, or other flexible material, on a supporting framework, projecting from and supported by the exterior wall of a building. A marquee is not an awning.

Awning Sign. A building sign that is painted on, printed on, or attached flat against the surface of an awning.

Ball Field Sign. A sign located at a public or private ball field.

Banner Sign. A sign made of fabric, plastic, or similar flexible material that is not enclosed by a frame and is attached at one or more of its edges to a structure or building. A flag is not considered a banner sign, and a banner sign is not considered a flag.

Building Sign. A sign attached to any part of a building, in contrast to a freestanding sign.

Changeable Message Sign. A sign where the message is changed mechanically, electronically, or manually, including electronic message signs.

Copy. The wording on a sign that is either permanent or removable.

Directional Sign. A freestanding sign placed within five feet of a driveway or parking lot. Directional signs are generally intended, though not required, to be used to direct automobile traffic in a safe and efficient manner through a site.

Electronic Message Sign. A sign with a changeable message sign that can be electronically programmed to display information, including contiguous light banks, LED signs, and other displays that use lights or groups of lights to create the message.

Flag. A non-rigid fabric, banner, or bunting containing distinctive colors, patterns, or symbols. Flags shall not be considered signs.

Flashing Sign. A sign that contains an intermittent or sequential flashing light source used primarily to attract attention, but not including electronic message signs.

Freestanding Sign. A sign supported by structures or supports that are placed on or anchored to the ground and that is independent from and not attached to a building or other structure.

Governmental Sign. A sign erected and maintained by the city, county, state, or federal government for a public purpose, including, without limitation, the following signs:

- (A) Signs erected by a governmental agency within parking lots, recreational areas, other public space, or governmental buildings;
- (B) Signs erected by local, state, or federal agencies or commissions with jurisdiction over historic landmarks, historic districts, or other places of historic significance (e.g., centennial farms);
- (C) Traffic control signs erected by the state, county, or city;
- (D) Signs erected by the providers of essential services, such as utility lines;
- (E) Signs required by a federal, state, or local law, regulation, or ordinance.

Ground Sign. A freestanding sign, supported by uprights or braces in or upon the ground surface or mounted on a base, and consisting of two or more sides containing a message or the name of a business, group of businesses, or development.

Illuminated Sign. A sign illuminated by an artificial light source, incorporated internally or externally, for the purpose of making the sign more visible.

Incidental Sign. A temporary sign that has a purpose related to, but secondary to, the use of the property on which it is located, and which provides directions, instructions, or information regarding the property, without use of advertising copy or logos. Incidental signs include only the following:

- (A) **Construction Site Sign.** A temporary sign placed on development site that only conveys information related to the ownership, location, design, financing, or construction of the project.
- (B) **Other Freestanding Temporary Signs in Residential Districts ONLY.** Freestanding temporary signs on lots in the R1-A, R1-B, R1-C, R2-A, R3-A, R3-B, RMH, and PB Districts shall be considered incidental signs in all cases. Freestanding temporary signs on lots in the OS-1, OS-2, C-1, CBD, C-3, C-4, C-5, I-1, and I-2 Districts shall only be considered incidental signs if they meet the definition of "construction site sign."

Marquee. A permanent roof-like structure constructed of rigid materials that project beyond a building or extend along and project beyond the wall of a building; generally designed and constructed to provide protection from the weather.

Inflatable Sign. A sign constructed of lightweight material that is filled with or activated by air, which may or may not float, or a tethered balloon, or a sign or display that is held erect or semi-erect through the use of moving or compressed air.

Integral Roof Sign. A sign erected or constructed as an integral or essentially integral part of a roof structure that does not extend above the roof line at that location (See: Roof Sign.)

Mansard Sign. A sign attached to or part of a mansard.

Marquee Sign. A sign attached to or part of a marquee.

Nonconforming Sign. A sign erected legally that no longer complies with regulations enacted subsequent to its erection.

Parapet. The extension of a false front or wall above a roof line.

Pennant. A lightweight plastic, fabric, or other material, whether containing a message or not, suspended from a rope, wire, or string, or attached to a pole, usually in series, designed to move in the wind.

Permanent Sign. Any sign constructed and intended to be displayed for an indefinite, long-term period of time. Any sign, regardless of construction or intention, that is in place for more than three months shall be considered a permanent sign.

Portable Sign. A sign designed to be transported and which is not permanently attached to the ground or other permanent structure, including, without limitation, signs designed to be transported by means of wheels or a trailer, signs converted to A- or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way (unless the vehicle is used for vehicular purposes in the normal day-to-day operations of the business).

Projecting Sign. A sign that extends more than 24 inches, but not more than six feet, from the surface of the building or wall to which it is attached.

Pylon Sign. A freestanding sign that is elevated above the ground on poles or braces and not attached to a building or other structure.

Roof Sign. A sign erected on and over the roof of a building, supported by the roof structure, and extending vertically above the roof line of that location.

Roof Line. The top of a roof or a building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or minor projections.

Sidewalk Sign. A moveable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A. (Also known as a sandwich board or A-frame sign.)

Sign. A device, fixture, placard, or structure that uses color, form, graphics, illumination, symbols, or writing to display a clearly and immediately discernable message, including, but not limited to, logos, words, or other messages, advertising, announcing the purpose of, or identifying the purpose of any business, establishment, person, entity, product, service, or activity, or to communicate information of any kind to the public.

Street Frontage. The continuous distance a lot adjoins a public street, uninterrupted by any portion of another lot adjoining that same street; from one lot line intersecting the street to the most distant lot line of the same lot intersecting the same street.

Subdivision Identification Sign. A freestanding or wall sign located on private property (which may be commonly held by a condominium association, homeowners association, or plat development) at the entrance to an approved subdivision, condominium project, or residential planned unit development.

Suspended Sign. A sign that is suspended from the underside of and supported by a horizontal surface.

Temporary Sign. A sign that is not constructed to be displayed for an indefinite, long-term period of time. Any sign in place for greater than three months shall not be considered a temporary sign. The following shall be considered temporary signs in all instances, and shall not be displayed for more than three consecutive months:

- (A) Signs that are not permanently attached to the ground or a building/structure.
- (B) Signs that are constructed of non-durable materials, such as cardboard, paper, or corrugated plastic.
- (C) Signs that are constructed of non-rigid materials, such as fabrics.

Wall Sign. A sign parallel to but extending no more than 24 inches beyond an outside wall. A wall sign may be painted directly on a wall surface or erected upon and confined to the outside wall of a building or structure.

Window Signs. Any sign over two square feet in area and affixed upon a window.

Section 17.04 Signs Exempt From Permit

The following signs are specifically exempt from the permit requirements of this article, provided such signs are outside of the public street right-of-way and are located to ensure adequate sight distance. The area of the signs listed in this section shall not count towards the maximum signage on a given lot.

Table 17.04 Signs Exempt from Permit

Type of Sign	Requirements
Small signs	Wall or window signs under two square feet in area. Such signs shall not count towards the maximum square footage of signage on a given wall.
Device signs	Permanent signs on vending machines, gas pumps, or ice containers, provided that the sign area of each device shall not exceed three sq. ft. in area, with a limit of one sign per vending machine, gas pump, or ice container.
Government signs	Government signs shall be exempt from all regulations of this article but must meet the clear corner vision standards in Section 3.18 .
Incidental signs	Up to four incidental signs are permitted per lot. The maximum area of an incidental sign in the R1-A, R1-B, R1-C, R2-A, R3-A, R3-B, RMH, and PB Districts shall be six sq. ft. The maximum total area of incidental signs on a lot in the OS-1, OS-2, C-1, CBD, C-3, C-4, C-5, I-1, and I-2 Districts shall be 48 sq. ft.
Interior signs	A sign that is located completely within an enclosed building, and that is not visible from outside the building, or which is primarily directed at persons within the premises.
Public art and murals	Artwork, statuary and murals meant for viewing by the public that do not meet the definition of signs.
Window signs	Up to 50% of a window may be covered by signage. Electronic message signage in windows shall require a permit and must meet the standards of Section 17.07 (F) . For all other window signage, no permit is required.

Section 17.05 Signs Prohibited Under This Article.

All signs not expressly allowed under this article, or exempt from regulation under this article, are prohibited in the city. Prohibited signs expressly include, without limitation, the following:

Table 17.05 Prohibited Signs

Any sign not expressly permitted.
Illegal signs. Any sign unlawfully installed, erected, or maintained.
Moving signs.
Obsolete signs.
Portable signs.
Right-of-way signs. Unauthorized signage within a public right-of-way, including signage affixed to utility poles.
Roof signs. Except mansard signs and integral roof signs as allowed by this article.
Signs that confuse traffic. A sign that may interfere with, mislead, or confuse traffic; including, but not limited to, a sign that in any way simulates or could be confused with emergency vehicle or traffic signal lights or a sign that interferes with clear vision along a highway, street, or road or at any intersection.
Signs on vacant lots. No sign shall be erected or maintained on a lot that does not contain a building.
Signs that obstruct access. Signs that obstruct free access to or from a building.
String lights and pennants. String lights and pennants used for commercial purposes, other than holiday decorations.
Non-incidental freestanding temporary signs in non-residential districts. Temporary freestanding signs that do not meet the definition of “incidental” (including, but not limited to, banners and feather signs) shall be prohibited in the OS-1, OS-2, C-1, C-3, C-4, C-5, I-1, and I-2 Districts. Temporary signs in the CBD District are regulated in Article 10.
Unsafe signs. A sign or sign structure that: <ol style="list-style-type: none"> Is structurally unsafe; Constitutes a hazard to safety or health because of poor maintenance, dilapidation, or abandonment; Is capable of causing an electric shock; or Has broken parts, missing letters, or lights that do not work.

Section 17.06 General Regulations

- (A) **Permit Required.** Unless specifically exempted from permit requirements in this article, no sign shall be erected unless a sign permit has been issued by the City Manager or designee.
- (B) **Design, Construction, and Maintenance.** All signs shall be designed, constructed, altered, and maintained in accordance with the following:
- (1) Signs shall comply with the provisions of this article and applicable building and electrical codes and shall be maintained in good structural condition.

- (2) Except as otherwise allowed by this Article, signs and supporting structures shall be constructed of lasting and high quality materials and shall be permanently attached to the ground, a building, or a structure directly attached to a rigid wall, frame, or other structure. Sign support systems and related attachments shall be designed by a qualified professional.
- (3) Except as otherwise allowed by this Article, a sign shall not be placed on or attached to a pole supporting utilities or street signs.
- (4) Signs using glass shall not create a hazard if broken.
- (5) Illuminated signs shall be constructed and maintained in full compliance with applicable electrical codes.
 - (a) Except for electronic message signs allowed by this Article, lights shall not be intermittent, oscillate, or flash.
 - (b) Glare and direct light from a sign shall not trespass onto an adjacent residentially zoned lot, and except as otherwise allowed, lights shall be shielded from neighboring uses.
 - (c) Exposed neon lights are permitted only in the C-1, C-3, C-4, and C-5 Districts.

(C) Sign Area and Sign Height. The following shall control sign area (individual sign area and maximum allowed sign area per lot) and sign height calculations.

- (1) **Computing the Area of an Individual Single-Faced Sign.** The area of a sign is determined by measuring the smallest right-angled polygon that can completely cover all sign text, logos, emblems, images, or other figures, and the color, frame, or other background material that differentiates the sign from its backdrop or the structure against which it is placed. Supporting structures (such as a brace, pole, fence, or wall) are not included in calculations if they otherwise meet the applicable requirements of this zoning ordinance, are clearly incidental to the sign, and do not contain advertising copy.
- (2) **Computing the Area of a Multi-Faced Sign.** The area of a sign is determined by adding together the area of all sign faces visible from a single location on the ground. When two identical sign faces are placed back-to-back so that both cannot be simultaneously viewed from a single location and when the sign faces are contained by the same structure and are not more than 42 inches apart, sign area is determined by measuring one of the faces. If back-to-back sign faces are of unequal area, the larger of the two shall be used for the calculation.
- (3) **Computing Sign Height.** Sign height is determined by measuring the distance from the base of the sign or supporting structure at normal grade to the top of the highest sign component. Normal grade is the lower of either the existing grade before the sign was constructed or the new grade after construction of the sign, exclusive of any filling, berming, or excavating associated with locating the sign.

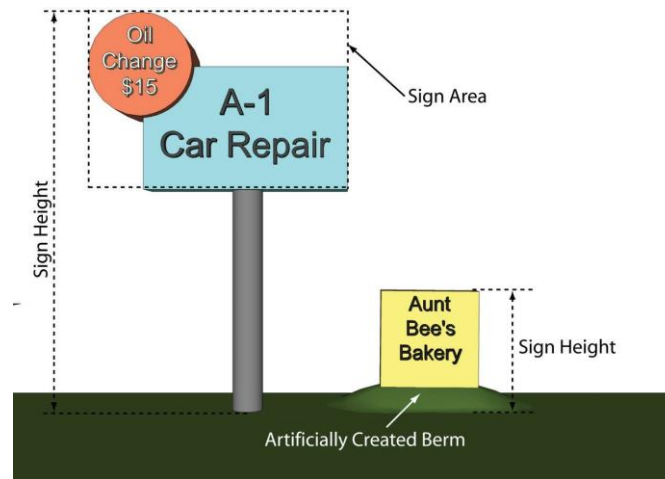


Figure 8

- (D) **Clear Vision Requirements for Intersections and Entrance Ways.** In addition to the setback requirements of this Article, signs must also meet the clear vision requirements of [Section 3.18](#).
- (E) **Signs that Project over a Public Right-Of-Way.** An awning sign, marquee sign, projecting sign, or suspended sign may project over a right-of-way and shall comply with the requirements of Table 17.09. The owner of the sign must maintain liability insurance in an amount of \$500,000.00 per occurrence per sign. The city must be named as an additional insured party and insurance must be in a form and in an amount deemed necessary by the City Manager or designee.
- (F) **Responsibility for Signs.** All signs shall be erected, altered, and maintained at the risk of the sign owner who shall assume full responsibility for consequences of any damage caused by the sign.
- (G) **Removal of Signs Notice.** A sign that is deemed unsafe or improperly maintained or otherwise does not comply with the requirements of this article shall be removed by the owner within 24 hours of receiving a notice from the City Manager or designee. The notice shall state that the sign will be removed unless the owner corrects the problem within 24 hours of receiving the notice. If the problem is not corrected, the City Manager or designee shall take whatever action is necessary to have the sign removed or abate the unsafe or improper condition. In addition, the City Manager or designee shall take whatever action is necessary to recover from the sign owner all costs to remove and dispose the sign or abate the unsafe or improper condition.
- (H) **Abandoned Signs.** A sign that the City Manager or designee determines to be abandoned shall be removed by the owner of the property where the sign is located. If the owner does not remove the sign, or if an owner cannot be found, the city may remove the sign. The city shall have the right to recover all costs to remove and dispose the sign from the owner of the property.

Section 17.07 Specific Sign Requirements

- (A) **Ball Field Signs.** Ball field signs, of up to 48 square feet each, and not taller than the fence they are attached to, may be located on outfield fences of baseball fields on city property and receive annual approval from the City Manager or designee.
- (B) **Projecting Signs.** Projecting signs, where permitted, shall not project more than six feet from the mounting surface to which the sign is attached. A projecting sign shall also comply with the requirements of Table 17.09.
- (C) **Sidewalk Signs.** Sidewalk signs are permitted only in the CBD Central Business Form-Based District. See [Section 10.10](#).

- (D) **String Lights.** String lights and other decorative lighting shall be subject to the requirements of Section 16.07(C).
- (E) **Changeable Message Signs.**
- (1) If the changeable message portion of the sign is an electronic message sign, it shall also be subject to the requirements of Section 17.07(F), below.
 - (2) A changeable message sign may consist of a manually changed message board or a mechanical or electronically changed message center but shall not consist of both.
 - (3) Changeable message signs in the C-4 Commercial Shopping Center District shall also be subject to the requirements of Section 17.10.
- (F) **Electronic Message Signs.** Where permitted, an electronic message sign shall be subject to the following requirements:
- (1) Minimum duration of a message shall be seven seconds.
 - (2) Signs that scroll, flash, or convey the appearance of movement or animation of a message or picture shall not be permitted.
 - (3) If a message display is not working properly, its use shall be discontinued until it is repaired.
 - (4) Maximum brightness of the electronic message sign shall not exceed illumination of 5,000 nits (candelas per square meter) during daylight hours, nor 540 nits between dusk and dawn, as measured from the sign's face at maximum brightness. The sign shall have an automatic dimmer switch control to produce a distinct illumination change from a higher illumination level to a lower illumination level for the period of time between one-half hour before sunset and one-half hour after sunrise. The illumination system shall be set to "automatic" in order to comply with levels of brightness as set forth in this Section.

Section 17.08 Signs within the Public Right-Of-Way

- (A) **Signs Allowed.** Except as otherwise allowed by this Article, only the following signs shall be allowed within the public right-of-way:
- (1) Signs erected by or on behalf of a governmental body;
 - (2) Signs on behalf of a public utility or a contractor doing authorized or permitted work within the public right-of-way;
 - (3) Signs erected by an authorized public transit agency; and
 - (4) Awning, marquee, projecting, and suspended signs projecting over a public right-of-way, subject to the requirements of Table 17.09.
- (B) **Other Signs Illegal.** A sign installed or placed in the public right-of-way or otherwise on public property, except in compliance with the provisions of this article, is illegal and shall be forfeited to the public and subject to confiscation. Such a sign may be immediately removed by the City Manager or designee. In addition to other available remedies, the city shall have the right to recover from the owner or person placing an unauthorized sign the full costs to remove and dispose of the sign.

Section 17.09 Signs Allowed on Private Property

Sign Requirements by District. Signs on private property shall be in accordance with the requirements applicable to the zoning district in which the property is located or with the type of use in question as provided by Table 17.09.

Except as otherwise provided by this Article, permitted signs on a lot (other than signs expressly exempted from permit requirements) shall not exceed the applicable requirements outlined in Table 17.09. An empty cell in the table indicates that the sign is not permitted within that district or that the requirement is not applicable to the sign and/or the district. Sign standards for the form-based zoning districts are in [Section 10.10](#).

Table 17.09 Sign Requirements by Zoning District

	R1-A	R1-B	R1-C	R2-A	R3-A	R3-B	RMH	OS-1	OS-2	C-1	C-3	C-4	C-5	I-1	I-2
Subdivision Identification Sign															
Allowed in District (Y/N)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Requirements	Allowed only with an approved subdivision, condominium, or residential planned unit development														
Maximum Area (sq. ft.)	32	32	32	32	32	32	32	32	32	32	32		32	32	32
Maximum Height (ft.)	6	6	6	6	6	6	6	6	6	6	6		6	6	6
Minimum Setback (ft.)	5	5	5	5	5	5	5	5	5	5	5		5	5	5
Number of Signs Allowed Per Major Entrance	1	1	1	1	1	1	1	1	1	1	1		1	1	1
Freestanding Signs															
Allowed in District (Y/N)	(1)	(1)	(1)	(1)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Permitted Types: G = Ground; P = Pylon	G	G	G	G	G	G	G	G, P	G, P	G, P	G, P	G, P ⁽²⁾	G, P	G, P	G
Maximum Area (sq. ft.)	32	32	32	32	24	24	24	80	80	100	100	⁽⁵⁾	100	100	100
Minimum Area (sq. ft.)									32	32	32	32			
Maximum Height (ft.)	6	6	6	6	6	6	6	6 ⁽⁶⁾	6 ⁽⁶⁾	20 ⁽⁷⁾	20 ⁽⁷⁾	35	20 ⁽⁷⁾	20 ⁽⁷⁾	20 ⁽⁷⁾
Minimum Setback (ft.)	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Number of Signs Allowed Per Site ⁽⁴⁾	1	1	1	1	1	1	1	1	1	1	1	⁽⁵⁾	1 ⁽⁸⁾	1	1
Directional Signs															
Allowed in District (Y/N)	(1)	(1)	(1)	(1)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Maximum Area (sq. ft.)	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Maximum Height (ft.)	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Minimum Setback from Lot Line (ft.)	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Minimum Setback from Other Directional Signs (ft.)	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50

	R1-A	R1-B	R1-C	R2-A	R3-A	R3-B	RMH	OS-1	OS-2	C-1	C-3	C-4	C-5	I-1	I-2
Maximum Setback from Edge of Driveway or Parking Lot Pavement (ft.)	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Number of Signs Allowed Per Site	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Wall Signs															
Allowed in District (Y/N)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	Y	Y	Y	Y	Y	Y	Y	Y
Maximum Area Based on % of Wall Area	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	(5)	15%	15%	15%
Maximum Width Based on % of Wall Width	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	(5)	75%	75%	75%
Maximum Height Based on % of Wall Height	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	(5)	25%	25%	25%
Awning, Mansard, and Integral Roof Signs															
Allowed in District (Y/N)	Awning	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
	Mansard	N	N	N	N	N	N	N	N	N	Y	Y	Y ⁽⁹⁾	Y	N
	Integral Roof	N	N	N	N	N	N	N	N	N	Y	Y	Y ⁽⁹⁾	Y	N
Number of Signs Allowed Per Principal Building	Awning								1	1	1	1	1	1	
	Mansard									2 ⁽¹⁰⁾	2 ⁽¹⁰⁾	1	2 ⁽¹⁰⁾		
	Integral Roof									2 ⁽¹⁰⁾	2 ⁽¹⁰⁾	2 ⁽¹⁰⁾	2 ⁽¹⁰⁾		
Maximum Area Based on % of Fascia Area ⁽¹¹⁾									15%	15%	15%	15%	15%	15%	15%
Maximum Width Based on % of Fascia Width ⁽¹¹⁾									75%	75%	75%	75%	75%	75%	75%
Maximum Height Based on % of Fascia Height ⁽¹¹⁾									25%	25%	25%	25%	25%	25%	25%
Marquee and Projecting Signs ⁽¹³⁾															
Allowed in District (Y/N)	Marquee	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	N
	Projecting	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Number of Signs Allowed Per Principal	Marquee									1	1		1	1	
	Projecting									1	1				

		R1-A	R1-B	R1-C	R2-A	R3-A	R3-B	RMH	OS-1	OS-2	C-1	C-3	C-4	C-5	I-1	I-2
Building																
Maximum Area (sq. ft.)											24	24		24	24	
Maximum Height (feet)											20	20		20	20	
Vertical Clearance of Projecting Signs	From Sidewalk or Private Drive of Parking (ft.)										9	9		9	9	
	From Public Street (12) (ft.)										12	12		12	12	
Suspended Signs																
Allowed in District (Y/N)		N	N	N	N		N	N	N	Y	Y	Y	N	Y	N	N
Number of Signs Allowed Per Entrance											1	1		1		
Maximum Area (sq. ft.)											4	4		4		
Vertical Clearance from Sidewalk or Private Drive of Parking (ft.)											9	9		9	9	
Changeable Message Signs																
Allowed in District (Y/N)		(1)	(1)	(1)	(1)	(1)	(1)	(1)	Y	Y	Y	Y	Y	Y	Y	Y
Requirements		See Section 17.7(D)														

Notes to Table 17.9.B:

- (1) In the R1-A, R1-B, R1-C, and R2-A Districts, freestanding and directional signs are only permitted for the following uses: cemeteries, higher education institutions, places of worship, private or parochial schools, public and private parks, playgrounds and community centers, public libraries and museums, and recreational facilities. Up to 40% of the area of a permitted ground sign may consist of a changeable message sign, subject to the requirements of Section 17.07(E.) An allowed ground sign may be illuminated, except between the hours of 12:00 a.m. and 5:00 a.m. (If an electronic message sign is utilized, it shall not be operated during the stated hours.)
- (2) Pylon signs shall only be allowed for shopping center identification signs and not for anchor store identification signs or outparcel signs.
- (3) In conventional residential zoning districts, a wall sign is only permitted for the following uses: cemeteries, higher education institutions, places of worship, private or parochial schools, public and private parks, playgrounds and community centers, public libraries and museums, recreational facilities, manufactured home park offices, utility building for laundry and storage space serving manufactured home park residents, and an office or clubhouse serving a multiple-family complex or senior housing development. An approved home occupation may display one non-illuminated wall sign, with a maximum area of four square feet.
- (4) Lots that front on two or more principal or minor arterial streets, as designated by the Grandville master plan, may accommodate allowed signs along each fronting street, but signs shall not be accumulated and installed along one fronting street in excess of that which is allowed for a lot with one fronting street.
- (5) See [Section 17.10](#) for applicable provisions in the C-4 District.
- (6) For property that abuts Rivertown Parkway, the maximum height of a ground sign is 10 feet.
- (7) The maximum height of a pylon sign is 20 feet; however, one additional foot of height shall be allowed for each additional two feet of setback from the right-of-way line, to a maximum height of 28 feet.

- (8) One freestanding sign is allowed; however, a permitted use in the C-5 District that is located within 1,000 feet of the intersection of a street with an exit ramp on I-196 shall be permitted one additional pylon sign, with a maximum area of 200 square feet and a maximum height of 75 feet.
- (9) Mansard and integral roof signs are allowed only for outparcels and not for mall signage.
- (10) Only one mansard sign or one integral roof sign shall be allowed per each side of the building and visible from a single location.
- (11) For the purposes of this section, "fascia" shall mean the area visible from and facing directly to the front of the awning, mansard, or roof upon which the sign is attached.
- (12) Although an awning, marquee, or projecting sign, as applicable, may project over the street right-of-way, in no case may such a sign be located closer than four feet to the back of the adjacent curb, nor located over the street itself.
- (13) See [Section 17.07\(B\)](#) for specific requirements for projecting signs.

Section 17.10 Sign Requirements in the Commercial Shopping Center District (C-4)

(A) Types of Signs Allowed. The following signs are allowed in the C-4 Zoning District.

- (1) **Freestanding signs.** The following freestanding signs are allowed:
 - (a) Ground signs; and
 - (b) Pylon signs, provided that a pylon sign shall only be allowed for a mall and not outparcels.
- (2) **Building signs.** The following types of building signs are allowed:
 - (a) Awning signs;
 - (b) Integral roof signs, provided that integral roof signs shall be allowed only for an outparcel and not for a mall;
 - (c) Mansard signs, provided that mansard signs shall only be allowed for an out-parcel and not for a mall; and
 - (d) Wall signs, as regulated by this section.

(B) Sign Number, Size, Area, and Placement. Signs are subject to the following limitations and requirements:

- (1) **Wall Signs for Permitted Exterior Entrances Other than Those that Directly Access Anchor Stores.**
 - (a) A regional shopping center shall be allowed one exterior wall sign on each wall with an approved exterior tenant entrance.
 - (b) The maximum area of the sign shall not exceed two and one-quarter percent of the gross floor area of the tenant space, except that the minimum size of the sign may be up to 40 square feet, but no sign shall be greater than 200 square feet.
- (2) **Wall Signs for Permitted Exterior Entrances that Directly Access Anchor Stores.**
 - (a) An anchor store may have one wall sign per building face.
 - (b) An anchor store wall sign shall not exceed 10 percent of the total area of the wall to which it is attached.
- (3) **Other Signage.**
 - (a) Up to three signs that are not located at pedestrian entrances shall be permitted. The signs may be either wall signs or freestanding signs. A sign shall not exceed 300 square feet, and the height of a ground or pylon sign shall not exceed 35 feet.

- (b) Two changeable message signs shall be allowed, provided that they are integrally designed within an otherwise permitted sign. The combined area of both changeable message signs shall not exceed 150 square feet.
- (4) **Signs for Outparcels.** Outparcels may have the same signs that are permitted in the OS-1 and OS-2 Districts, according to Table 17.09.
- (5) **Minimum Sign Setbacks.** Signs shall be located at least five feet from a front street right-of-way line and a side or rear lot line. Signs shall comply with applicable clear vision requirements for intersections as provided by Section 3.18.

Section 17.11 Drive-Thru Signage Allowance

- (A) Additional signage, beyond what is described in [Section 17.09](#), shall be permitted adjacent to the drive aisles for a drive-thru service window, according to the following standards. Signage permitted under this section shall require a permit as described in [Section 17.15](#).
 - (1) No more than six signs shall be permitted.
 - (2) The maximum area of any sign shall be 48 square feet.
 - (3) No more than two signs shall exceed 32 square feet in area.
 - (4) The maximum height of any sign shall be 10 feet.
 - (5) No more than two signs shall exceed eight feet in height.

Section 17.12 I-196 Sign Restriction Overlay

- (A) **Intent.** The intent of the I-196 sign restriction overlay is to promote safety and high-quality community aesthetics along the I-196 corridor by limiting the size and number of signs placed in close proximity to the interstate right-of-way.
- (B) **Location.** The provisions of the I-196 sign restriction overlay shall apply on private property within 100 feet of the right-of-way of Interstate 196, regardless of the underlying zoning district. The overlay provisions shall only apply within the 100-foot area. The remainder of the lot shall not be subject to the overlay.
- (C) **Relationship to Other Regulations.** All regulations of this Article shall apply within the overlay, in addition to the regulations of the overlay itself. In the event of a conflict, the more restrictive regulation shall govern.
- (D) **Regulations.**
 - (1) No signage shall be permitted within the overlay on lots in residential districts. Signage within the overlay shall be located at least 500 feet from a residential zoning district or an existing residence.
 - (2) There shall be no more than one freestanding sign placed within the overlay zone on any individual lot.
 - (3) Signs within the overlay shall meet C-5 Zoning District yard requirements and shall be located at least 30 feet from the I-196 right-of-way.
 - (4) Signs within the overlay shall be located at least 1,000 feet from another sign within the overlay that faces the same direction of traffic on either side of the I-196. For purposes of this subsection, the distance between signs on opposite sides of an interstate highway shall be measured as the distance between lines projecting from each sign, drawn perpendicular to the interstate highway, and their intersection with the highway centerline.

- (5) Signs within the overlay shall be located at least 500 feet from all other freestanding signs that are located on the same side of I-196 and visible from the traveled portion of an interstate highway, regardless of whether the other freestanding signs are within the overlay or not.
- (6) In the event that an active use or business ceases to operate on a lot, the message portion of all signage within the overlay must be removed and replaced with a blank sign face. The blank sign face may be replaced with a new sign once an active use or business begins operation on the lot. If the message is not replaced by a blank sign face within 90 days of the use or business ceasing, the sign shall be considered illegal and shall be removed. The city may remove the sign and invoice the property owner for the cost of removal.

Section 17.13 Rivertown Parkway Sign Restriction Overlay

- (A) **Intent.** The Intent of the Rivertown Parkway sign restriction overlay is to promote safety, high-quality community aesthetics, and a vibrant and equitable business climate along the Rivertown Parkway corridor by limiting the size and number of signs placed in close proximity to each other along the parkway's frontage.
- (B) **Location.** The provisions of the Rivertown Parkway sign restriction overlay shall apply on private property within 100 feet of the right-of-way of Rivertown Parkway, between Canal Avenue and Ivanrest Avenue, 44th Street between Canal Avenue and the western city limits, and 44th Street between Ivanrest Avenue and the eastern city limits, regardless of the underlying zoning district. The overlay provisions shall only apply within the 100 foot area. The remainder of the lot shall not be subject to the overlay.
- (C) **Relationship to Other Regulations.** All regulations of this article shall apply within the overlay, in addition to the regulations of the overlay itself. In the event of a conflict, the more restrictive regulation shall govern.
- (D) **Regulations.**
 - (1) No more than one freestanding sign shall be permitted within the overlay on any individual lot, regardless of the underlying zoning district.
 - (2) Directional signs shall not be permitted within the overlay.
 - (3) In the event that an active use or business ceases to operate on a lot, the message portion of all signage within the overlay must be removed and replaced with a blank sign face. The blank sign face may be replaced with a new sign once an active use or business begins operation on the lot. If the message is not replaced by a blank sign face within 90 days of the use or business ceasing, the sign shall be considered illegal and must be removed. The city may remove the sign and invoice the property owner for the cost of removal.

Section 17.14 Sign Permits Required

Under the provisions of this article, if a permit is required to construct, erect, or modify a sign, a sign permit shall first be obtained in accordance with the requirements of Section 17.15. A permit shall not be issued unless the sign meets the requirements of this article. A property owner is required to maintain a valid sign permit at all times.

Section 17.15 Sign Permit Procedures

- (A) **Applications.** An application for a sign permit, on a form provided by the city clerk, shall be submitted to the City Manager or designee. The application shall be signed by the owner of the lot where the sign is to be located.
- (B) **Fees.** An application for a sign permit shall be accompanied by an applicable fee that is established by the City Council.

- (C) **Required Drawings and Information.** An application shall be accompanied by detailed drawings and accompanying text to show and describe the dimensions, design, structure, and location of each sign. An application and permit may include multiple signs on the same lot or development, as deemed appropriate by the City Manager or designee.
- (D) **Completeness.** Within 10 days of receiving an application for a sign permit, the City Manager or designee shall review it for completeness. If the City Manager or designee determines that it is complete, the application shall then be processed. If the City Manager or designee determines that it is incomplete, the City Manager or designee shall send to the applicant a written notice specifying how the application is deficient.
- (E) **Issuance or Rejection.** Within 10 days of receiving a complete application, the City Manager or designee shall either:
- (1) Issue the sign permit, if the sign conforms in every respect with the requirements of this Article; or
 - (2) Reject the sign permit, if the sign fails to conform to the requirements of this Article. If rejected, the City Manager or designee shall specify which provisions have not been met.

Section 17.16 Nonconforming Signs

- (A) **Continuance.** Notwithstanding other provision of this ordinance to the contrary, a sign that was erected legally and which lawfully exists at the time of the enactment of this Article may continue to be used subsequent to that time, provided that there is no increase in the nature or degree of the nonconformity, and provided that the sign shall be brought into full compliance with all applicable provisions and requirements of this Article prior to any modification proposed for the sign. This provision shall not apply to temporary signs, shall not apply on a lot where there has been no active use within the past six months, and shall not apply if a sign is deemed to be abandoned. See subsections(D)-(F).
- (B) **Modification.** As used in [Section 17.16\(A\)](#), above, the term “modification” means any change or alteration to a sign, including any change to its dimensions, shape, area, height, number, or orientation of sign faces, structural support, location on the property, materials, or lighting. A change solely in the wording of the copy of a nonconforming sign shall not constitute a modification unless the result of the change would cause the sign to be reclassified to a type of sign subject to different or more restrictive regulations (e.g., a change from an on-premises to an off-premises sign). Further, routine repair to maintain a nonconforming sign in a safe and aesthetic condition exactly as it existed at the time of the enactment of this Article shall not constitute a modification unless the estimated cost of repair exceeds 50 percent of the appraised replacement cost of the entire sign prior to the repair, as determined by the building official.
- (C) **Damage or Destruction.** If a nonconforming sign is damaged or destroyed by fire, explosion, flood, wind, or other calamity, the sign may be restored to the condition exactly as it existed immediately prior to the damage or destruction, unless the estimated cost of restoration or replacement exceeds 50 percent of the appraised replacement cost of the entire sign prior to the loss, as determined by the building official. If the estimated cost of restoration or replacement exceeds 50 percent of that appraised replacement cost, the right to continue using the nonconforming sign shall immediately terminate and the sign shall be brought into full compliance with all applicable provisions and requirements of this article prior to further use.
- (D) **Abandonment.** Any nonconforming sign deemed to be abandoned (i.e., for which no owner can be found) shall be removed by the city as described in [Section 17.06\(H\)](#).
- (E) **No Active Use.** If a lot has no active land use and all buildings on the lot are vacant for more than six months, all nonconforming signs on the lot shall be removed prior to a certificate of occupancy being issued for any new use on the lot.

- (F) **Temporary Signs.** A temporary sign in place for greater than three months shall be considered a permanent sign and shall be brought into compliance with all relevant provisions of this Article. If the sign cannot be brought into compliance, it shall be removed.

Section 17.17 Violations

- (A) Any of the following is a violation of this Article and shall be subject to the enforcement remedies and penalties provided by this zoning ordinance, and by state law:
- (1) To install, create, erect, or maintain any sign in a way that is inconsistent with a plan or permit governing the sign or the lot on which the sign is located;
 - (2) To install, create, erect, or maintain a sign requiring a permit without a permit;
 - (3) To fail to remove a sign that is installed, created, erected, or maintained in violation of this article; or
 - (4) To continue any violation.
- (B) Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this Article.
- (C) Each sign installed, created, erected, or maintained in violation of this Article shall be considered a separate violation when applying the penalty portions of this Article.

PART IV

ADMINISTRATIVE PROVISIONS

Article 18.

Zoning Board of Appeals

Section 18.01 Creation and Membership

- (A) A Zoning Board of Appeals (also referred to hereafter as “ZBA”) is hereby established, having the powers authorized by the Zoning Act, as amended, and in accordance with the city charter.
- (B) **Membership.** The ZBA shall consist of seven members appointed by the City Council, one of whom shall be a member of the Planning Commission, and two(2) alternate members.
- (C) **Terms.** Members shall be appointed for a term of three years, except that the terms for the Planning Commission or City Council members shall be the same as that for their office. All vacancies for unexpired terms shall be filled for the remainder of the term.
- (D) **Alternates.** The City Council shall appoint two alternate members to serve on the ZBA, appointed by the City Council to serve a three year term. The alternate members shall have the same voting rights as a regular member of the ZBA and shall:
 - (1) Sit as regular members of the ZBA in the absence of a regular member or for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest; and
 - (2) Once an alternate has been called to serve in a particular case, shall continue to participate in that case until a decision has been rendered.
- (E) **Removal.** Members of the ZBA or alternates shall be removable by the City Council for malfeasance, misfeasance, or nonfeasance in office, upon filing of written charges and after public hearing.
- (B) **Conflict of Interest.** A member shall disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office. Any Planning Commissioner or City Council member on the ZBA shall abstain from any vote on an issue upon which they have previously voted as a member of the Planning Commission or City Council.

Section 18.02 Officers

The Board or Zoning Board of Appeals shall elect from its membership a chairman, a vice-chairman, and such other officers as it may deem necessary.

Section 18.03 Rules of Procedure

The Zoning Board of Appeals shall adopt rules and regulations. Copies of such regulations shall be made available to the public at City Hall.

- (A) Meetings of the Zoning Board of Appeals shall be held once each month, and at such additional times as the board may determine. The time of regular meetings shall be specified in the rules and regulations. There shall be a fixed place of meeting, and all meetings shall comply with the Open Meetings Act, Act 267 of the Public Acts of 1976, as amended.
- (B) The presence of four members shall constitute a quorum. The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the City Manager or designee, or to decide in favor of the applicant on any matter upon which it is required to pass by this ordinance, or to grant variation from the requirements of the ordinance, except that a concurring vote of five members shall be necessary to grant a land use variance.
- (C) The Zoning Board of Appeals shall keep minutes of its proceedings, showing the action of the Zoning Board of Appeals and the vote of each member upon each question, or, if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official action, all of which shall be filed promptly in the office of the city clerk and shall be a public record.
- (D) The Zoning Board of Appeals may call on other city departments or contracted city consultants for assistance in the performance of its duties and it shall be the duty of such other city departments or consultants to render such assistance to the Zoning Board of Appeals as may be reasonably required.
- (E) The Zoning Board of Appeals may appoint an investigating committee of not more than three members of the Zoning Board of Appeals to review an application and the affected site(s).
- (F) Applications submitted to the ZBA shall consist of the following, as applicable:
 - (1) A signed and dated application form, as provided by the city.
 - (2) A scaled drawing with sufficient detail to indicate the nature and necessity of the request.
 - (3) Payment of a fee, as may be prescribed from time to time by the City Council, by resolution.
 - (4) The City or ZBA, in furtherance of decisions related to the application, may request other materials deemed necessary, including but not limited to, traffic impact studies, market studies, or environmental assessments.

Section 18.04 Powers and Duties

The ZBA shall have jurisdiction and powers granted by the Zoning Act, jurisdiction and powers prescribed in other Articles of this ordinance, and the following specific jurisdiction and powers:

(A) Powers.

- (1) The ZBA shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this ordinance.
- (2) The decision of the ZBA shall be final. However, a person having an interest affected by this ordinance may appeal to the circuit court for review pursuant to the Zoning Act.
- (3) In granting a variance, the ZBA may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this ordinance.

(B) Appeals of Administrative Decisions.

- (1) The ZBA shall hear and decide appeals where it is alleged by the appellant that there is error in any order, interpretation, requirement, permit, decision, or refusal made by any administrative official or body in enforcing any provision of this ordinance. Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the state or city. In order to be aggrieved by a decision of the city, the person or other entity making the appeal shall have a property interest and sufficient standing as recognized under the law to challenge the decision.

(2) Filing and Hearing of Appeal.

- (a) Appeals shall be filed within 60 days of the action being appealed.
- (b) The City Manager or designee and any person from whom the appeal is taken shall transmit to the ZBA all of the documents and records related to the appeal.
- (c) The ZBA shall fix a reasonable time for the hearing of the appeal and shall provide notice as required by the Zoning Act.
- (d) The applicant or their duly authorized agent shall appear in person at the hearing in order for the ZBA to take action. Failure to appear may result in tabling or denial of the application.

(3) Decisions on Appeal.

- (a) An appeal to an administrative decision may be reversed by the ZBA only if it finds that the action or decision appealed meets one or more of the following requirements:
 1. The administrative decision was arbitrary or capricious;
 2. The administrative decision was based on an erroneous finding of a material fact;
 3. The administrative decision constituted an abuse of discretion; or
 4. The administrative decision was based on erroneous interpretation of the zoning ordinance or zoning law.
- (b) If a determination is made that the administrative official or body making the decision did so improperly, the board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision, or determination appealed and may make an order, requirement, decision, or determination as ought to have been made, and to that end shall have all the powers of the administrative official or body from whom the appeal was taken.

- (C) Interpretation.** Upon request of the Planning Commission, City Council, City Manager or designee, or applicant, the ZBA may interpret and clarify the meaning of ordinance text. The ZBA may also be requested to interpret boundaries of zoning districts where the zoning district classification cannot be clearly discerned on the zoning map.

(D) Special Land Uses and Planned Unit Developments (PUDs).

- (1) The ZBA may grant dimensional or other site plan related variances for special land uses; however, the ZBA shall not have the power to reverse or modify the Planning Commission's decision to approve or deny a special land use permit nor grant variances to any conditions placed on special land use approval.
- (2) The ZBA shall not have the authority to grant variances to the PUD regulations of [Article 11](#), or any requirements placed on PUD approval. However, the ZBA shall have the authority to hear and decide appeal requests by individual lot owners for variances from other sections of this ordinance following final approval of the PUD, provided such variances do not affect the terms or conditions of the original PUD approval or constitute a variance to the PUD regulations of [Article 11](#).

- (E) **Approvals.** To hear and decide requests for other decisions that this ordinance specifically authorizes the ZBA to pass.
- (F) **Dimensional Variances.**
- (1) The ZBA, after holding a public hearing in accordance with the requirements of the Zoning Act, shall have the power to grant requests for dimensional variances from the provisions of this ordinance where it is proved by the applicant that there are practical difficulties in the way of carrying out the strict letter of this ordinance relating to the construction, equipment, or alteration of buildings or structures, or of storm water management requirements so that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done.
 - (2) A dimensional variance may be allowed by the ZBA only in cases where the applicant has shown a practical difficulty in the official record of the hearing. The applicant must prove that all of the following conditions have been met:
 - (a) **Extraordinary Circumstances.** There are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions may include:
 1. Exceptional narrowness, shallowness, or shape of a specific property on the effective date of this ordinance;
 2. By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
 3. By reason of the use or development of the property immediately adjoining the property in question, whereby the literal enforcement of the requirements of this ordinance would involve practical difficulties.
 - (b) **Substantial Justice.** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant, as well as to other property owners in the district, and such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. Any variance granted shall be the minimum necessary to allow the preservation of these substantial property rights. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 - (c) **Impact on Surrounding Neighborhood.** The variance would not be detrimental to adjacent property and the surrounding neighborhood or interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood as compared to other uses in the neighborhood.
 - (d) **Public Safety and Welfare.** The granting of the variance would not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, increase the danger of fire, or endanger the public safety, comfort, morals, or welfare of the inhabitants of the city.
 - (e) **Not Self-Created.** The immediate practical difficulty causing the need for the variance request was not self-created by the applicant.
- (G) Neither the ZBA, nor any other body within the city, shall be permitted to grant use variances.

Section 18.05 Procedure

The following procedures shall be followed:

- (A) An application for decision by the Zoning Board of Appeals for all matters delegated to the Zoning Board of Appeals by this ordinance, or for interpretation of the provisions herein, or of the zoning map, may be filed with the city clerk for a hearing by the ZBA.
- (B) The appeal or application shall be accompanied by the required fees, established by resolution of the City Council, payable to the city treasurer.
- (C) A request for a variance or special exception that has been denied by the board shall not be re-submitted within one year after the decision by the Zoning Board of Appeals, unless the applicant can show that conditions have changed to the extent that reconsideration is merited, and the ZBA agrees to rehear the case.

Section 18.06 Decision of the Board

Within 30 days after a final hearing, the ZBA shall make a decision on an application and appeal. A copy of the Zoning Board of Appeals' decision shall be transmitted to the applicant or appellant, and to the City Manager or designee. Such a decision shall be binding upon and observed by the City Manager or designee, and they shall incorporate its terms and conditions in a permit to the applicant or appellant whenever a permit is authorized by the Zoning Board of Appeals.

Section 18.07 Stay of Proceeding

An appeal shall stay all proceedings in furtherance of the action appealed, unless the City Manager or designee certifies to the Zoning Board of Appeals, after notice of appeal shall have been filed with them, that by reason of fact stated in the certificate, a stay would, in the City Manager's or designee's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Zoning Board of Appeals or by the circuit court, on application, after notice to the City Manager or designee.

Section 18.08 Hearings

When an application for a hearing or appeal has been filed with the required data, in proper form, and the fee has been paid, the Secretary of the Zoning Board of Appeals shall immediately schedule the application or appeal for a hearing and serve notices stating the time, date, place, and purpose of the hearing. The notice shall be given to all property owners and occupants of residential dwellings within 300 feet of the subject property. The names of owners shall be determined from the last assessment roll. If a tenant's name is not known, the term "occupant" may be used. The notices shall be served by first-class mail or by personal delivery and shall be served at least three days prior to the hearing. Any interested party may appear and be heard at the hearing in person or by agent or attorney. The Zoning Board of Appeals may adjourn the hearing in order to obtain additional information or to provide further notice as it deems proper. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the resumption of the hearing.

Article 19.

Amendments

Section 19.01 Initiation of Rezoning and Zoning Ordinance Text Amendments

The city may, from time to time, amend, modify, supplement, or delete any provision of this ordinance (text amendment) or change the zoning district boundaries shown on the Official Zoning Map (rezoning) pursuant to the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

- (A) **Initiation of Rezoning.** An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the City Council, the Planning Commission, the owner or owners of property, or with permission of the owner who is the subject of the proposed amendment.
- (B) **Initiation of Text Amendment.** Amendments to the text provisions of this ordinance may be initiated by the City Council, the Planning Commission, or by petition of one or more residents or property owners of the city.

Section 19.02 Application Procedure

A rezoning or text amendment request, except those initiated by the City Council or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the city, including an application fee to cover publication, administrative costs, and fees for any consultant reviews. Such fees and escrow amounts shall be established from time to time by resolution of the City Council.

- (A) **Application for Rezoning.** The following information shall accompany the rezoning application form:
 - (1) A legal description and street address of the subject property.
 - (2) A map identifying the subject property in relation to surrounding properties.
 - (3) The name, signature, and address of the owner of the subject property; a statement of the applicant's interest in the subject property, if not the owner; and proof of consent from the property owner.
 - (4) The existing and proposed zoning district designation of the subject property.
 - (5) A site analysis at a scale not less than 1" = 100' or aerial photograph illustrating existing conditions on the site and adjacent properties, such as woodlands, wetlands, soil conditions, topography, drainage patterns, existing buildings, adjacent land uses, any sight distance limitations, and access points on both sides of the streets within two hundred (200) feet of the subject site.

- (6) A written description of the environmental characteristics of the site prior to development and following development. Supporting information may be required such as topography, soils, geology, wildlife, woodlands, mature trees (eight-inch caliper or greater), ground water (depth to aquifer(s), impermeable soil layers, and identification of nearby wells), wetlands, drainage, lakes, streams, creeks, ponds, surface and ground water quality, or documented wetlands. Written material may be accompanied by reduced copies of the site analysis or aerial photographs.
 - (7) A written evaluation to support that the request addresses consistency with the city's master plan, demonstrates all uses in the requested zoning district will be compatible with the surrounding area, and other similar factors.
 - (8) **Traffic Impact Analysis.** The Planning Commission and/or City Council may require a traffic impact analysis for a rezoning that results in potential uses that would be expected to have 50 or more peak hour directional trips or 500 or more vehicle trips daily.
- (B) **Application for Zoning Ordinance Text Amendment.** An application for a text amendment shall include a general description and indication of the purpose of the proposed amendment.

Section 19.03 Rezoning and Zoning Ordinance Text Amendment Procedure

- (A) **Pre-application Conference (optional).** An optional pre-application conference with the City Manager or designee to review the amendments, discuss the level of environmental information, land uses, and need for a traffic study, may be requested by the applicant.
- (B) **Public Hearing.** Upon initiation of a rezoning or zoning ordinance text amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be provided in accordance with the Zoning Act.
- (C) **Planning Commission Review and Recommendation.** Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the City Council. In the case of a rezoning request, the Planning Commission shall consider the criteria contained in Section 19.04 in making its findings and recommendation.
- (D) **City Council Review and Action.** Following receipt of the findings and recommendation of the Planning Commission, the City Council shall consider the proposed amendment.
 - (1) In the case of a rezoning request, the City Council shall approve or deny the request, which may be based on the consideration of the criteria contained in Section 19.04.
 - (2) In the case of a text amendment, the City Council may modify or revise the proposed amendment prior to enactment.
- (E) **Notice of Adoption.** Following adoption of a zoning map amendment (rezoning) or text amendment by the City Council, a notice will be published in accordance with the provisions of the Zoning Act and the City of Grandville Charter.
- (F) **Resubmittal.** A petition for rezoning or zoning ordinance text amendment that has been denied by the City Council shall not be resubmitted for a period of one year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial and found to be valid by the Planning Commission.

Section 19.04 Criteria for Amendment of the Official Zoning Map (Rezoning) Provided in Accordance with the Zoning Act

- (A) In considering a rezoning application, the Planning Commission and city council shall consider the following criteria in making their findings, recommendations, and decisions:
- (1) Consistency with the goals, policies, and future land use map of the Grandville master plan, including all applicable subarea and corridor studies. If conditions have changed since the master plan was adopted, then consistency with recent development trends in the area shall be evaluated.
 - (2) Whether development under current zoning is impractical or less reasonable than the requested or other zoning district, given factors such as development trends and other factors.
 - (3) Capability of the site's physical, geological, hydrological, and other environmental features to accommodate the potential uses allowed in the proposed zoning district.
 - (4) Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, infrastructure, impact on the ability to develop adjacent properties under existing zoning, and potential influence on property values.
 - (5) Capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the city.
 - (6) The apparent need for the types of uses permitted in the requested zoning district in the city in relation to the amount of land in the city currently zoned to accommodate that need.
 - (7) Other factors as determined by the Planning Commission and city council.
- (B) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

Section 19.05 Amendments Required to Conform to Court Decree

An amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and published, without necessity of a public hearing or a referral to any other commission or agency.

Section 19.06 Conditional Zoning Agreement

- (A) **Conditional Zoning Agreement.** An applicant requesting a rezoning may voluntarily offer a conditional zoning agreement along with an application for rezoning before or following the public hearing for a proposed rezoning. A decision to submit a conditional zoning agreement shall be pursuant to the Zoning Act and this Article.
- (B) The conditional zoning agreement shall be in writing, executed by the applicant and the city, and recorded with the Kent County Register of Deeds.
- (C) The conditional zoning agreement may include limitations on the uses permitted on the property in question or specification of lower density or less intensity of development and use; may impose greater restrictions on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features; or may provide for financing and installation of public works necessary to serve the proposed project.

(D) Compliance with Ordinance Requirements.

- (1) The conditional zoning agreement shall not authorize uses or developments of greater intensity or density or which are not permitted in the proposed zoning district.
- (2) The conditional zoning agreement shall not permit variations from height, area, setback, or similar dimensional requirements that are less restrictive than those of the proposed zoning district; however, any variance approved by the Zoning Board of Appeals in accordance with Article 18 may be allowed as part of a conditional rezoning agreement.
- (3) If a special land use or site plan review is required by this ordinance for the use proposed or is subject to conditions within the rezoning agreement, the use shall comply with the review and approval requirements as applicable prior to establishing or commencing the use.

(E) The conditional zoning agreement shall include conditions that bear a reasonable and rational relationship and/or benefit to the property in question. The conditional zoning agreement may include conditions related to the use and development of the property that are necessary to:

- (1) Serve the property with improvements, including but not limited to the extension, widening, or realignment of streets; construction or extension of utilities; other infrastructure improvements serving the site; or the construction of recreational facilities serving the site or uses thereon;
- (2) Minimize the impact of the development on surrounding properties and the city overall; or
- (3) Preserve natural features and open space beyond what is normally required.

(F) Content of Agreement. In addition to any limitations on use or development of the site, preservation of site features, or improvements described above, the conditional zoning agreement shall also include the following:

- (1) An acknowledgement that the conditional zoning agreement was proposed voluntarily by the applicant.
- (2) A statement that the property shall not be developed or used in any manner that is not consistent with the conditional zoning agreement.
- (3) A statement that the approval of the rezoning and the conditional zoning agreement shall be binding upon and inure to the benefit of the property owner and the city and also their respective heirs, successors, assigns, receivers, or transferees. Where the applicant for rezoning is acting on behalf of the landowner through some form of purchase agreement or other mechanism, the landowner must also consent and sign the agreement.
- (4) A statement that, if a rezoning with a conditional zoning agreement becomes void in accordance with this section, that no further development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established.
- (5) A statement that no part of the conditional zoning agreement shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district.
- (6) A legal description of the land to which the agreement pertains.
- (7) Any other provisions as are agreed upon by the parties.

(G) Process. The conditional zoning agreement shall be reviewed concurrently with the petition for rezoning following the process in Section 19.03 and the following:

- (1) The conditional zoning agreement shall be submitted prior to or following the Planning Commission public hearing. If the agreement is provided following the public hearing, it shall be reviewed by the Planning Commission prior to the Planning Commission making its recommendation on the rezoning to the city council. The conditional zoning agreement shall be reviewed by the city attorney to determine that the conditional zoning agreement conforms to the requirements of this section and the Zoning Act, who shall also confirm that the conditional zoning agreement is in a form acceptable for recording with the Kent County Register of Deeds.
- (2) Following the public hearing for a proposed zoning amendment, the Planning Commission shall make a recommendation to the City Council based upon the criteria listed in Section 19.04. In addition, the Planning Commission shall consider whether the proposed conditional zoning agreement:
 - (a) Is consistent with the intent of this Section;
 - (b) Bears a reasonable and rational connection or benefit to the property being proposed for rezoning;
 - (c) Is necessary to ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties;
 - (d) Is necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed conditional zoning agreement;
 - (e) Leads to a development that is more compatible with abutting or surrounding uses than would have been likely if the property had been rezoned without a conditional zoning agreement, or if the property were left to develop under the existing zoning classification; and
 - (f) Is clearly in the public interest and not inconsistent with the recommendations of the Grandville master plan.
- (3) If a conditional zoning agreement has been offered by the applicant and has been recommended for approval by the Planning Commission, the City Council may approve the conditional zoning agreement as a condition to the rezoning if it meets all requirements of subsection (2), above. The conditional zoning agreement shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Council to accomplish the requested rezoning.
- (4) If the rezoning and conditional zoning agreement are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, and a reference to the conditional zoning agreement. The Official Zoning Map shall specify the new district, plus a parenthetical "CZ" to indicate that the property is subject to a conditional zoning agreement (e.g., "R1-A (CZ)"). The city clerk shall maintain a listing of all properties subject to conditional zoning agreements and shall provide copies of the agreements upon request.
- (5) The approved conditional zoning agreement shall be recorded with the Kent County Register of Deeds.
- (6) Any uses proposed as part of a conditional zoning agreement that would otherwise require approval of a special land use or site plan approval shall be subject to the applicable review and approval requirements of Articles 13 and 14.

(H) Expiration.

- (1) The rezoning and conditional zoning agreement shall expire one year after adoption of the rezoning and conditional zoning agreement, unless substantial construction on the approved development of the property, pursuant to building and other required permits issued by the city, commences within the one year period and proceeds diligently to completion, unless extended by the City Council for good cause.
- (2) In the event that substantial construction on the approved development has not commenced within one year, the conditional zoning agreement shall be void.

- (3) Should the conditional zoning agreement become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the city is taken to bring the property into compliance with the conditional zoning agreement, the city may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
- (4) Notwithstanding the above, if the property owner applies in writing for an extension of the conditional zoning agreement at least 30 days prior to the expiration date, the City Council may grant an extension of up to one year. Further extensions may be granted by the City Council, although the number of previous extensions granted to a particular conditional zoning agreement shall be considered in relation to the diligent effort of the land owner to satisfy the conditions of the agreement.
- (I) **Reversion of Zoning.** If the rezoning and conditional zoning agreement becomes void as previously outlined, then the land shall revert back to its prior zoning classification as set forth in the Zoning Act. The City Manager or designee shall initiate the rezoning to the prior zoning classification and advise the land owner and/or developer, by registered letter, of the reversion of zoning.
- (J) **Continuation.** Provided that all development and/or use of the property in question is in compliance with the conditional zoning agreement, an authorized use or development may continue indefinitely, provided that all terms of the conditional zoning agreement continue to be met.
- (K) **Amendment.** The conditional zoning agreement may be amended by the city with the landowner's consent in the same manner as was prescribed for the original rezoning and conditional zoning agreement.
- (L) **Violation of Agreement.** Failure to comply with the conditional zoning agreement at any time after approval will constitute a breach of the agreement and also a violation of this ordinance, and further use of the property may be subject to legal remedies available to the city.
- (M) **Subsequent Rezoning of Land.** Nothing in the conditional zoning agreement, nor any statement or other provision, shall prohibit the city from later rezoning all or any portion of the property that is the subject of the conditional zoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Zoning Act.
- (N) **Failure to Offer Conditions.** The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this ordinance.
- (O) **City Not Obligated.** The city is not required or obligated to accept any or all conditions offered by a developer on a rezoning application. In no way is an offer of a conditional zoning agreement the basis for requiring the city to approve a rezoning application.

Article 20.

Administration and Enforcement

Section 20.01 Building Permit Required

- (A) It shall be unlawful for a person to commence excavation for, or construction of, any building, structure, or parking area, or to make structural changes in any existing building or structure without first obtaining a building permit from the City Manager or designee. A permit shall not be issued to construct, alter, or remodel a building or structure until an application has been submitted in accordance with provisions of this ordinance, showing that the construction proposed is in compliance with the provisions of this ordinance and with the building code.
- (B) Fees for all required permits shall be determined by resolution of the city council. Plumbing, electrical, or drainage permits shall not be issued until the City Manager or designee has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this ordinance. A site plan, approved by the Planning Commission, pursuant to Article 14, is required before a building permit, for all uses except one-and two-family dwellings, can be issued.

Section 20.02 Administrative Officials

Except as otherwise provided in this ordinance, the City Manager or designee shall administer and enforce this ordinance, including receiving an application, inspecting the premises, and issuing a building permit.

Section 20.03 Permits

All applications for a building permit shall be made as required by the building code and shall designate the existing or intended use of the structure or premises, or any part, which is proposed to be altered, erected, or extended, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by two copies of drawings, drawn to scale, showing the actual lines, angles, and dimensions of the lot to be built upon or used and the exact size and location on the lot of all existing and proposed structures and uses, together with specifications. Applications shall contain such other information with respect to the lot and adjoining property as may be required by the City Manager or designee, in addition to those requirements of this ordinance. One copy of both plans and specifications shall be filed in and retained by the office of the City Manager or designee, and the other shall be returned to the applicant when the City Manager or designee has approved the application and issued the permit. Only in cases of minor alterations may the City Manager or designee waive the requirements of this Section, which, in their estimation, are not necessary to determine compliance with this ordinance. A building permit shall expire within six months after issuance, except where construction is being diligently pursued.

Section 20.04 Occupancy

It shall be unlawful to use or permit the use of any structure or premises hereafter altered, extended, or erected, until the City Manager or designee shall have inspected the premises and approved them for occupancy.

Section 20.05 Violations and Penalty

Any building erected, altered, razed, or converted, or in which any use carried on in violation of any provision of this ordinance, is hereby declared to be a nuisance per se. A person, firm, or corporation that violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this ordinance shall receive a civil infraction as provided in section 1-9 of the General Code of Ordinances. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 20.06 Enforcement

It shall be the duty of the City Manager or designee to investigate any alleged violation of the zoning ordinance. The City Manager or designee is hereby authorized to issue and serve appearance tickets (as defined in section 9 F of Chapter IV of Act No. 175 of the Public Acts of 1927, as amended) on persons whom the inspector has reasonable cause to believe have violated the provisions of this zoning ordinance. The City Manager or designee is also authorized to take all other actions permitted by law to terminate violations of this zoning ordinance. It shall be the further duty of the City Manager or designee to keep all records of all applications for building permits and of all such permits issued, with a notation of all special conditions involved. The City Manager or designee shall file and safely keep copies of all plans and specifications and fees submitted, and the same shall be a part of the records of their office and shall be available to the City Council and all other officials of the city.

Use Table and Zoning Map