

**CITY OF KENTWOOD**  
**ZONING ORDINANCE**  
**ORDINANCE NO. 9-02**

**Adopted April 16, 2002**

## TABLE OF CONTENTS

Chapter		Page
1	Short Title and Purpose	1-1
2	Definitions	2-1
3	General Provisions	3-1
4	F-1 Flood Plain	4-1
5	R-1 Residential Districts	5-1
6	Two-Family and Multiple Family Residential	6-1
7	R-5 Manufactured Housing	7-1
8	Commercial/Office	8-1
9	C-5 Neighborhood Corridor Commercial	9-1
10	Industrial	10-1
11	OS Open Space, Public, Semi-Public	11-1
12	Planned Unit Development	12-1
13	Application and Review Process	13-1
14	Site Plan Application	14-1
15	Approval Standards for Special Land Use	15-1
16	Signs	16-1
17	Off-street Parking and Loading	17-1
18	Private Street Regulations	18-1
19	Landscaping/Screening Regulations	19-1
20	Lighting Standards	20-1
21	Zoning Board of Appeals	21-1
22	Administration and Enforcement	22-1
Appendix	Functional Index	A-1

## CHAPTER 1 SHORT TITLE AND PURPOSE

### SECTION 1.01            SHORT TITLE

This ordinance shall be known as the "City of Kentwood Zoning Ordinance".

### SECTION 1.02            PURPOSE

The fundamental purpose of this ordinance is to promote and safeguard the public health, safety, prosperity and general welfare of the people of this City.

The provisions of this Ordinance are intended, among other things, to encourage the use of lands, waters and other natural resources in the City in accordance with their character and in a reasonable manner; to limit the improper use of land and resources; to eliminate nonconforming uses; to reduce hazards to life and property; to provide for orderly development within the City; to avoid overcrowding of land with structures or buildings; to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered; to encourage redevelopment efforts within the City; to manage the impact on the public roads and streets resulting from development; to protect and conserve natural recreational areas, residential, and other areas naturally suited to particular uses; to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements; to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.

This Ordinance is enacted under the authority of the City and Village Zoning Act and Section 6.14(c) of the Charter of the City of Kentwood.

### SECTION 1.03            SCOPE

- A. It is not intended by this Ordinance to repeal, abrogate, annul or in any other 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; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations upon the erection or use of land and buildings, or upon the height of buildings and structures, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits or easements, then the provisions of this Ordinance shall govern.
- B. The requirements of this Ordinance are to be construed as minimum requirements, and shall in no way impair or affect any covenant or restriction imposing greater requirements.

**SECTION 1.04 DISTRICTS**

- A. In order to effectively protect and promote the general welfare and accomplish the aims and objectives of the City of Kentwood Master Plan, the City is divided into zoning districts of the number, boundaries, shape and area and of common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best development of the community, while protecting the common rights and interests of all through associated regulations and restrictions.
- B. All street, alley and railroad rights-of-way, if not otherwise designated to be in a particular zoning district, shall be considered to be in the same district as the lot or parcel it immediately abuts. Unless specifically provided for otherwise, when abutting more than one (1) lot or parcel, or when the center line of the right-of-way serves as a zoning district boundary, the abutting property's district shall be deemed to be the same up to the center of the right-of-way.
- C. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- D. Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being parallel and at the distances indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale on the Official Zoning Map.

**SECTION 1.05 ZONING MAP**

- A. The official Zoning Map of the City of Kentwood shall be so identified by signature of the Planning Commission Chair, as attested to by the City Clerk, under the following wording: "This is to certify that this map is the Official Zoning Map of the City of Kentwood, which is a part of the City of Kentwood Zoning Ordinance." The Official Zoning Map of the City of Kentwood is incorporated by reference in this Ordinance.
- B. A record is to be kept by the Zoning Administrator of all changes made or required to be made to the Official Zoning Map. The Official Zoning Map is to be kept up to date, accessible to the general public and shall be the final authority as to the current Zoning District status of all land and buildings in the City of Kentwood which are subject to the provisions of this Ordinance.

**SECTION 1.06 CHAPTER AND SECTION HEADINGS**

The chapter, section, and subsection headings used in this Zoning Ordinance are for convenience only and are not part of the Zoning Ordinance.

**SECTION 1.07 THE EFFECT OF ZONING**

- A. For the purpose of this Ordinance, except as hereafter specifically provided, no lot, land, parcel or premises shall be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations specified for the Zoning District in which it is located; these limitations being construed as the minimum

legislation necessary to promote and protect the general welfare and safety of the community. Zoning affects every structure and use and extends vertically.

- B. In case any building or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, that building shall be declared a nuisance per se and may be required to be vacated, torn down or abated by any legal means and shall not be used or occupied until it has been brought into conformance.
- C. If construction on a building is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of that building, provided that actual construction is being diligently carried on, and further provided that the building shall be entirely completed for its planned or designed use within two (2) years from the effective date of this Ordinance.
- D. The use of any land or premises, or any structure, existing and lawful at the time of enactment of the Zoning Ordinance, or amendment thereto, may be continued even though the use does not conform to the current provisions of the Zoning Ordinance.
- E. Uses which are not expressly listed in a particular zone district to be Permitted or allowed subject to Special Land Use review are prohibited

## **SECTION 1.08 DISTRICTS ESTABLISHED**

For the purposes of this ordinance, the City of Kentwood is divided into the following Zoning Districts:

<b>Zoning District</b>		<b>Chapter</b>
F-1	Floodplain	4
R1-A, B	Very Low Density Residential	5
R1-C, D	Low Density Residential	5
R-2,	Two Family Residential	6
R-3	Medium/High Density Residential	6
R-4	High Density Residential	6
R-5	Manufactured Housing	7
C-2	Community Commercial	8
C-3	Regional Commercial	8
C-4	Office/Business	8
C-5	Neighborhood Corridor Commercial	9
I-1	Light Industrial	10
I-2	General Industrial	10
OS	Open Space, Public, Semi-Public	11
RPUD-1	High Density Residential PUD	12
RPUD-2	Low Density Residential PUD	12
CPUD	Commercial PUD	12
MPUD	Mixed Use PUD	12
IPUD	Industrial PUD	12
OPUD	Office PUD	12

## CHAPTER 2 DEFINITIONS

### SECTION 2.01 INTERPRETATION OF TERMS

- A. For the purposes of interpreting this Ordinance, certain words and terms shall have the meaning provided in this Chapter. Terms and words not defined in this Ordinance shall have the meanings customarily accepted.
- B. Interpretation of Terms
1. All words used in this Zoning Ordinance indicating the present tense shall not be limited to the time of the adoption of this ordinance but shall include the time of an event or requirement for which provision is applied.
  2. The singular number shall include the plural and the plural number shall include the singular.
  3. References to the masculine gender shall include, extend and apply to females as well as males.
  4. All references to statutes shall be considered to be references to the statutes as amended from time to time.
  5. All references to section numbers shall refer to sections of this Zoning Ordinance.
  6. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
    - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
    - b. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
    - c. "Either..or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- C. Meaning of Words
1. The word "building" includes the word "structure".
  2. The word "City" shall mean the City of Kentwood.
  3. Unless otherwise identified, the word "law" shall mean federal law, the Constitutions of the United States and State of Michigan, state law, common law, this Zoning Ordinance, and any Charter, ordinances or lawfully adopted acts of the City.
  4. The word "person" shall include governmental entities, corporations, partnerships, associations and individuals.
  5. The word "shall" is always mandatory and not merely directory.
  6. The word "day" shall mean calendar day.

**SECTION 2.02 DEFINITIONS****A. Definitions "A"**

**ACCESSORY BUILDING:** A building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. Where an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

**ACCESSORY USE:** A use incidental and subordinate to the principal use of the land or building.

**ADULT CARE FACILITIES:** A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the State Department of Consumer and Industry Services. The organizations shall be defined as follows:

1. **Adult foster care facility:** A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
2. **Adult foster care small group home:** A private home with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
3. **Adult foster care family home:** A private home with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

**ADULT CARING INSTITUTION:** A state licensed adult residential facility which provides care and supervision on a twenty-four (24) hour basis for the treatment of mental health, alcohol, substance abuse or other long-term illness or rehabilitation program. The terms institutions for mentally handicapped, drug or alcohol patients or correctional institutions or mental health facilities shall mean the same, with regard to persons eighteen (18) years of age or older.

**ADULT DAY CARE FACILITY:** An unlicensed facility which provides care for elderly and/or functionally impaired adults in a protective setting for a portion of a twenty-four (24) hour day.

**ALLEY:** A public way not more than thirty (30) feet in width which affords a secondary means of access to abutting property but not being intended for general traffic circulation.

**ALTERATIONS:** Any change, addition or modification in construction or type of use or occupancy; any change in the supporting structural members of a building, such as a walls, columns, beams, girders or any change which may be referred to herein as "altered" or "reconstructed".

**ANIMAL HOSPITAL:** A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use. This term does not include a stable, kennel or a farm.

**ARCHITECTURAL FEATURES:** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**ASSEMBLY BUILDING:** A building or structure designed and intended for use a place of public assembly, with or without fixed seats, for entertainment, business, social, religious, educational, or other purposes.

**ASSISTED LIVING FAMILY FACILITY:** An unlicensed residential facility housing 6 or fewer people per building, and providing housing, two (2) or more group meals a day, incidental nursing or medical services, and some or all of the following services: transportation, ambulatory assistance, prescription scheduling, laundry, housekeeping or shopping.

**ASSISTED LIVING GROUP FACILITY:** An unlicensed residential facility that houses more than 6 people per building, and providing housing, two (2) or more group meals a day, incidental nursing or medical services, and some or all of the following services: transportation, ambulatory assistance, prescription scheduling, laundry, housekeeping or shopping an assisted living facility

**B. Definitions “B”**

**BASEMENT:** A portion of a building partly underground with more than one-half (1/2) of its height below grade and the finished surface of the floor above is more than six (6) feet above grade plane.

**BED & BREAKFAST:** A house, or portion thereof, where short-term lodging rooms and meals are provided for up to three (3) days duration as a commercial operation.

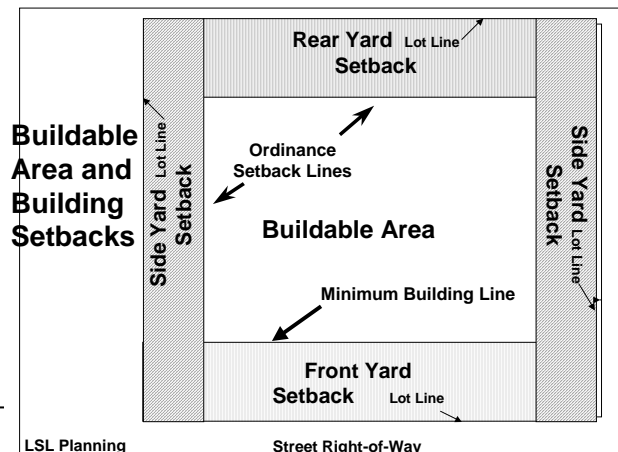
**BEDROOM:** A dwelling room used or intended to be used by human beings for sleeping purposes.

**BLOCK:** The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between one (1) intersecting street and railroad right-of-way, unsubdivided acreage, canal, levee, river or live stream; or between any of the foregoing and any other physical (natural and artificial) barrier to the continuity of development. An area bounded on all sides by streets or highways.

**BOARD OF APPEALS:** This term means the City of Kentwood Zoning Board of Appeals (ZBA).

**BUILDABLE AREA:** The buildable area of a lot is the space remaining after the setback and the open space requirements of this Ordinance have been satisfied.

**BUILDING:** An independent structure, either temporary or permanent, having a

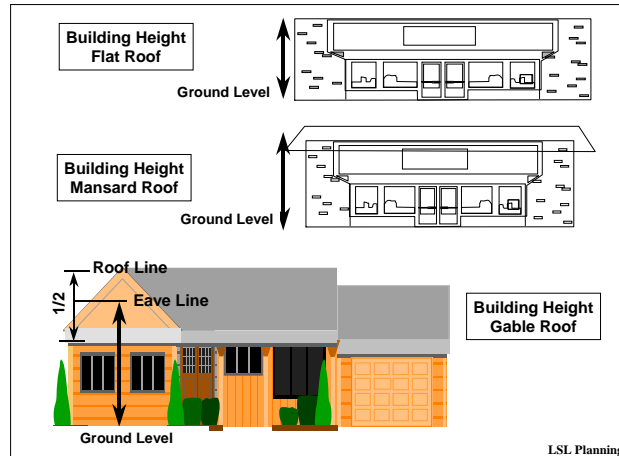




roof supported by columns, or any other support used for the enclosures of persons, animals, or chattels, or carrying on business activities or other uses. When any portion of a building is completely separated from every other part of the building by division of walls from the ground up, and without openings, each portion of the building shall be deemed a separate building.

**BUILDING ENVELOPE:** The area of a condominium site within which the main building or structure may be constructed as described in the Master Deed for the site condominium project.

**BUILDING HEIGHT:** The vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the established grade shall be the mean level at the building wall perimeter.



**BUILDING MAIN:** A building in which is conducted the main or principal use of the lot on which it is situated.

**BUILDING PERMITS:** The written authority as issued by the Building Inspector on behalf of the City permitting the construction, moving or alteration of a building in conformity with the provisions of this Ordinance and the City's adopted building code.

**BUILDING SETBACK:** The area pertaining to the minimum setback distance required by the zoning district in which it is located, established from the front street right-of-way or property line, thus defining an area of the lot adjacent to the front, side or rear lot line in which no part of a building shall project or be located, except as otherwise provided for in this Ordinance.

### C. Definitions "C"

**CHILD CARE ORGANIZATION:** An organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision notwithstanding that educational instruction may be given. Child care organizations are licensed and regulated under the State of Michigan Act 116 of 1973, as amended, and include the following:

1. Child Care Center (or Day Care Center): A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than twenty-four (24) hours a day and for not less than two (2) consecutive weeks and where the parents or guardians are not immediately available to the child.
2. Foster Family Home: A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or who are not placed in the household pursuant to the adoption code, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
3. Foster Family Group Home: A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood,

marriage, or who are not placed in the household pursuant to the adoption code, are provided care for twenty-four (24) hours a day, for four (4) or more days a week for two (2) or more consecutive weeks, unattended by a parent or legal guardian. Family Child Day Care Home: A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

4. Group Child Day Care Home: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to the adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
5. Child Caring Institution: A child care facility which is organized for the purpose of receiving children for care, maintenance and supervision usually on a twenty-four (24) hour basis to more than six (6) children in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of un-married mothers and institutions for orphaned, mentally, emotionally or developmentally challenged or disturbed children.

CLEAR VISION AREA: An area described by Section 3.06.

CLINIC: A building or group of buildings where human patients are admitted for examination and treatment by a professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight. This term is synonymous with the term "medical office."

CLUB: An organization of persons for specific purposes or the promotion of enterprises such as agriculture, sports, arts, science, literature, social, politics, or the like, but not operating for profit.

COMMERCIAL: This term relates to the use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise. A garage/basement/yard sale operating more than four (4) days during one (1) three (3) month period is considered a commercial use.

COMMERCIAL ESTABLISHMENT: Examples of a "commercial establishment" in various contexts would include, without limiting, the following: A business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls with a door which may regularly be used by the public for exclusive ingress and egress to that business; and, in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

COMMISSION, CITY: The Kentwood City Commission.

COMMISSION, PLANNING: See Planning Commission.

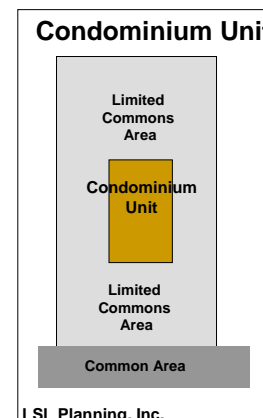
CONDOMINIUM ACT: Public Act 59 of 1978, of the State of Michigan, as amended.

**CONDOMINIUM PROJECT OR SITE CONDOMINIUM PROJECT:** A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.

**CONDOMINIUM UNIT:** That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreation, use as a time share unit or any other type of use.

**CONTRACTIBLE CONDOMINIUM:** A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with the Condominium Act.

**CONVALESCENT HOME:** A long-term recuperative care facility providing room and board and supervised personal care by facility staff on a twenty-four (24) hour basis for the aged, the infirm or persons recovering from illness. An unlicensed extended care facility or chronic care facility providing twenty-four (24) hour nursing care shall mean the same.



**CONVENIENCE STORE:** A retail food establishment of less than 10,000 square feet GFA which may supply groceries, fruits, vegetables, dairy products, baked goods, general interest newspapers, general interest magazines, confections, or similar commodities for consumption off the premises.

**CONVERSION CONDOMINIUM:** A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act.

**CONVERTIBLE AREA:** A unit or portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created in accordance with the Condominium Act.

**CUL-DE-SAC:** A street having one (1) terminus open for vehicular or pedestrian access and the other terminated by a vehicular turnaround.

#### **D. Definitions "D"**

**DAY CARE CENTER:** See "child care organizations".

**DENSITY:** The number of dwelling units that may be erected on a described lot or parcel, expressed in dwelling units per acre.

**DENSITY, GROSS:** The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. Gross density is calculated using all land as well as rights-of-way of streets; the result being the number of dwelling units per gross acre of land.

**DENSITY, NET:** The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space and associated recreational facilities

within the area; the result being the number of dwelling units per net residential acre of land. Net density calculations exclude rights-of-way of publicly dedicated streets and utilities, private road easements, and floodplain (see Section 12.03.C.1 for the computation of up to twenty-five percent (25%) of preserved floodplain in PUD zones).

**DISTRICT:** A portion of the City within which certain specified uses of land and/or buildings are permitted and within which certain specified regulations and requirements apply under the zoning district provisions of this Ordinance.

**DRIVE-THROUGH ESTABLISHMENT:** An establishment that furnishes the patron with a product or services from a drive-up window or other similar arrangement to be utilized or consumed outside the building. Drive-through establishments' retail and/or service character are dependent on providing a driveway approach and/or parking space for motor vehicles so as to serve patrons while in or momentarily away from their motor vehicles.

**DWELLING, UNIT:** A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provision relative to dwellings. In residential child and adult care facilities every six (6) beds shall be equivalent to one dwelling unit.

**BI-LEVEL** is a dwelling consisting of two (2) stories, one (1) of which may be a basement having a vertical distance from the grade to the ceiling of four (4) feet or more.

**SPLIT LEVEL** or **TRI-LEVEL** means a dwelling consisting of more than two levels of living space of which any two shall be at or 75 percent above the grade.

**DWELLING, MULTIPLE:** A building or portion of a building, used or designated for use as a residence for more than two (2) families living independently of each other. This definition does not include manufactured homes, single family attached dwellings or two (2) family dwellings.

**DWELLING, SINGLE FAMILY ATTACHED:** A group of three (3) or more independently owned dwelling units which are joined to one another by a common party wall, but not a common floor-ceiling. Each unit shall have its own outside entrance. For the purposes of this ordinance, dwellings such as semi-detached, rowhouses, patio-house and townhouse shall be deemed single family attached dwellings.

**DWELLING, SINGLE FAMILY DETACHED:** A unit exclusively for use by one (1) family which is entirely surrounded by open space or yards on the same lot.

**DWELLING, TWO FAMILY:** A building used or designed for two (2) dwelling units. It may also be termed a duplex.

## **E. Definitions "E"**

**EFFICIENCY UNIT:** A dwelling unit consisting of one (1) room, exclusive of bathroom, hallway, closets and the like.

**ELDERLY HOUSING:** A residential development primarily for persons sixty (60) years or older.

**ELECTRICAL DISTRIBUTION SUBSTATION:** An electrical substation that steps voltage up or down to or from electrical lines of under 69kV.

**ELECTRICAL SUBSTATION:** A system of electrical equipment that facilitates the stepping up or down of electrical voltage. For the purposes of this ordinance, electrical substations shall include transmission substations and distribution substations.

**ELECTRICAL SWITCHING STATION:** A system of electrical equipment that interconnects several electrical transmission lines for the purpose of allowing the transmission lines to be serviced and maintained without disruption of power.

**ELECTRICAL TRANSMISSION LINES:** Electric utility wires that are generally strung on large metal or wooden towers including the towers or poles themselves whose function is the transportation of at least 69kV of electricity.

**ELECTRICAL TRANSMISSION SUBSTATION:** An electrical substation that steps voltage up or down to or from an electrical transmission line.

**ERECTED:** The word "erected" includes built, constructed, reconstructed, moved upon or any other physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

**ESSENTIAL PUBLIC SERVICES:** The erection, construction, alteration or maintenance by public utilities or City departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication supply or disposal systems shall be considered essential public services. This includes, but is not limited to, mains, drains, sewers, pipes, conduits, wires, cables, electrical switching stations and substations, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories reasonably necessary for the furnishing of adequate service by the public utility or municipal departments or commissions., Buildings shall not be considered as essential public services except for those that are primarily enclosures or shelters of the above essential service equipment . Wireless communication towers are not essential services.

**EXCAVATING:** Excavating shall be the removal of sand, stone, gravel or fill dirt below the average grade of the surrounding land and/or street grade, whichever shall be highest, excepting common household gardening.

## **F. Definitions "F"**

**FAMILY:** means either of the following:

1. A domestic family which is one or more persons living together and related by the bonds of blood, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of the individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
2. The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must operate

as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

**FENCE:** Any permanent fence, partition, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

**FINANCIAL INSTITUTION:** A commercial use operated primarily for financial transactions, including but not limited to, personal and business banking, credit unions, savings and loan institutions, and other similar activities.

**FINISHED LIVING AREA:** The sum of the finished horizontal areas of each story of a dwelling unit measured from the exterior faces of the exterior walls. In order for below grade square footage to constitute finished living area proper egress must be provided according to the currently adopted building code of the City. The finished living area measurement is otherwise exclusive of areas of basements lacking proper egress, unfinished attics, attached garages, breezeways, common halls, and stairways in the two family or multiple family structures, and enclosed and unenclosed porches.

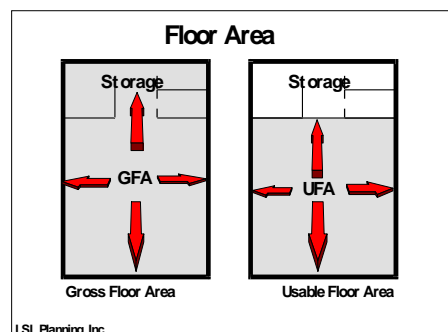
**FLOOD PLAIN:** The area adjoining a river, stream, water course, or lake subject to a one hundred (100) year recurrence-interval flood as delineated by the Flood Boundary and Floodway map prepared by the Federal Insurance Administration of the Federal Emergency Management Agency and on file with the City or the Michigan Department of Natural Resources.

**FLOOR AREA, GROSS (GFA):** The sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls or from the center line of wall separating two (2) buildings. The floor area of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level, or finished lot grade, whichever is higher. (See Basement)

**FLOOR AREA, MAIN:** The square foot area of a building within its largest outside dimensions computed on a horizontal plane at the main floor level, exclusive of breezeways, attached garages, enclosed and unenclosed porches, exterior stairways and interior stairways in the two family or multiple family structures. A split-level building may include as part of the square foot area requirement, a half level adjoining the main floor level.

**FLOOR AREA, USEABLE (UFA):** The useable floor area shall be the gross floor area less elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet or less, or interior balconies or mezzanines. Areas of basements, utility rooms, breezeways, porches or attached garages are not included in useable floor area.

**FUEL DEPOT** - A facility dealing in the sale of petroleum fuels and motor oils through an automated dispense system to motor vehicles.



FUEL STATIONS - A building design used for the retail sale of fuel (stored only in underground tanks) lubricants, air, water and other operating commodities for motor vehicles.

#### **G. Definitions “G”**

GARAGE, CARPORT, PRIVATE: A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which the building is located and with a capacity of not more than three (3) vehicles.

GENERAL COMMON ELEMENTS: The common elements other than the limited common elements defined herein.

GRADE: A reference plane representing the finished ground level adjoining a building at all exterior walls.

#### **H. Definitions “H”**

HOME OCCUPATION: A use conducted entirely within an enclosed residential building employing only the inhabitants of the building, which is clearly incidental and secondary to residential occupancy and does not change the character of the building. Instruction in a craft, music, or fine art within a dwelling, by a resident member of the family residing in the dwelling, shall be considered a home occupation and shall be subject to the requirements for a home occupation.

HOSPITAL: An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, the related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL: A building occupied or used as a temporary abiding place by individuals or groups of individuals, with or without meals.

HOUSING FOR THE ELDERLY: An unlicensed multiple family residential development for elderly persons needing little or no personal assistance, which provides independent living dwelling units for the exclusive use of the occupants, whether or not group meals or other convenience services for the elderly are provided. The term “Senior Housing” shall mean the same.

#### **I. Definitions “I”**

INDUSTRY: The manufacturing, compounding, processing, packaging, treating or assembly of products and materials in a manner which complies with all requirements of Chapter 10.

#### **J. Definitions “J”**

JUNK: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, scrap metals or materials that are damaged or deteriorated, vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured, or inoperable motor vehicles.

**JUNK YARD:** The term "junk yard" includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts of automobiles or other vehicles for profit.

#### **K. Definitions "K"**

**KENNEL:** Any lot or premises on which more than three (3) dogs or cats, six (6) months of age or older are kept. Refer to Kentwood City Ordinance No. 11-82, as amended.

#### **L. Definitions "L"**

**LIMITED COMMON ELEMENTS:** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

**LOADING SPACE:** An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

**LOT:** An individual portion of platted or unplatted land of at least sufficient size to meet minimum zoning requirements for use, buildings, structures, lot coverage, yards and other open spaces as may be present or required under the provisions of this Ordinance. The lot shall have frontage on an improved public street, or an approved private street, and may consist of: a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, or a parcel of land described by metes and bounds or a condominium unit and any limited common element under and surrounding the condominium unit, which together meet the minimum yard and area requirements required by this ordinance.

**LOT AREA:** The total horizontal area within the lot lines of a lot.

**LOT, CORNER:** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) chords of which form an angle of one hundred thirty five (135) degrees or less.

**LOT COVERAGE:** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

**LOT, DEPTH:** The mean horizontal distance from the front lot line to the rear lot line, or in the case of an acreage lot, from the front right-of-way line to the rear property line.

**LOT, DOUBLE FRONTAGE, THROUGH:** A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where the structures presently front.

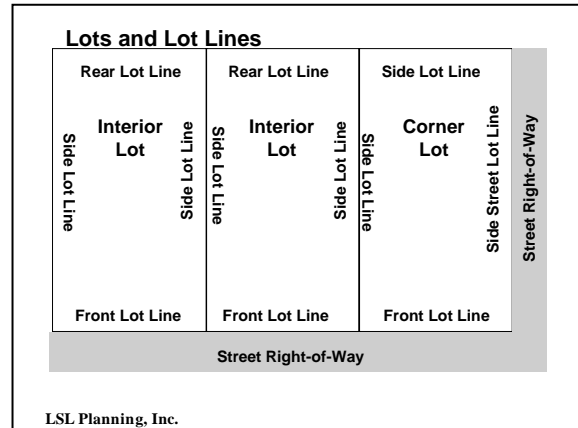
**LOT, INTERIOR:** A lot other than a corner lot with only one (1) lot line fronting on a street.



**LOT, IRREGULAR:** A lot with non-parallel lot lines and/or non-uniform lot width.

**LOT LINES:** The property lines bounding the lot.

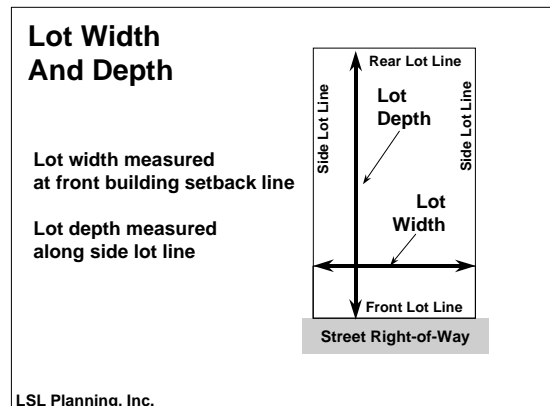
1. **Front Lot Line:** In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating the lot from the right-of-way. In the case of a corner or through lot, the front lot line shall be that line separating the lot from that street which is designated as the front street. (See Lot, Double Frontage)
2. **Rear Lot Line:** Ordinarily, that lot line opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In case where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line. (See Lot, Double Frontage)
3. **Side Lot Line:** Any lot line not a front line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
4. **Street or Alley Lot Line:** A lot line separating the lot from the right-of-way of a street or an alley.



**LOT, NONCONFORMING:** See Nonconforming Lot.

**LOTS OF RECORD:** A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been recorded as required by law.

**LOT WIDTH:** The distance between lot lines, at the building setback line measured parallel to the street or street tangent line.



**M. Definitions "M"**

**MAIN BUILDING:** *Main building.* The building(s) in which the principal use of a lot is located. *Manufactured home (i.e., mobile home).* A structure transportable in one or more sections, connected to required utilities which includes the plumbing, heating, air conditioning and electrical systems contained in the structure, built on a chassis and designed to be used as a single dwelling unit with or without permanent foundation.

*Manufactured housing development.* A parcel or tract of land which is under the control of one person, group or firm upon which three or more manufactured homes have been located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

*Master deed.* The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project.

*Master plan.* The master plan of the City which is intended to guide the physical development of all portions of the City. The plan including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with the Municipal Planning Act, Michigan Public Act No. 285 of 1931, as amended (MCL 125.31 et seq).

*Medical Marihuana Dispensary.* Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is made available to, sold, used, grown, processed, delivered, or distributed by or to one or more of the following:

1. A primary caregiver (i.e., a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs, as provided for in Initiated Law No. 1 of the Public Acts of 2008, as amended).
2. A qualifying patient (i.e., a person who has been diagnosed by a physician as having a debilitating medical condition, as provided for in Initiated Law No. 1 of the Public Acts of 2008, as amended).
3. Members of the public.

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed by three or more persons at one time.

A medical marihuana dispensary shall not include the dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five qualified patients in strict accordance with Michigan Initiated Law 1 of 2008, as amended, so long as the lawful amount of medical marihuana is delivered to the qualifying patient where the qualifying patient resides and it is done in full compliance with this Ordinance as well as all other applicable City ordinances and applicable Michigan and federal laws, rules and regulations.

*Medical office.* (See *Clinic*).

*Motel.* A series of attached, semi-attached or detached rental units with separate private entrances providing overnight lodging for transients, open to the traveling public for compensation.

*Motor freight terminal.* A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semitrailers, including tractor and/or trailer units and other trucks, are parked or stored.

*Motor home.* A motorized vehicular unit primarily designed as a temporary dwelling in connection with travel and/or recreational usage. This term does not include manufactured homes.

MANUFACTURED HOME (i.e. mobile home): A structure transportable in one (1) or more sections, connected to required utilities which includes the plumbing, heating, air conditioning and electrical systems contained in the structure, built on a chassis and designed to be used as a single dwelling unit with or without permanent foundation.

MANUFACTURED HOUSING DEVELOPMENT: A parcel or tract of land which is under the control of one person, group or firm upon which three (3) or more manufactured homes have been located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

MASTER DEED: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project.

MASTER PLAN: The Master Plan of the City which is intended to guide the physical development of all portions of the City. The plan including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with the Municipal Planning Act, Michigan Public Act 285 of 1931, as amended.

MEDICAL OFFICE: See Clinic.

MOTEL: A series of attached, semi-attached or detached rental units with separate private entrances providing overnight lodging for transients, open to the traveling public for compensation.

MOTOR FREIGHT TERMINAL: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semitrailers, including tractor and/or trailer units and other trucks, are parked or stored.

MOTOR HOME: A motorized vehicular unit primarily designed as a temporary dwelling in connection with travel and/or recreational usage. This term does not include manufactured homes.

## **N. Definitions “N”**

NONCONFORMING LOT: A lot with area or dimension lawfully existing at the effective date of this ordinance or amendments thereto with less than the minimum required for the zoning district in which it is located. This includes, but is not limited to minimum area, dimension or access requirements.

NONCONFORMING STRUCTURE: A structure or portion of a structure lawfully existing at the effective date of the Zoning Ordinance or amendments thereto, and which does not conform to the current provisions of the zoning district in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of

the Zoning District in which it is located.

NONRESIDENTIAL DISTRICT: The C-2, C-3, C-4, CPUD, OPUD, IPUD, I-1, I-2, and OS zoning districts.

NONRESIDENTIAL PRIVATE STREET: Private street that provides ingress or egress from a public street or another private street to a nonresidential use.

NURSING HOME: A state licensed long-term facility providing room and board and supervised personal care by facility staff on a twenty-four (24) hour basis for seven (7) or more aged, infirm or persons recovering from illness which is regulated under Act 368 of 1978. A State Licensed Sub-Acute Care Facility, State Licensed Home for the Aged, a State Licensed Nursing Home, or State Licensed Hospice Facility providing twenty-four (24) hour nursing care shall mean the same.

#### **O. Definitions "O"**

OFFICE: A room, studio, suite or building occupied and for office uses only.

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress for four (4) or more vehicles.

OPEN AIR BUSINESS: Uses operated substantially in the open air including, but not limited to:

1. Bicycle, utility truck or trailer, motor vehicle, boat, or home equipment sale, repair or rental services.
2. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools and similar activities (either as a principal or accessory use conducted on a lot).
3. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

OPEN AIR BUSINESS, SHORT TERM: Uses operated for a period of less than sixty-one (61) days in a calendar year substantially in the open air or under a tent as an accessory use to an existing principal use conducted on the lot, which accessory uses shall be limited to:

1. Outdoor display and sale of trees, flowers and homemade foods; or
2. Items produced or sold by the existing principal use.

#### **P. Definitions "P"**

PARKING SPACE: An off-street space exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

PAWNBROKERS AND PAWNSHOPS: The term "pawnbroker" as used herein is defined as any person, who loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a

stipulated price. The term "pawnshop" is defined as any location where a pawnbroker conducts business.

**PERSONAL SERVICE ESTABLISHMENT:** A commercial business conducting services involving the care of a person or a person's apparel that are performed primarily on the premises such as barber or beauty shops and photographic studios.

**PLANNED UNIT DEVELOPMENT:** A zoning district which permits integrated and coordinated residential dwellings and/or certain non-residential uses, all to be developed according to approved area and site plans as provided in Chapter 12 of this Ordinance.

**PLANNING COMMISSION:** The City of Kentwood Planning Commission created under the Municipal Planning Act, being Act 285 or the Public Acts of 1931, as amended. (See also City of Kentwood Ordinance #6-67, as amended.)

**PORCH, ENCLOSED:** A covered entrance to a building or structure that is totally enclosed, and projects out from the wall of the building or structure and has a separate roof or integral roof with the principal building or structure to which it is attached.

**PORCH, OPEN:** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof that projects out from the wall of the building or structure.

**PUBLIC SERVICE ACTIVITIES:** Any authorized activity conducted by a person, firm, or corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water in furtherance of their duties and responsibilities.

**PUBLIC UTILITY:** Any person, firm, corporation, City department duly authorized to furnish, under federal, state or municipal regulations, within the City, electricity, gas, steam, sewer, transportation or water services.

## **Q. Reserved for Future Use**

## **R. Definitions "R"**

**RECYCLING FACILITY:** A facility dedicated to the processing of recyclables for conversion into raw materials or new products. This definition does not include recycling stations, landfills, junk yards, or incinerators.

**RECYCLING STATION:** A location solely dedicated to the collection of recyclable materials for hauling to another site for processing.

**RECREATIONAL EQUIPMENT AND VEHICLES:** Portable structures, machines or devices, self propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, constructed or modified to provide temporary living quarters or for recreational camping, or travel use and the trailers and other devices as shall be primarily intended for the transporting of all the structures, machines, or devices. Motorcycles, bicycles, minibikes and the vehicles such as jeeps, four-wheel drives and pickup trucks with attached cabs that do not exceed the roofline of the vehicle 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. Various types of recreational equipment and vehicles include:

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 as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.
2. 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. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.
3. Motor home: A recreational 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. On an industry-wide basis, this type of recreational vehicle is classified as either a Class A or Class C recreational vehicle. A Class A or bus type recreational vehicle has the luggage compartment below the living quarter. The Class C recreational vehicle is a van with the bed over the cab and is much larger than a passenger van due to the bed over the cab.
4. Van/camper: A motorized recreational vehicle intended for temporary human habitation, sleeping and/or eating. This class of recreational vehicles includes conversion vans and camper vans that may contain refrigerator as well as water and electrical facilities. This class closely resembles passenger vans, but some models may be taller to allow for extra headroom. On an industry-wide basis, this type of recreational vehicle is classified as a Class B recreational vehicle.
5. Folding tent trailer: A folding structure, mounted on wheels for towing and designed for travel and vacation use.
6. Boats and boat trailers: Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
7. Other recreational equipment includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

**RECREATIONAL FACILITY:** Any public or private facility designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities, including indoor and outdoor facilities. Such facilities may include, but are not limited to recreational fields, courts, and other similar facilities. Spectator events may be conducted at the recreational facilities provided accommodations are made for well-designed seating, parking and traffic circulation.

**REDEVELOPMENT:** The substantial reinvestment in the restoration and reuse of a vacant building or area that has deteriorated and/or has been substantially unoccupied for at least five years.

**REPAIR ESTABLISHMENT:** Any building or grounds used, or intended to be used, for the repair of vehicles, equipment, or other similar materials, including, but not necessarily limited to engine repair, maintenance, reconstruction, renovation, or other repair or refurbishing activity.

RESIDENTIAL DISTRICT: The R-1A-D, R-2, R-3, R-4, R-5, RPUD-1 and RPUD-2 zoning districts.

RESTAURANT: A business establishment or use providing food service to patrons for consumption on the premises.

RESTAURANT, FREESTANDING A business establishment providing food service to patrons for consumption on the premises operated exclusively and entirely within a separate building.

RESTAURANT, DRIVE-THROUGH A business establishment or use so developed that it provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

RESTAURANT, WITHIN A SHOPPING CENTER A business establishment or use providing food service to patrons for consumption on the premises operated within a retail center, with or without a separate entrance.

RETAIL: Any establishment or use operated primarily for the purpose of providing goods, materials, or products for sale to the public. See also "Commercial" and "Commercial Establishment."

#### **S. Definitions "S"**

SETBACK: The minimum horizontal required distance measured from the front, side or rear lot line, as the case may be, which describes a distance termed the required setback area on a lot or parcel. Setbacks for lots containing or adjoining private streets shall be measured from the pavement edge or lot line, whichever is less.

SHOPPING CENTER: A group (more than one (1)) of primary retail and/or service commercial establishments constructed as one (1) development.

#### SHOPPING CENTER, REGIONAL

A commercial shopping center offering merchandise for sale and providing services, that (1) consists of multiple commercial establishments located within an enclosed building (whether or not the building is constructed as a series of adjacent buildings); (2) is designated by a single name; (3) has frontage on at least two major streets; and (4) is located on a parcel or parcels of land of at least 50 acres in total area. A regional shopping center may be located on multiple parcels of land that are titled in the names of different owners, and which may be numbered differently for property tax assessment purposes, but all of such parcels shall nevertheless be deemed to constitute a single regional shopping center, so long as the aggregate area of the parcels is at least 50 acres

SIGN: Any object, device, display or structure, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Specific definitions for different sign types regulated by this ordinance are contained in Chapter 16.

SITE CONDOMINIUM DEVELOPMENT: A development of condominium units on an unplatted

tract of land, in which each individual lot conforms to the requirements of the zoning district in which it is established.

**SMALL GROUP FITNESS AND REHABILITATION TRAINING FACILITY:** A training facility restricted to prearranged individual or small group fitness and rehabilitation training with instructor to trainee ratios of no more than 1: 4. The small group fitness and rehabilitation training facility shall not to exceed twenty-five percent (25%) of a building or 10,000 square feet in area (whichever is smaller) and shall be located entirely within an enclosed building.

**STORY:** That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

1. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty percent (50%) of the area of the story underneath the mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty four (24) feet or more.
2. A basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured and the finished surface of the floor above the basement is more than 6 feet above grade plane, or, if it is used for business purposes.

**STORY, HALF:** The part of a building between a pitched roof and the uppermost full story having a floor area which does not exceed one-half (1/2) the floor area of the full story, provided the area contains at least two hundred (200) square feet with a clear height of at least seven and one-half (7-1/2) feet.

**STREET, DEAD END:** Street that has one (1) terminus open for vehicular or pedestrian access and the other terminated on a temporary basis without a permanent vehicular turnaround.

**STREET FRONTAGE:** The borders or boundaries of a lot or a parcel of land which abut an improved public street or an improved private street.

**STREET, PRIVATE:** A roadway contained within a private street easement which is privately owned and maintained and which provides the principal means of access to one or more abutting lots.

**PRIVATE DRIVEWAY:** A private street that provides or is planned to provide access to more than one (1) or fewer than five (5) lots.

**PRIVATE STREET EASEMENT:** An easement that is granted exclusively for private access to one (1) or more parcels of land that contains a private street.

**PRIVATE STREET, MAJOR:** A private street providing exclusive access for more than fifteen (15) but fewer than forty-seven (47) lots.

**PRIVATE STREET, MINOR:** A private street that provides exclusive access for between five (5) and fifteen (15) lots within a portion of a development.

**PRIVATE STREET, SUB-COLLECTOR:** A private street that provides exclusive access for forty-seven (47) or more lots.



**STREET, PUBLIC:** A public, dedicated thoroughfare that affords traffic circulation and principal means of access to abutting property, e.g. avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

**PUBLIC STREET, ARTERIAL:** A public street designed to increase mobility by limiting access and increasing speed.

**PUBLIC STREET, COLLECTOR:** A public street which collects traffic from local streets and connects with arterial streets.

**PUBLIC STREET, LOCAL:** A public street designed to improve access by limiting speed and maximizing the number of access points.

## **T. Definitions “T”**

**TEMPORARY BUILDING AND USE:** A structure used during periods of construction of the main building.

**TRAINING FACILITY:** A specialized indoor facility devoted to physical fitness training. The training may include cardiovascular and strength training utilizing machines and equipment as well as group and individual fitness training. Training facilities are primarily for the prearranged use of specific groups and programs, rather than for general public walk-in use. This use includes specialized facilities such as pools, weight rooms, gymnasiums, classrooms and workout space. Activities may include sports training sessions and workouts with no spectator events.

## **U. Definitions “U”**

**USE, PRINCIPAL:** The principal purpose for which land or premises, or a building thereon, is designed, arranged or intended, for which it is occupied or maintained, let, or leased.

## **V. Definitions “V”**

**VEHICLE RENTAL ESTABLISHMENT** - A business that deals in the rental of motor vehicles, excluding trucks and recreational vehicles.

**VEHICLE REPAIR, MAJOR:** Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines or trailers; collision service, such as body, frame or fender straightening and repair; overall painting and vehicle rust-proofing; or steam cleaning.

**VEHICLE REPAIR, MINOR:** Any activity involving minor repair and maintenance of passenger vehicles and light trucks and vans, including, but not limited to vehicle detailing, oil change establishments, audio or cellular installation, and auto glass installation and repair.

**VEHICLE FUEL STATION:** A building and surfaced area where automotive vehicles may be refueled.

**VEHICLE WASH ESTABLISHMENT:** A building, or portion of a building, the primary purpose of which is that of washing motor vehicles.

## **W. Definitions “W”**

**WASTE DISPOSAL FACILITY:** A facility for end-of-the-line storage or incineration of solid

and/or liquid waste including but not limited to household garbage, yard waste, and non-hazardous industrial by-products.

**WIRELESS COMMUNICATION TOWERS:** A structure of lattice or monopole framework to which an antenna may be attached for the transmission and /or reception of radio, television, satellite or microwave signals that facilitates wireless communications including cellular, enhanced specialized mobile radio (ESMR), personal communication, or similar services.

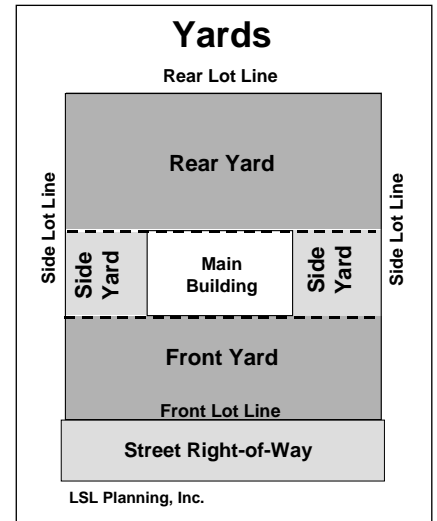
**WIRELESS COMMUNICATION ANTENNA:** The device for transmitting and/or receiving radio, television, satellite, cellular, enhanced specialized mobile radio, personal communication, microwave, or similar transmissions.

**X. Reserved for Future Use**

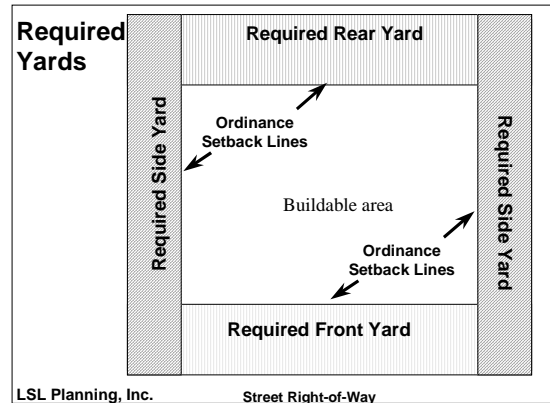
**Y. Definitions “Y”**

**YARD:** A yard is an open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

1. **Front yard:** A front yard is an open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line and is unoccupied space between the front lot line and the nearest line of the main building, excepting steps and unenclosed porches.
2. **Rear Yard:** A rear yard is an open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line, describing an unoccupied space between the rear lot line and the nearest line of the main building.
3. **Side Yard:** A side yard is an open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured from the center of the nearest wall of the building or structure to the nearest point of the side lot line.



**YARD, REQUIRED:** A required yard is an open space on a lot prescribed by the requirements of the Zoning District in which it is located.

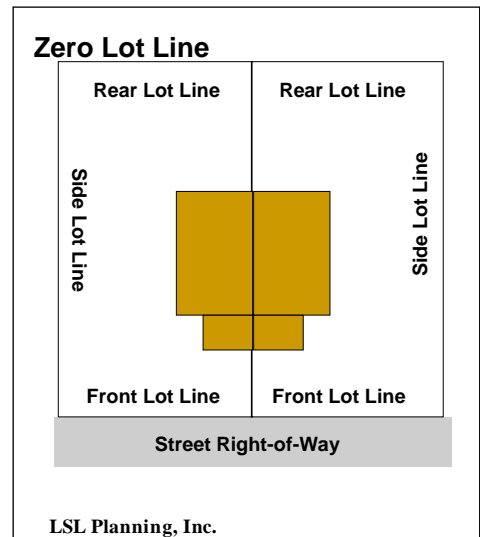


**Z. Definitions “Z”**

**ZERO LOT LINE, SINGLE FAMILY DETACHED DWELLING:** A unit exclusively for use by one (1) family which is constructed so that one (1) wall is sited directly, or nearly directly, on a side lot line.

**ZONING ACT:** The City and Village Zoning Act of Michigan, Public Act 207 of 1921, as amended.

**ZONING ADMINISTRATOR:** The person or persons designated by the City to interpret and enforce the provisions of this Ordinance.



## **CHAPTER 3 GENERAL PROVISIONS**

### **SECTION 3.01 INTENT AND PURPOSE**

The general regulations contained in this Chapter shall apply to all zoning districts except as otherwise noted. The regulations apply to multiple zoning districts and are not repeated within the individual chapters.

### **SECTION 3.02 ESSENTIAL SERVICES**

- A. The erection, construction, alteration or maintenance of essential public services shall be permitted as authorized or regulated by law and other ordinances in any use District, except those as otherwise provided for in this Ordinance.
- B. New transmission lines, electrical substations, and electrical switching stations in any zoning district except the I-1 and I-2 Districts must receive Special Land Use approval from the Planning Commission.
- C. Commercial Wireless Telecommunication Services are not an essential service.

### **SECTION 3.03 BUILDING AND STRUCTURE HEIGHT EXCEPTIONS**

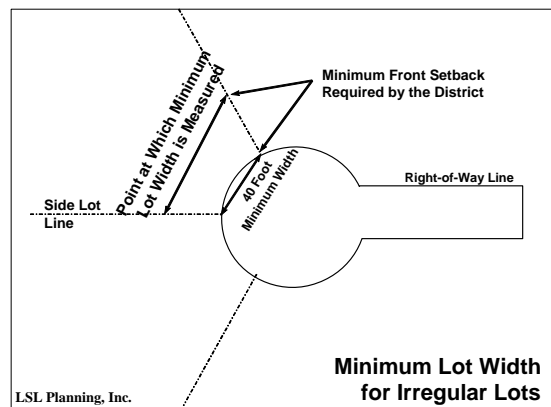
- A. Height requirements may be exceeded by no more than fifteen (15) feet for the following: chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, radio and television antennas and towers, and penthouses or roof structures housing necessary mechanical appurtenances. Parapet walls may not exceed four (4) feet in height. Height of Amateur radio antennas and supporting structures shall be governed by Section 3.28 of this ordinance. The provisions of Section 3.28 do not apply to Citizen Band Radio Operators.
- B. Height exceptions are not permitted for towers or structures used in the support of Commercial Wireless Telecommunication Services. These towers and structures may be permitted by the Planning Commission as a Special Land Use governed by the provisions of this Ordinance.

### **SECTION 3.04 REQUIRED AREA OR SPACE**

- A. No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered or reduced as to make the area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, the area or dimension shall not be further divided or reduced.
- B. Accessory buildings, including enclosed porches and garages, attached to a dwelling or to other main building shall be deemed a part of the main buildings for the purpose of determining yard space, areas and setbacks.

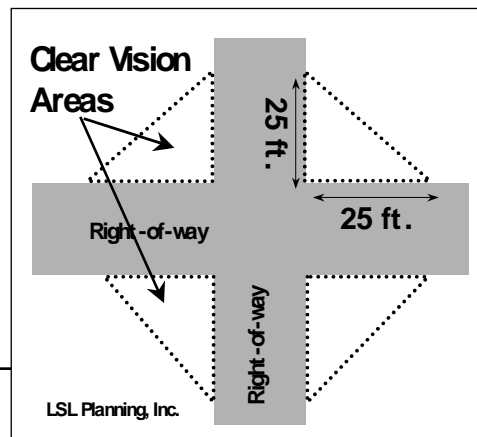
**SECTION 3.05 BASIS FOR DETERMINING YARD REQUIREMENTS**

- A. The required front yard shall be measured from the right-of-way line to the nearest foundation or building wall of the building or structure; provided that where an existing setback line has been established by existing buildings occupying fifty (50) percent or more of the frontage within the same block or where unplatted, within two-hundred (200) feet of the proposed building, such established setback shall apply.
- B. A corner lot shall have a front lot line and a street side lot line.
- C. Projections into Yards
  - 1. Architectural features, as defined, not including vertical projections, may extend or project into a required side yard not more than four (4) inches for each one (1) foot of width of the side yard and may extend or project into a required front yard not more than four (4) feet.
  - 2. Unenclosed porches, steps, patios or similar construction may not project into a required front or rear yard setback for a distance to exceed ten (10) feet. No projection is allowed into a required side yard.
- D. Irregular Lots
  - 1. The minimum distance between side lot lines at the street right-of-way shall be forty (40) feet measured in a straight line.
  - 2. The minimum required lot width shall be measured at a straight line drawn between the two side lot lines. This line will be drawn from the points along the side lot lines at which the required front setback distance for the district is met. If the minimum lot width is not met at the required setback distance, the minimum required setback line shall be moved further into the lot to the point at which the minimum lot width is met.



**SECTION 3.06 CLEAR VISION AREA**

- A. No plantings or structures shall be established or maintained on any corner lot or along any driveway that will likely result in obstructing the view of a vehicle driver approaching the intersection or entering or exiting the driveway.
- B. On corner lots, the clear vision area shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended.
- C. This shall not prohibit the maintaining of shrubbery less than thirty (30) inches in height in this area.



- D. Tree branches shall be a minimum of ten (10) feet above the adjoining street level within the clearance corner.

### **SECTION 3.07 STREET ACCESS**

Any lot of record created after the effective date of this ordinance shall have the minimum lot width as required by this ordinance upon a public street or lawful private street right-of-way or easement.

### **SECTION 3.08 PRINCIPAL USE**

No lot may contain more than one (1) main building or principal use, with the following exceptions: groups of apartment buildings, retail business buildings, or other groups of buildings contained within a single integrated complex. An integrated complex may share parking, signs, access, and other similar features which together form a unified function and appearance that the Zoning Administrator deems to be a principal use collectively.

### **SECTION 3.09 MECHANICAL APPURTENANCES**

Mechanical appurtenances such as blowers, ventilating fans, and air conditioning units shall be placed not closer than five (5) feet to adjoining properties or buildings and shall not be located in the front yard of any lot.

### **SECTION 3.10 SIDEWALK REQUIREMENTS**

Any development in a Residential, Commercial, or Planned Unit Development must provide sidewalks conforming to City standards along all portions of its property which border arterial or collector streets. Properties bordering arterial streets in the Industrial zones must also provide sidewalks conforming to City standards. The City Commission, upon the recommendation of the Planning Commission, may adopt by resolution a list of any arterial or collector streets exempted from this sidewalk requirement.

### **SECTION 3.11 SWIMMING POOLS AND OTHER SIMILAR STRUCTURES**

- A. A fence approved by the Zoning Administrator shall be erected on any lot on which there is located a commercially manufactured swimming pool, hot tub, or other similar structure (below ground or above ground) which contains twenty-four (24) inches or more of water in depth at any point. The approved fence shall be erected and maintained either surrounding the property or pool area in a manner sufficient to make the swimming pool inaccessible to small children. The fence will not be required if a motorized pool cover is installed in accordance with the current State of Michigan Residential Building Code.
- B. The fence, including the gates, must not be less than four (4) feet above ground level. All gates must be self-latching with latches placed four (4) feet above ground level or otherwise made inaccessible from the outside to small children.
1. For above ground pools or other similar structures, if the walls enclosing or making up the structures are four (4) feet or greater in height, the wall shall be considered as meeting the requirements of this Section.

2. If steps are included for access to above ground pools or other similar structures, the steps must be gated, as required by this Section, or otherwise removed or secured from the pool wall when the pool is not in use so as to be inaccessible to small children.
- C. Any part of the pool or other similar structures shall be set back a minimum of six (6) feet from any side or rear property line. Pools or other similar structures are not permitted in the front yard.

### SECTION 3.12 ANIMAL KEEPING

- A. The keeping of up to three (3) of the following domestic animals is allowed by right in all zone districts: dogs and cats.
- B. The keeping of other domestic animals, fowl or insects including but not limited to ducks, chickens, goats and bees in residential districts is allowed only with the approval of the Zoning Administrator. The request may be denied if the Zoning Administrator finds that the keeping of these animals would create a nuisance related to odor, noise, or any other nuisance.
- C. Subject to Zoning Administrator approval, in the R1-A Estate Residential or R1-B Single Family Residential zones, up to two (2) horses on a non-commercial basis are permitted when adequately housed and fenced on a parcel of land not less than two (2) acres in area. The Zoning Administrator may allow for one (1) additional horse to be kept per each additional acre over two (2) acres up to a maximum of four horses.

### SECTION 3.13 REPAIR AND/OR SALE OF MOTOR VEHICLES

- A. Mechanical work on trucks or race cars, stock or otherwise, owned by the occupant of a dwelling or on any vehicles not owned by an occupant of the premises is prohibited in residential zones. Mechanical work on owner-operated vehicles may be performed by the occupant-owner but must be performed entirely within an enclosed building. Parts or vehicles not in a legally operative condition shall be stored inside.
- B. The display of vehicles for sale on private property is addressed by Section 66-63 of the Code of Ordinances City of Kentwood, Michigan

### SECTION 3.14 STORAGE OUTDOORS IN RESIDENTIAL DISTRICTS

- A. The outdoor storage or parking of recreational vehicles including but not limited to special purpose automobiles, boats, floats, rafts, camping or travel trailers, motorized homes or detachable travel equipment adaptable to light duty trucks is prohibited anywhere on any street right-of-way or public utility easement or rights-of-way. These provisions also apply to utility trailers or trailers used for *storage*, *transport*, display or demonstration purposes.
- B. Parking of **utility trailers** and recreational equipment in a residential district, including but not limited to boats, boat trailers, camping trailers, motorized dwellings, tent trailers, houseboats and house vans is permitted, subject to the limitations set forth by City Code chapter 86.

## SECTION 3.15 ACCESSORY BUILDINGS

Except as otherwise permitted in this Ordinance, accessory buildings shall be subject to the following regulations.

### A. General Requirements

1. Accessory buildings are permitted only in connection with, incidental to and on the same lot with a principal use or main building permitted in the particular zoning district.
2. No accessory building shall be occupied or utilized unless the main building to which it is an accessory is occupied or utilized.
3. All accessory buildings shall comply with the use limitations applicable in the zoning district in which it is located.
4. No detached accessory building shall be used in any part for residential purposes.
5. If an accessory building is attached to a main building by any wall or roof construction, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings.
6. All accessory buildings and uses combined shall cover no more than thirty percent (30%) of the rear yard.

B. Height Restrictions: No detached accessory building in a Residential District shall exceed one story or 14 feet in height. Accessory buildings in Nonresidential Districts shall not exceed the height requirements of the district in which they are located.

### C. Location Regulations

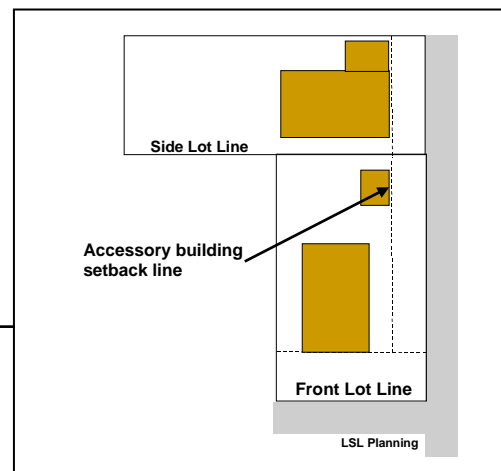
#### 1. Yard Locations

- a. Deleted per Ordinance No. 7-03.
- b. In the R-1 Residential Districts, an accessory building shall be located in the rear yard of the lot except when attached to the main building.
- c. In the case of single family attached dwellings or multiple family developments, parking garages or covered bays may be permitted in any yard, but not within any required yard.

#### 2. Setbacks

- a. No detached accessory building shall be located closer than five (5) feet to any main building or closer to any street right-of-way line than permitted for a main building.
- b. The drip edge of any detached accessory building 576 square feet or less in area shall be located no closer than three (3) feet to any side or rear lot line. Detached accessory buildings in excess of 576 square feet in area shall be located no closer than five (5) feet to a side lot line and thirty (30) feet to a rear lot line.
- c. When an accessory building is located on a corner lot it shall meet the front yard setback of both streets.

### D. Number and Size Limitations





1. In no case shall the number of attached or detached garages or accessory buildings, in combination exceed two (2).
2. Private garages are subject to the following limitations.
  - a. Garages for the storage of vehicles and equipment in the R-1A-D and R-2 Districts shall not exceed seven hundred sixty eight (768) square feet gross floor area. An exception to this restriction is for dwelling units exceeding three thousand (3,000) square feet in finished living area to construct an attached garage of up to one thousand two hundred (1,200) square feet. Only one garage is allowed on lots less than three quarters of an acre in area.
  - b. A garage accessory to a multiple family dwelling unit shall be designed for not more than two (2) vehicles per dwelling unit.
3. An accessory building, incidental to a permitted use, is allowed if it does not exceed two hundred fifty (250) square feet in gross floor area, except that if another accessory building or detached garage is located on the same lot or parcel, the storage structure may not exceed one hundred twenty (120) square feet in gross floor area. Carports are to be considered as an accessory building subject to these provisions.
4. On residential unplatted lots of one (1) acre or more, one (1) detached accessory building is permitted, provided that it does not exceed nine-hundred and sixty (960) square feet in gross floor area.
5. A stable for horses, which shall not be subject to the size limitations of this Section may be permitted on a lot of two (2) acres or more where a horse is kept in accordance with the provisions of the R1-A, B Districts in accordance with the requirements of Section 5.02 or Section 3.12.
6. The following accessory buildings or structures are permitted, and shall not be subject to a number limitation except as expressly noted below:
  - a. A child's playhouse or treehouse, not to exceed one hundred (100) square feet in gross floor area.
  - b. Doghouses, pens and other similar structures for the housing of household pets, but not including kennels as defined in Chapter 2.
  - c. Fallout shelters
  - d. Swimming pool and/or bathhouse, private.
  - e. Decks, Porches, gazebos and similar structures.
  - f. Recreation, storage and service structures in a manufactured home park, as regulated by Chapter 7.

### **SECTION 3.16 ACCESSORY USES**

Except as otherwise permitted in this Ordinance, accessory uses shall be subject to the following regulations.

- A. Permitted Accessory Uses: Accessory uses and structures shall include, but are not limited to, the following uses and structures provided that the use or structure shall be in accordance with the definition of Accessory Use contained in Chapter 2.
  1. In Nonresidential Districts a dwelling unit is permitted for a proprietor or storekeeper and their families, located in the same building as their place of occupation, and for a watchman or caretaker. The size for the proprietor or storekeeper dwelling unit shall be at least 375 square feet in area.

2. Signs as permitted by this Ordinance unless otherwise designated as a principal use.
3. Statuary, arbors, trellises, barbeque stoves, flagpoles, walls and hedges.
4. Compost piles of less than one hundred (100) cubic feet, located on rear yard, set back at least five (5) feet from any lot line.
5. Parking and loading spaces, off-street, as regulated in Chapter 17.
6. Private tennis, basketball or volleyball courts, and similar outdoor private recreation uses.
7. Private swimming pools and/or bathhouses.
8. Private streets.
9. Short Term Open Air Business
10. Other accessory uses as may be provided for by this Ordinance.
11. In a residential area, the open off street parking of one commercial vehicle which is operated by the occupant of the lot.

B. Accessory Uses Not Permitted: The following shall not be considered accessory uses but shall be regulated as otherwise required by this Ordinance or other applicable City Ordinances.

1. Junk yards, scrap heaps or refuse piles, not including compost piles of less than one hundred (100) cubic feet.
2. The selling of motor vehicles other than the property owner's in Residential Districts or on properties of residential uses.
3. The continued (more than two (2) consecutive days) outside repair of motor vehicles.
4. Manufactured homes shall not be considered as accessory to a permitted use.

C. Requirements for Accessory Uses

1. All accessory uses and structures combined shall cover no more than thirty percent (30%) of the required rear yard, except that swimming pools shall not count toward this restriction.
2. Except for approved parking in commercial and industrial zones, accessory uses are permitted only in connection with, incidental to and on the same lot with a principal use or main building which is permitted in the particular zoning district.
3. An accessory use shall not be occupied or utilized unless the main building to which it is an accessory is occupied or utilized.
4. An accessory use must be in the same zoning district as the principal use on a lot or parcel.
5. Private streets, as regulated in this Ordinance, may cross zoning districts and lots or parcels to access a principal use. Private streets serving nonresidential uses shall not cross Residential Districts unless authorized by the Planning Commission.
6. When an accessory use is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the accessory use shall not project beyond the front yard set-back line required on the lot in the rear of the corner lot.
7. Unless otherwise permitted by this Ordinance, an accessory use in a Residential District shall be located in the rear yard of the lot except when attached to the main building.
8. Short Term Open Air Businesses may be allowed by the Zoning Administrator by way of a zoning permit for a period of not more than 30 consecutive days after submitting a simple site plan sketch determined by the Zoning Administrator to be in conformance with the Zoning Ordinance. Written permission is required from the owner of the lot,

parcel or tract intended for the site of operations and not more than two approvals may be allowed to a business or property within a twelve month period. A performance guarantee shall be filed with the City Clerk to ensure that clean-up of site is accomplished following the expiration of the sales permit. If the clean-up is not completed in that time, the performance guarantee is forfeited.

## **SECTION 3.17 SATELLITE DISH ANTENNAS**

### **A. Applicability**

1. These regulations are formulated to ensure that adequate protection measures are provided in the Ordinance for ensuring that sight distance is not impaired, that the dish antennas are located and constructed in a manner that will not afford the potential for injury, and to ensure that the intent and purposes of this Ordinance are met.
2. Satellite dish antennas and other similar structures may be permitted as accessory structures.
3. Any person who proposes to construct a satellite dish antenna subject to these requirements must first obtain a permit from the Community Development Department. The person seeking the permit, if not the owner of the lot or parcel of land, must provide evidence to the Community Development Department that the owner of the lot or parcel of land consents to its construction and assumes all liability for its construction, operation and use.
4. In Residential Districts, satellite dish antennas or other similar devices one (1) meter or less in diameter, or in Nonresidential Districts satellite dish antennas or other similar devices two (2) meters or less in diameter may be attached to a roof structure and shall not be subject to the regulations of this Section.
5. The Zoning Administrator may vary any provision of this Section if its enforcement inhibits or prevents the proper operation of the satellite dish antenna. In these instances, the Zoning Administrator may require additional screening or impose other reasonable conditions intended to reduce the visual effects from adjacent properties

B. Roof-mounted satellite dish antennas or other similar roof-mounted devices over two (2) meters in diameter are permitted in Commercial and Industrial Districts only, provided that the antenna complies with the height standards for the district in which they are located.

C. Ground-mounted satellite dish antennas or other similar devices (exceeding one (1) meter in diameter in residential districts, or in Nonresidential Districts between two (2) and three (3) meters in diameter) are permitted in all zoning districts subject to the following conditions:

1. Maximum height shall be fifteen (15) feet.
2. Satellite dish antennas or other similar devices shall comply with setback requirements for the district in which they are located and shall not be permitted in front or side yards.
3. All electrical and antenna wiring shall be placed underground.
4. The site of the antenna shall be screened from view through the planting of evergreens of sufficient concentration to reasonably conceal the antenna. Alternative screening is acceptable if approved by the Zoning Administrator.
5. Any ground-mounted antenna shall be so located and designed to withstand a wind force of ninety (90) miles per hour. The satellite dish antenna or other similar device shall be securely mounted and anchored to a pole and secured in accordance with the requirements of the manufacturer and the Building Code.

6. The surface of the dish shall be painted or treated as not to reflect glare from sunlight and shall not be used as a sign or message board. All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.

### **SECTION 3.18 HOME OCCUPATIONS**

Home occupations are permitted as residential accessory uses in any Residential District, subject to the following requirements.

- A. Home occupations shall be approved by the Zoning Administrator, who may issue an approval upon receipt of a letter from the applicant stating an intent to comply with the requirements of this Section and the specific measures by which compliance will be maintained.
- B. No person other than members of the immediate family residing on the premises shall be engaged in the home occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty percent (20%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one (1) sign not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the main building.
- E. The home occupation shall be operated in its entirety within the main building.
- F. There shall be no sale of products or services except as are produced on the premises by the home occupation.
- G. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in the Residential District in which it is located, and any need for parking generated by the conduct of the home occupation shall be met off the street on the property's driveway.
- H. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single family dwelling, or outside the dwelling unit if conducted in other than a single family residence. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

### **SECTION 3.19 FENCES AND WALLS**

- A. General Requirements

1. It shall be unlawful to construct any fence in any public right-of-way, floodway easement, or drainage easement. (Refer also to City Ordinance No.9-84, as amended, the Stormwater Management Ordinance.)
2. No fence shall be erected on any corner lot or parcel or adjacent to any driveways, which will, in the opinion of the Zoning Administrator, obstruct the view of a vehicle driver approaching the intersection or driveway. Fencing is not permitted within the clear vision area, as provided in Section 3.06.
3. It shall be unlawful to install, construct or maintain electric fences in any zoning district.
4. All fences and walls exceeding thirty (30) inches in height shall require a zoning permit and shall be reviewed and approved by the Zoning Administrator prior to construction.

**B. Fences in All Zoning Districts**

1. Solid-type fences in the required front yard shall not exceed a height of three (3) feet. A decorative open type fence with spacing between boards equivalent to the board width of the fence may be permitted within the front setback area provided it does not exceed a height of four (4) feet. No chain link or wire fencing shall be located within any residential front yard.
2. Fences in the street side yard of a corner lot may be erected to the side lot line but may not exceed a height of three (3) feet if solid, or four (4) feet if a decorative open-type fence. Fences above this height must be set back at least seventeen (17) feet from the side lot line. No chain link or wire fence shall be located in the required street side yard.
3. Fencing in any other portion of a lot shall not exceed six (6) feet if in or immediately adjacent to a residential zone district or use.
4. The finished side of the fence must be oriented to the closest property line. Fences constructed with alternating boards on opposite sides of the fence are determined to be finished on both sides.

**C. Fences in Non-Residential Districts.**

1. Barbed wire strands may be used to enclose public services and installations, storage areas or other similar areas in non-residential zoning districts. The strands shall be restricted to the uppermost portion of the fence, which shall be setback at least ten (10) feet from the public right-of-way or perimeter property line abutting a Residential District and shall not extend lower than a height of six (6) feet from the nearest ground level.
2. No fence in a non-residential zoning district shall exceed an eight (8) foot height.

**SECTION 3.20 RESIDENTIAL CHILD AND ADULT CARE FACILITIES**

As defined in Chapter 2 Definitions, the following uses are allowed only as provided for in the following Table of Facilities and Zoning Districts. Refer to Chapter 15 Approval Standards for Special Land Uses for applicable conditions.

P: Land and/or buildings may be used for the purposes listed by right.

SLU: Land and/or buildings may be permitted by obtaining Special Land Use approval when

all applicable standards as cited in Chapter 15 and elsewhere are met:  
 SLU as accessory: Land and/or buildings may only be allowed as an accessory to an approved use, such as a church, school, recreation facility, office or other similar use upon review and approval of a Special Land Use approval, in accordance with general and specific standards.

Type of Facility per District	R1-A, B, C, D	R-2, 3, 4, 5	C-2, 3, 4	OS	I-1, I-2
Adult foster care family home	P	P	--	--	--
Adult foster care small group home	SLU	SLU	--	--	--
Adult day care facility	--	SLU	SLU	--	--
Foster family home	P	P	--	--	--
Foster family group home	SLU	P	--	--	--
Family child day care home	P	P	--	--	--
Group child day care home	P	P	--	--	--
Child Care Center	SLU	SLU	P	--	SLU as accessory and freestanding
Child Caring Institution	--	SLU	--	--	--
Adult Caring Institution	--	SLU	--	--	--

A. Requirements Pertaining to Group Child Day Care Homes

1. There shall be sufficient on-site outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a minimum of four (4) foot tall fence, provided that no such fence shall be located in the front yard.
2. Ingress and egress shall be provided as far as possible from two (2) intersecting streets and shall be at least one hundred (100) feet from two through streets.
3. A group child day care shall not be located within a twelve hundred (1,200) foot radius of any other group child day care.
4. For the purpose of this Section, the measurement of a radius shall be measured in a straight line from the actual location of the use to the nearest property line of the other group day care home.
5. An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.

**SECTION 3.21 WIRELESS COMMUNICATION ANTENNAS**

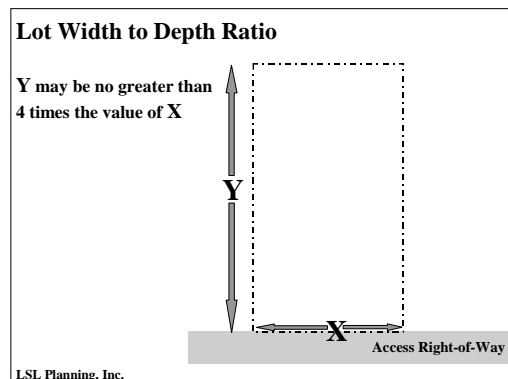
Antennas for wireless communication are allowed in all zoning districts consistent with the Kentwood Master Plan. Antennas for wireless communication transmissions do not have to be directly related to the main use of the site provided the antenna is attached to an existing tower or structure and the Zoning Administrator determines it does not adversely impact the structure to which it is attached or the surrounding area. The Zoning Administrator shall rely upon the site plan review standards in Section 14.05 of the Zoning Ordinance in making this determination. The antenna itself shall not exceed fifteen (15) feet in height and shall otherwise be restricted by the permitted height provisions of the zoning district. Any antenna placement in a Residential District shall not be erected at a height that requires lighting. Any antenna placement adjacent to a Residential District or use that requires lighting shall be a continuous red beacon at night.

**SECTION 3.22 REGULATIONS APPLICABLE TO ALL SINGLE FAMILY DWELLINGS OUTSIDE MANUFACTURED HOUSING COMMUNITIES**

- A. The relationship of the width and depth of any dwelling unit shall not exceed a ratio of 4:1.
- B. The longest side of the structure must face generally parallel to the front street unless seventy-five percent (75%) of the existing dwelling units within three hundred (300) feet of the lot boundaries on which the dwelling unit is to be placed face the shorter side toward the street. Homes within this distance whose length is equal to their width shall be counted toward the above percentage.
- C. The roof of the dwelling unit shall have a minimum pitch of three (3) inches height to one (1) foot of run.
- D. The dwelling unit shall be permanently anchored to a wood, masonry, concrete, or other approved foundation. Access to the basement or crawl space shall be from inside the dwelling unit.
- E. Chimneys for fire places, furnaces, wood burning stoves and similar devices may be on the outside of the unit, providing the vent pipe is enclosed with materials compatible with exterior finish.
- F. The dwelling unit shall meet all the requirements and specifications of the currently adopted Building Code, Housing Code, Electric Code, Plumbing Code, Energy Code, and the One and Two Family Code..
- G. If the dwelling unit was transported to the building site, all wheels, axles, and towing devices shall be removed from the dwelling unit once placed on the lot.

**SECTION 3.23 LOT WIDTH TO DEPTH RATIO**

- A. Except as may be permitted in B, below, no lot created after the adoption date of this Ordinance shall have a depth exceeding four (4) times its width, as measured at the front lot line.
- B. Where steep topography, unusual soil conditions, or drainage problems exist, the Planning Commission, upon application for a land division in accordance with the City Land Division Ordinance, may permit a greater width to depth ratio. The permit may be issued when a division meeting the requirements of Section 3.23.A would result in an unnecessary waste of land or otherwise create an unusual or odd-shaped lot.



**SECTION 3.24 NON-CONFORMING USES, BUILDINGS, AND LOTS**

- A. Intent

1. It is recognized that there exists within zoning districts certain buildings and structures, uses, and lots which were lawful before this Ordinance was adopted, and which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
2. Nonconforming lots, buildings, structures, and uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this Ordinance that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.

#### B. General Requirements

1. No structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations herein specified for the zoning district in which it is located.
2. No use shall be established on any lot, land or premises except in conformity with the use regulations of the zoning district in which it is located.
3. No building shall be established on any lot, land or premises except in conformity with the regulations of the zoning district in which it is located.
4. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.
5. The City may acquire, through purchase or condemnation, private nonconforming lots, buildings and structures. The City Commission may take these actions in the manner provided for by law.

#### C. Nonconforming Uses

1. The lawful use of any land or premises exactly as it existed at the time of enactment of the Zoning Ordinance, or amendment thereto, may be continued although the use does not conform to the current provisions of the Zoning Ordinance.
2. If a nonconforming use is abandoned for any reason for a period of not less than six (6) months, any subsequent use shall conform to the requirements of this Ordinance.
3. A nonconforming use shall be considered abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute intent on the part of the property owner to abandon the nonconforming use:
  - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
  - b. The property, buildings, and grounds, have fallen into disrepair;
  - c. Signs or other indications of the existence of the nonconforming use have been removed;
  - d. Removal of equipment or fixtures that are necessary for the operation of the nonconforming use; or
  - e. Other actions, which in the opinion of the Zoning Administrator constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.
4. Uses nonconforming solely because of height, area, parking or loading provisions only may be expanded provided that the Zoning Administrator determines that all three (3) of



the following occur. For the purposes of this subsection expansion shall include extension or enlargement of the use.

- a. All Zoning District Requirements are satisfied with respect to the expansion;
- b. The expansion shall not substantially extend the life of any nonconforming use by reason of parking and loading provisions; and
- c. The nonconforming use is made conforming or less nonconforming by the addition of parking and/or loading space. Thereafter any subsequent expansion of the nonconforming use or change in use will not be allowed if it requires even greater parking and/or loading space.

#### D. Nonconforming Structures

1. Any structure existing and lawful at the time of enactment of the Zoning Ordinance, or amendments thereto, may be continued although the structure does not conform with the current provisions of the Zoning Ordinance.
2. Repairs and maintenance work may be made as are required to keep a non-conforming building or structure in a sound condition.
3. In the event fire, wind or an act of God or the public enemy shall damage any non-conforming building(s) or structure(s), it may be rebuilt or restored provided the cost thereof shall not exceed the state equalized value of the building or structure after the rebuilding or restoration. The Building Inspector shall determine the cost of reconstruction.
4. In the event any non-conforming building(s) or structure(s) shall be damaged by fire, wind or an act of God or the public enemy and the cost of rebuilding or restoration exceeds the state equalized value of the building(s) or structure(s) after rebuilding or restoration, the buildings or structures shall be built in conformance with the requirements of the zoning district in which they are located, unless the Zoning Board of Appeals permits the rebuilding or restoration of the building or structure. The approval of the Zoning Board of Appeals shall be granted only upon finding that at least one (1) of the following is true:
  - a. That the rebuilding or restoration will not substantially extend the probable duration of the non-conforming building or structure; or
  - b. There are circumstances that the land previously occupied by the non-conforming use does not permit the reasonable construction of the nonconforming building or structure.
5. Structures nonconforming solely because of height, area, parking or loading provisions only may be expanded provided that the Zoning Administrator determines that all three (3) of the following occur. Expansion shall include extension, enlargement, alteration or modernization.
  - a. All Development Requirements are satisfied with respect to the expansion;
  - b. The expansion shall not substantially extend the life of any nonconforming structure by reason of parking and loading provisions; and
  - c. The nonconforming structure is made conforming or less nonconforming by the addition of parking and/or loading space. Thereafter any subsequent expansion of the nonconforming structure or change in use will not be allowed if it requires even greater parking and/or loading space.

## E. Nonconforming Lots

1. If a lot in use already has less than the minimum required area or dimension required for the zoning district in which it is located, the area or dimension may be maintained but shall not be further divided or reduced.
2. Existing Platted Lots
  - a. Where a nonconforming platted lot has an area of not less than ninety (90) percent of its Zoning District requirements and where the lot can provide the side and front yard requirements of its zone, the permitted uses of the District shall be allowed.
  - b. A nonconforming platted lot, in single ownership, of less than ninety (90) percent of its Zoning District requirements may be utilized for permitted uses, and the required side yards may be reduced by the same percentage the area of the lot bears to its Zone District requirements, provided that no side yard provision may be reduced to less than five (5) feet and that off-street parking requirements are also met.
3. Adjacent Lots in Common Ownership
  - a. No lot or lots in common ownership shall be so divided, altered or reduced as to make the area or dimension less than the minimum specified for the zoning district in which it is located.
  - b. Where three (3) or more adjacent lots are in single ownership and where these lots individually contain less than ninety (90) percent of the Zoning District requirements, the lots shall be utilized only in complete conformance with the Zoning District's minimum requirements.
  - c. In the event two (2) adjacent lots are in single ownership, the Zoning Board of Appeals may permit their use as separate lots having less than the required lot area if it shall determine that all of the following are met:
    - (1) There is no practical possibility of obtaining additional land.
    - (2) The lots can be so used without adversely affecting the character of the neighborhood.
    - (3) No side yard provision is reduced to less than five (5) feet.
    - (4) Off-street parking requirements are met.
  - d. A nonconforming lot may only be expanded if it is brought into closer conformity with the regulations specified for the zoning district in which it is located.

**SECTION 3.25 SITE CONDOMINIUMS**

- A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership that is not subject to the platting provisions of the Land Division Act, Public Act 288 of 1967, as amended.
  - B. A site condominium unit shall be treated as a separate lot or parcel and may have buildings constructed on it and uses conducted within it as allowed in its zoning district provided the unit meets the Development Requirements for the zoning district in which it is located.
- B. Site Plan Approval  
Preliminary Site Plan

1. A preliminary site plan shall be reviewed and approved by the Planning Commission and City Commission in accordance with Chapters 13 and 14.
2. Approval of a preliminary site plan shall for a period of two (2) years confer upon the proprietor approval of lot sizes, lot orientations, and street layouts.
3. Three (3) separate one (1) year extensions may be granted by the City Commission if applied for in writing prior to the date of expiration of approval of the preliminary site plan.
4. After a period of two (2) years from approval, unless extensions as provided for in this Chapter have been granted, the preliminary site plan approval shall become null and void if substantial construction has not commenced and proceeded in a meaningful manner.

#### Final Site Plan

5. A final site plan for the site condominium project must be approved by the City Commission prior to the issuance of any building permit for any structures on the proposed site, unless they already exist.
6. At its regular meeting or at a meeting called within 20 days of the date of submission, the City Commission shall examine the final plan for general compliance with this Ordinance. The proprietor or his designated representative may request an extension of the 20 day time limit, which the City Commission may grant at its discretion.
7. To receive final approval for the site condominium project, the owner shall submit ten (10) copies of the plan to the city Engineer who shall place the final plan on the agenda of the City Commission, said plan to contain the information required by this Ordinance. Copies of the final plan shall be distributed to the appropriate City departments for their review and comment to the City Commission.

#### Building Permit

8. Prior to the issuance of a building permit for any building in the proposed site condominium project, the following items must be fulfilled, unless waived by the appropriate city department. The City Commission may consider the issuance of building permits prior to the approval of the Final Site Plan in exceptional or unusual circumstances beyond the ability of the applicant to control.
    - a. Proposed Master Deed.
    - b. Articles of incorporation for the condominium association.
    - c. Improvement plan approval.
    - d. Block grading, floodway, soil erosion approval.
    - e. Basement elevation and building restriction approval.
    - f. Construction of hydrant water, adequate fire access, stormwater detention, floodways, and soil erosion controls.
- D. Monuments shall be set at all boundary corners and deflection points and at all street right-of-way intersection corner and deflection points. Lot irons shall be set at all condominium site corners and deflection points of condominium site lines.
- E. The City Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year from the date of approval by the City Commission, on condition that the developer deposit with the City Clerk cash, a certified check, or an irrevocable bank letter of credit running to the City, whichever the developer selects, in an amount as determined from time to time by resolution of the City Commission.

1. The deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified.
  2. If the developer defaults, the City Commission shall promptly engage a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plan, at the developer's expense.
- F. All rights of-way and utility easements shall be described separately from individual condominium sites and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan.
1. The rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities.
  2. The developer shall dedicate to the City all easements for utilities. Water, sewer and electrical easements may be placed within streets, subject to the approval of the City Engineer and the standards of the City.
  3. All streets proposed for any site condominium shall be developed within the minimum design, construction, inspection, approval, and maintenance requirements of this Ordinance, and the Subdivision Control Ordinance (Ordinance No. 21-84, as amended).

### SECTION 3.26 REGULATED USES

A. **Uses Subject to Controls:** Uses subject to the controls of this section are as follows:

1. Adult-oriented businesses.
2. Massage establishments.

B. **Definitions:** As used in this Section, the following terms shall have the indicated meanings:

1. **ADULT-ORIENTED BUSINESS** means a business or commercial establishment engaging in one or more of the following enterprises (these enterprises are defined in the Adult-Oriented Businesses Regulatory Ordinance): (1) adult cabaret; (2) adult merchandise store; (3) adult motel; (4) adult theater; (5) escort agency; (6) nude model studio; and (7) sexual encounter center.
2. **MASSAGE ESTABLISHMENT** means any building, room, place or establishment where body massage is regularly practiced on the human body, to club members or to the general public for a charge. The term "massage establishment" shall not include:
  - a. hospitals, nursing homes, medical clinics;
  - b. the office of a state-licensed physician, surgeon, osteopath or chiropractor
  - c. the establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties in which massages are administered only to the scalp, face, neck, hands, feet, or shoulder; or
  - d. the establishment of a myomassaologist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification.

3. MASSAGE means any method of applying pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the body, for remedial or hygienic or other purposes, with the hands, with or without the aid of any mechanical, magnetic or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations.
4. SPECIFIED ANATOMICAL AREA and SPECIFIED SEXUAL ACTIVITIES shall have the same meaning for the purposes of this Chapter as those terms have in the Adult-Oriented Businesses Regulatory Ordinance.

**C. Requirements:** Permitted regulated uses shall meet each of the following requirements:

1. A regulated use may be located only within a zone district where the use is normally permitted.
2. Except as provided in Section 3.26C.3 below, a regulated use shall not be located within a one-thousand (1,000) foot radius of any Residential District or use, or upon which is located a school, public park, library, child care facility, or place of religious worship.
3. In accordance with the procedures in this subsection, the Planning Commission may permit a regulated use within a one-thousand (1,000) foot radius, but not within a five hundred (500) foot radius, of a Residential District or use, or upon which is located a school, public park, library, child care facility, or place of religious worship. An applicant seeking approval pursuant to this subsection shall file a completed application on an application form prepared and made available by the City. The Planning Commission shall make a final determination on the application within sixty (60) days after the applicant submits the final application. The Planning Commission shall approve the application if the Planning Commission determines that each of the following criteria is met:
  - a. That the establishment of a regulated use in the proposed location will not adversely affect the public interest;
  - b. That the establishment of a regulated use in the proposed location will not be injurious to nearby uses, particularly lots zoned or occupied for residential purposes or the school, public park, library, child care facility, or place of religious worship;
  - c. That the establishment of a regulated use in the area will not be inconsistent with the spirit and intent of this Ordinance; and
  - d. That the establishment of a regulated use in the proposed location would comply with all applicable regulations of this Ordinance and other applicable statutes, ordinances, rules and regulations.
4. Within ten (10) days after the Planning Commission makes its decision, any person aggrieved by the decision of the Planning Commission under this Section may appeal the decision to the City Commission which shall decide the appeal within thirty days after the Planning Commission makes its decision. The decision of the City Commission (or of the Planning Commission, if a timely appeal to the City Commission is not taken) shall be a final, non-appealable decision.
5. A regulated use shall not be located within a one thousand (1,000) foot radius of any other regulated use.
6. For the purpose of this Section, the measurement of a radius shall be measured in a straight line from the actual location of the use to the nearest property line of the Residential District or use, public park, school, child care facility, or place of religious

worship, or other regulated use.

7. A regulated use shall not be located in the same structure or on the same parcel as another regulated use.
8. All on site parking areas shall comply with the requirements of this Ordinance and additionally shall be illuminated on any days the business is open from sunset until at least sixty (60) minutes after closing.

### **SECTION 3.27 RESTORATION OF UNSAFE BUILDINGS**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any building or structure, or part thereof, declared unsafe by the Building Inspector, or required to comply with his lawful order.

### **SECTION 3.28 AMATEUR RADIO SERVICES**

#### **A. Intent and Purpose**

This section is intended 1) to provide reasonable accommodation for Amateur Radio Antenna and Amateur Radio Antenna Support Structures in the City of Kentwood and 2) to constitute minimum practicable regulation to accomplish the City's legitimate purposes consistent with state and federal laws including Federal Communication Commission regulations pertaining to Amateur Radio Services, as noted in PRB-1 (1985), as amended and reconsidered. Legitimate purposes include but are not limited to preserving residential areas as livable neighborhoods and preserving public health, safety and welfare.

#### **B. Definitions: As used in this section, the following terms shall have the indicated meanings:**

**AMATEUR RADIO SERVICE:** A federally licensed radio-communication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest particularly with respect to providing emergency communications. (As per Code of Federal Regulations, Title 47, Part 97)

**AMATEUR RADIO ANTENNA:** Any combination of materials or equipment used exclusively for the purpose of sending and/or receiving electromagnetic waves for Amateur Radio Services.

**AMATEUR RADIO ANTENNA SUPPORT STRUCTURE (OR ANTENNA SUPPORT STRUCTURE):** Any structure, such as a mast, pole, tower or any combination thereof, whether ground or roof mounted, freestanding or guyed, used exclusively for supporting Amateur Radio Antenna(e).

**GROUND-MOUNTED AMATEUR RADIO ANTENNA AND/OR AMATEUR RADIO ANTENNA SUPPORT STRUCTURES:** Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures that are not fixed to any building or accessory structure.

**ROOF-MOUNTED AMATEUR RADIO ANTENNA AND/OR AMATEUR RADIO ANTENNA SUPPORT STRUCTURES:** Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures that are fixed to any building or accessory structure.

**OVERALL HEIGHT:** The total height of the Amateur Radio Antenna and/or Antenna Support Structure as measured from mean grade to the highest point of the Antenna, the Antenna

Support Structure or the combination thereof. For Roof-mounted Antenna and/or Antenna Support Structures, the mean grade is measured from the established grade adjoining the exterior walls of the structure upon which the antenna or support structure is affixed. For Ground-mounted Amateur Radio Antennas and/or Antenna Support Structures, the mean grade is measured at the established grade adjoining such antenna and/or support structure.

### C. General Requirements

1. Amateur Radio Antenna and/or Amateur Radio Antenna Support Structure may be permitted in all zoning districts as long as they are in compliance with the provisions of this section. In addition unobtrusive wire antenna(e) not supported by a structure(s) that is (are) otherwise not in compliance with the provisions of this section are permitted in all zoning districts and are exempt from these provisions to the extent that they do not interfere with public utilities or can be otherwise deemed unsafe in any respects.
2. In residential districts, Amateur Radio Antennae and/or Amateur Radio Antenna Support Structures shall not be used for collocation of commercial antennae. In non-residential districts, co-location of commercial antenna must comply with Zoning Ordinance requirements applicable to Wireless Communication Towers. An otherwise lawful Amateur Radio Antenna may be installed on commercial antenna structures by agreement with the owner of such commercial antenna structures.
3. All Amateur Radio Antennae and Amateur Radio Antenna Support Structures shall be in compliance at all times with the FCC regulations pertaining to Amateur Radio Services.
4. All Amateur Radio Antennae and Amateur Radio Antenna Support Structures shall be in compliance with the requirements of the Gerald R. Ford International Airport and Federal Aviation Administration.
5. In Residential Zoning Districts, Amateur Radio Antenna and Amateur Radio Antenna Support Structures do not require any permit from the City's Community Development Department as long as the overall height, defined herein, does not exceed the maximum building height permitted in the respective zoning district by more than 15 feet. In Non-residential Districts, Amateur Radio Antenna and Antenna Support Structures do not require any permit from the City's Community Development Department as long as the overall height does not exceed the maximum building height permitted in the respective zoning district.
6. In Residential Zoning Districts, Amateur Radio Antenna and Amateur Radio Antenna Support Structures with an overall height exceeding the allowable maximum building height permitted in the zoning district where the property is located by more than 15 feet, shall require an Amateur Radio Antenna / Antenna Support Structure Permit from the City's Community Development Department. In Residential Districts, no Amateur Radio Antenna and/or Antenna Support Structures shall be erected to a height that requires the installation of lighting per Federation Aviation Administration rules and/or regulations.
7. In Non-residential Districts, Amateur Radio Antennae and Amateur Radio Antenna Support Structures an overall height exceeding the allowable maximum building height permitted in the respective zoning district, shall require an Amateur Radio Antenna / Antenna Support Structure Permit from the City's Community Development Department.

8. No more than two (2) Amateur Radio Antennae and/or Amateur Radio Antenna Support Structure requiring a permit under this Section shall be permitted on a single lot.
9. All Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures with an overall height exceeding seventy (70) feet (but not exceeding one hundred (100) feet in height) shall require the approval of the Zoning Administrator.
10. No Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall have an overall height exceeding one hundred ninety-five (195) feet. All Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures with an overall height exceeding one-hundred (100) feet shall require a variance. The applicant for such a variance shall submit to the City's Community Development Department a certification by a licensed professional engineer confirming the structural stability and soundness of the Antenna and/or Antenna Support Structure prior to final approval.
11. No Roof-mounted Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall be fixed to the side of a structure that faces a street. Roof-mounted Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures may be allowed on the roof as long as such antennas are not entirely on the front half of the roof facing a street.
12. Ground-mounted Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall not be allowed in the front yard or a side yard facing a street.
13. No part of Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall encroach within one (1) foot of any property line. Guy wires may be permitted in the side yards provided no part of the anchors and/or the foundations shall encroach within one (1) foot of any lot line.
14. Ground-mounted Amateur Radio Antenna and/or Amateur Radio Antenna Support shall be set back at least ten (10) feet of any property line at its base (measured up to four (4) feet from the mean grade). Guy wires may be permitted in the side yards provided no part of the anchors and/or the foundations shall encroach within one (1) foot of any lot line.
15. Climbable Ground-mounted Amateur Radio Antenna and Antenna Support Structures shall be completely enclosed by a fence at least five (5) feet and no more than seven (7) feet in height or shall have appropriate anti-climb devices attached up to a height of five (5) feet or more.
16. Antenna and/or Antenna Support Structures requiring a permit under this section shall require filing with the City's Community Development Department, a copy of the manufacturer's specifications for construction, assembly and erection and a certification from the owner and/or licensee that such specifications have been followed in erecting the subject structure. In the event of unavailability of manufacturer's specifications, certification by a licensed professional engineer must be filed with the City confirming the structural stability and soundness of the antenna and/or support structure. If neither the manufacturer's specifications nor the certification can be made available, the antenna and/or support structure shall be set back a distance of at least 50% of its total height from the property line.



17. All Ground-mounted Amateur Radio Antenna and Antenna Support Structures shall be structurally sound enough and so designed and installed as to withstand a wind speed of at least ninety (90) miles per hour.
18. No Amateur Radio Antenna and/or Antenna Support Structures shall be erected on cemetery sites.

D. Permits, Construction, Maintenance and Removal

1. Amateur Radio Antenna and Amateur Radio Antenna Support Structures shall be erected within one (1) year of issuance of the permit. In the event of failure on the part of the applicant to complete the installation within one (1) year, a renewal of the permit shall be required.
  2. Permits shall be required to be renewed if alterations affecting the overall height and structural capacity of the permitted Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures are to be made.
  3. The owner and/or licensee shall maintain a log that documents any and all alterations, maintenance measures, structural condition and routine inspection reports of the Amateur Radio Antennae or Amateur Radio Antenna Support Structures. The maintenance log shall also include the manufacturer's specifications where available and details of construction and erection.
  4. All Amateur Radio Antenna and Amateur Radio Antenna Support Structures are subject to inspection by the City staff. The owner and/or licensee shall provide the City staff upon request with a copy of the permit where applicable and the maintenance log.
  5. In case the Amateur Radio Antenna and Amateur Radio Antenna Support Structures no longer meet FCC required safety standards or the requirements of this Section 3.28, the owner and/or licensee shall immediately notify the same to the City's Community Development Department along with the measures being taken to restore the same. The owner and/or licensee shall be responsible for the removal/replacement of the Amateur Radio Antenna and Amateur Radio Antenna Support Structures as reasonably necessary to meet the requirements of this Section
  6. The owner and/or licensee shall notify the City staff at least 30 days in advance of cessation of ownership or leasehold rights on the subject property and remove the Amateur Radio Antennae and Amateur Radio Antenna Support Structures within 60 days of termination of such rights. If the Amateur Radio Antennae and Amateur Radio Antenna Support Structures are transferred to the ownership of a different individual, such individual shall need to renew the permit with the City's Community Development Department.
- E. Zoning Administrator's Approval Standards for Amateur Radio Antennas and Support Structures: As per Section 3.28.C.9, the Zoning Administrator shall approve all Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures where the overall height exceeds seventy (70) feet but does not exceed one hundred (100) feet. The Zoning Administrator shall base his/her decision on the following standards:
1. Structural stability and soundness: The applicant shall demonstrate structural stability

and soundness of the proposed Amateur Radio Antennae and/or Amateur Radio Antenna Support Structures at his own expense. This can be achieved through either of the following:

- a. Providing a copy of the manufacturer's specification on assembly, construction and erection, and a certification that such specification has been followed.
  - b. A certification by a licensed professional engineer confirming the structural stability and soundness of the proposed Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures
2. Location: The proposed Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall be so located and installed as to be safe and to create minimum impact to the surrounding properties. In addition, the Amateur Radio Antenna and/or Amateur Radio Antenna Support Structures shall be set back from all lot lines a distance greater than or equal to fifty-percent (50%) of its overall height.
3. The Zoning Administrator may attach reasonable conditions of approval pursuant to the intent and purpose set forth in Section 3.28A, including measures that would help reduce the impact of such Amateur Radio Antennae and/or Amateur Radio Antenna Support Structures on the surrounding properties including but not limited to appropriate landscaping.

## **SECTION 3.29 CONDITIONAL ZONING**

### **A. Intent and Purpose**

1. The City finds that there are certain instances where it may be in the best interests of the City and property owners seeking rezonings to allow property owners to voluntarily impose use and development restrictions as part of a rezoning application. It is the intent of this Section to provide a process by which an applicant seeking a rezoning may submit a Conditional Rezoning Agreement, with proposed use and development restrictions, as part of the application for a requested rezoning. This Section shall be read in a manner consistent with the provisions of the City and Village Zoning Act, as amended.
2. Whenever this Section refers to the owner of land or a landowner, it shall mean all of the owners of the land involved capable of restricting the use and development of the property.

### **B. Application and Offer of Conditions.**

1. An owner of land may voluntarily offer in writing, and the City may approve at the City's discretion, use and development restrictions regarding the land as a condition of rezoning (including a planned unit development involving a rezoning). Such stipulation or agreement shall be referred to in this ordinance as a "Conditional Rezoning Agreement."
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests without any offer of conditions, except as modified by the requirements of this Section.

3. The City shall not require a landowner to execute a Conditional Rezoning Agreement as a requirement for rezoning. The lack of an offer by a landowner to enter into a Conditional Rezoning Agreement shall not otherwise affect a landowner's rights.
4. The restrictions and conditions contained in a Conditional Rezoning Agreement shall be in addition to any other requirements associated with a zoning approval granted by the City.
5. The owner's offer of conditions may not claim to authorize uses or developments not permitted in the requested new zoning district.
6. Any use proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use is granted in accordance with the provision of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
8. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is granted in accordance with the provisions of this Ordinance.
9. The offer of conditions may be amended during the rezoning review process provided that any amended conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the City Commission provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
10. Nothing herein shall be interpreted to limit the ability of the City to enter into a planned unit development, development agreement, or other agreement with a property owner. Such agreements are different than a Conditional Rezoning Agreement. The terms and provisions of a Conditional Rezoning Agreement may be combined in the same document with a development agreement or similar agreement between the parties.
11. All costs associated with the negotiation and drafting of a Conditional Rezoning Agreement shall be reimbursed to the City by the landowner (including, but not limited to, the reasonable attorney fees of the City and similar fees and costs).

### **C. Approval**

1. If the City Commission finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Conditional Rezoning Agreement acceptable to the owner and conforming in form to the provisions of this
2. The Conditional Rezoning Agreement shall:
  - a. Contain a legal description of the land to which it pertains.
  - b. Contain a statement acknowledging that the Conditional Rezoning Agreement runs with the land and is binding upon successors.
  - c. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the

- implementation of the Conditional Rezoning Agreement. If any such documents are incorporated by reference, the reference shall specify where the documents may be examined.
- d. Contain a statement acknowledging that the Conditional Rezoning Agreement may be recorded by the City with the Register of Deeds.
  - e. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Conditional Rezoning Agreement.
3. The City shall not add to or alter the conditions contained in an executed Conditional Rezoning Agreement during the time period covered by such Conditional Rezoning Agreement, unless any such change is expressly agreed to in writing by the landowner. Such prohibition shall not apply to any restrictions or conditions contained in the zoning regulations which are otherwise applicable to the rezoning or proposed use or activity.
  4. Without limitation, a Conditional Rezoning Agreement may establish a time period during which the conditions and restrictions contained in the Conditional Rezoning Agreement shall be met. Unless an extension is granted by the City or the City elects to take other legal action as specified in subsection 5, if the conditions are not met, the land shall automatically revert to its former zoning classification without the need for further action by the City. The time period imposed in the Conditional Rezoning Agreement may be extended upon the application of the landowner and with the written approval of both the landowner and the City.
  5. If a condition is not satisfied within the time period specified in the Conditional Rezoning Agreement, rather than have the land automatically revert to its former zoning classification, the City, at its sole option and discretion, can take appropriate legal action to enforce the condition (whether by a lawsuit or other enforcement action) in lieu of a zoning revision. With regards to a restriction (rather than a condition), there shall be no reverting to the former zoning classification if such restriction is breached or violated, and the City may pursue appropriate legal action for violation of the restriction (including a civil lawsuit or other enforcement). A violation of a Conditional Rezoning Agreement (whether by the landowner or successors) shall also be deemed a violation of the City Zoning Ordinance. All the foregoing remedies and enforcement mechanisms available to the City (including any additional ones authorized by law) shall be deemed cumulative and, by pursuing one remedy for a breach or violation of a Conditional Rezoning Agreement, the City shall not be deemed to have waived the other remedies or enforcement mechanisms.
  6. The Zoning Board of Appeals shall be without authority to grant variances or otherwise change or vary any aspect of a Conditional Rezoning Agreement. A Conditional Rezoning Agreement can only be changed with the written consent of the landowner and the City as specified in subsection 3.
  7. The City Zoning Administrator is authorized to render final interpretations with respect to provisions in Conditional Rezoning Agreements. If either the landowner or the City disagrees with the interpretation of a provision by the City Zoning Administrator, either party may appeal that determination in writing to the Zoning Board of Appeals within (30) days of the date when the City Zoning Administrator renders his/her determination.

8. The City Commission may adopt policies to implement the provisions of this Section, including developing a checklist for City officials to follow when reviewing and executing a Conditional Rezoning Agreement.
9. A Conditional Rezoning Agreement can impose restrictions and requirements which are more restrictive than the provisions of the City's Zoning Ordinance, but a Conditional Rezoning Agreement cannot lessen or waive applicable restrictions or requirements contained in the Zoning Ordinance or other City ordinance. A Conditional Rezoning Agreement shall not permit any use, activity, or other action that would not otherwise be permissible under the new zoning district classification.
10. Provisions which may be contained in a Conditional Rezoning Agreement include, but are not limited to, the following:
  - a. Language regarding whether or not all or part of the land reverts to the prior zoning classification should a condition be violated or not satisfied within the time period specified in the Conditional Rezoning Agreement .
  - b. A process to utilize should an apparent violation of a restriction occur or a condition is not satisfied within the time period specified.
  - c. Specifying how and when an existing building or use are deemed lawful nonconforming uses should a condition be violated or not satisfied within the time period specified in the Conditional Rezoning Agreement and the land involved reverts back to its former zoning classification.
  - d. Provisions identifying the result of a breach or violation of a restriction.
  - e. Defining a material nonsatisfaction of a condition.
  - f. The extent and nature of offsite improvements that may be included or implemented pursuant to a Conditional Rezoning Agreement.
  - g. An indemnification provision in favor of the City.
  - h. Language governing the dedication, granting or transfer of any property or easements to the City or other governmental units.
  - i. Language providing for posting adequate security pursuant to a bond, letter of credit or cash deposit.
  - j. Specifying what occurs if an applicable provision of the City's Zoning Ordinance changes before a condition in a Conditional Rezoning Agreement has been met or satisfied.
  - k. Language identifying what portions of the Conditional Rezoning Agreement shall survive (including restrictions, security agreements, indemnification clauses) should a condition not be satisfied within the time period specified.
11. If a Conditional Rezoning Agreement has been executed by both the landowner and the City, as a condition to the same, the landowner shall be deemed to have waived all objections regarding compliance of the Conditional Rezoning Agreement with Michigan law and enforceability of the agreement.
12. A Conditional Rezoning Agreement shall be null and void if the rezoning to which the Conditional Rezoning Agreement applies is not approved by the City or does not become effective.

### **Section 3.30 Wind Energy as follows:**

- A. Intent and Purpose

1. It is the intent and purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

B. Definitions: As used in this section, the following terms shall have the indicated meanings:

Anemometer: A device to measure wind speed.

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

Tower Height: The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

Wind Energy System Height: The total height of the entire wind energy system including the top of the blade in its vertical position

C. General Requirements

1. Small wind energy systems are permitted as an accessory use in all zoning districts.

2. Height

a. In residential and open space districts, towers of up to 30 feet would be permitted uses. Towers greater than 30 feet in height up to a maximum of 60 feet would be a special land use (see Section 13.04).

b. In commercial and office districts, towers of up to 45 feet in height would be permitted uses. Towers greater than 45 feet in height up to a maximum of 60 feet would be a special land use (see Section 13.04).

c. In industrial districts, towers up to 60 feet in height would be permitted uses. Towers greater than 60 feet in height up to a maximum of 120 feet would be a special land use (see Section 13.04).

d. In all zoning districts, rooftop mounted systems extending not more than fifteen (15) feet above the existing roofline are permitted uses. Any rooftop system extending more than fifteen (15) feet above and existing roofline would be a special land use (see Section 13.04).

### 3.Setback

The tower setback shall be the height of the system, including the top of the blade in its vertical position; no other part of the system, guy wires for example, can extend closer than ten (10) feet to a lot line.

### 4.Location

In residential districts small wind energy systems mounted on towers are restricted to the rear yard. In commercial and industrial districts small wind energy systems mounted on towers are be permitted in rear or side yards. Towers located in the front yard of commercial or industrial district may be permitted as a special land use.

#### 5. Anemometer Towers

The same restrictions for height, location and setback that apply to wind energy systems also apply to anemometer towers (MET) which are used to conduct a wind site assessment for possible installation of a small wind energy system.

#### 6. Noise

Small wind energy systems shall not exceed 60dBA, as measured at the closest neighboring inhabited dwelling. This level may be exceeded during short-term events such as utility outages and/or severe wind storms.

#### 7. Construction codes

Utility systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements, Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.432 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), the Gerald R. Ford International Airport Zoning Ordinance height and lighting requirements, applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground.

#### 8. Safety

All small wind energy systems shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire ground anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.

#### 9. Number

Properties in residential district are limited one (1) small wind energy system. Properties in commercial, office and industrial districts are limited to two (2) small wind energy systems per building.

### **SECTION 3.31 PROHIBITION ON MEDICAL MARIHUANA DISPENSARIES**

No medical marihuana dispensary shall be commenced, conducted, operated, or utilized in any zoning district or on or from any property within the City. Any person, firm, corporation, trust, partnership or other legal entity who shall commence, conduct, operate, or utilize a medical marihuana dispensary within the City shall be guilty of a criminal misdemeanor and shall upon conviction, be subject up to 93 days in jail, paying a fine up to a \$500.00, or both such fine and jail, as well as any other fines costs or penalties imposed by law.

## **CHAPTER 4 F-1 FLOOD PLAIN**

### **SECTION 4.01 FLOOD PLAIN**

This District relies upon the analysis of flood prone lands in the City as defined in the City of Kentwood Flood Insurance Study dated May 18, 1981, prepared by the Federal Insurance Administration with accompanying Flood Insurance Rate Maps. The study and accompanying maps, as amended from time to time, are adopted by reference, and declared to be a part of this Ordinance. The limitations of the flood prone areas shall be considered to be the one hundred (100) year floodplain as shown on the most current Federal Insurance Administration maps.

### **SECTION 4.02 INTENT AND PURPOSE**

It is the purpose of this District to protect the general public and all lands in the City subject to periodic inundation of floodwaters by the following:

- A. Restricting or prohibiting uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood flow heights or velocities.
- B. Requiring that uses vulnerable to floods, including public facilities that serve such uses, be protected against flood damage at the time of initial construction.
- C. Developing means to notify property owners of lands that are unsuited for intended purposes because of flood hazards.
- D. Promoting the Goals of the Master Plan by encouraging the coordination and planning of open space while enhancing and protecting the natural environment.
- E. Aiding to increase the visibility and access to a key natural feature in the City, while maintaining the natural conditions present in the floodplain.

### **SECTION 4.03 SCOPE**

- A. This District shall apply to all lands within the City located within the boundaries of the Plaster Creek, Little Plaster Creek, and Whiskey Creek Floodplains as shown on the Federal Insurance Administration maps. The provisions and restrictions of this District shall be considered to apply in addition to the provisions of underlying Zoning Districts shown on the Official Zoning Map, sufficient to fulfill the purpose of this Chapter.
- B. Uses and regulations otherwise applicable in existing Zoning Districts shall not be allowed unless also permitted, and developed in accordance with the regulations of this Chapter. This District shall take precedence over any conflicting laws, ordinances or codes.
- C. The City may request public access easements for developments incorporating floodplain areas.



**SECTION 4.04 TABLE OF USES**

A. The following abbreviations apply to the Table of Uses:

- P: These uses have a low flood damage potential because of their open space nature and shall be permitted by right to the extent that they are allowed uses in the underlying Zoning District.
- SLU: The following uses shall be allowed only by Special Land Use approval, to the extent that they are allowed uses in the underlying Zoning Districts, provided all requirements of Chapter 15 are met and priority is given to the retention of the site in its natural state:
- NP: Use is not permitted in the District.

<b>F-1 FLOOD PLAIN DISTRICT – TABLE OF USES</b>	
Parks, swimming areas, picnic grounds, wildlife and nature preserves, fishing and hiking areas	P
Residential support uses such as lawns, gardens, parking areas and play areas	P
Utility facilities such as: transmission lines, pipelines, and water monitoring devices	P
Bridges, culverts, and river crossings of transmission lines, subject to approval by the Water Resources Commission of the Michigan Department of Environmental Quality	P
Accessory uses to any of the Permitted Uses as regulated in Sections 3.15 and 3.16.	SLU
Billboards and signs	SLU
Industrial-Commercial accessory uses such as: loading areas, parking areas, and storage yards for equipment or machinery easily moved or not subject to flood damage	SLU
Golf courses, driving ranges	SLU
Storage yards for heavy equipment, materials or machinery	SLU
Transient amusement enterprises such as: circuses, carnivals and fairs	SLU
A permanent structure of any type.	NP
Agricultural uses such as: general farming, grazing pasture, truck farming, and fruit orchards	NP
Extraction uses such as sand, gravel, plaster, and other mining operations; or oil drilling	NP
Landfill, dump or junkyard;	NP
Enlargement of an existing building	NP
Onsite sewage disposal systems;	NP
The storage or processing of materials which in time of flooding become buoyant, flammable, explosive or otherwise injurious to public health;	NP

**SECTION 4.05 REVIEW CONSIDERATIONS**

A. The following review considerations are applicable to those uses outlined in Section 4.04 in order to ensure proper construction and, for Special Land Uses, to assist the Planning Commission in evaluating the appropriateness of each use.

B. All uses:

1. Any project proposed having property located within the floodplain shall comply with the applicable provisions of Kentwood Ordinance No.9-84, as amended, the Stormwater Management Ordinance.
2. Material and equipment may be stored if it is not subject to major flood damage and must be firmly anchored to prevent flotation or if it is easily removable within the time following the flood warning and preceding the actual flood.

- C. Special Land Uses: The Planning Commission, in addition to the General Standards of Section 15.02 shall consider the following points in reviewing an application for a Special Land Use in the Floodplain District.
1. Any possible danger to life and property due to increased flood heights or velocities caused by encroachments on the floodplain.
  2. The danger that materials may be swept on to other lands or downstream to the injury of the public.
  3. The susceptibility of the proposed development 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 development to the community.
  5. The requirement of the proposed development for a waterfront location.
  6. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  7. The availability of alternate locations for the proposed use which are not subject to flooding.
  8. The relationship of the proposed use to the Master Plan and flood plain management program for the 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 floodwaters expected at the site.
  11. Such other factors which are, in the opinion of the Planning Commission, relevant to the purposes of this district.
- D. Where in the opinion of the Planning Commission topographic data, engineering studies, or other studies are needed to determine the effects of flooding on a proposed use and/or the effects of the use on the floodway, the Planning Commission may require the applicant to submit such data and/or studies prepared by competent engineers or other technical people.
- E. Upon reviewing all data and materials, and before granting approval, the Planning Commission may attach conditions to the granting of approval of a Special Land Use. Such conditions may be, but not limited to those enumerated, as in the following:
1. Limitations on periods of use and operation, as needed to address seasonal flooding conditions.
  2. Imposition of operational controls, sureties, deed restrictions, and covenants.
  3. Requirements for construction of channel modifications, dikes, levees, and other protective measures.

## **SECTION 4.06 DEVELOPMENT REQUIREMENTS**

### **A. Site Plan Review Requirements**

The following chart provides requirements for site plan review. A site plan shall be submitted for Planning Commission review in connection with the following, unless specifically exempted in Section 14.02.

District	Site Plan Review Requirements	Other Requirements
F-1 District	All Special Land Uses	See Chapter 14 for site plan requirements. See Chapter 15 for Special Land Use requirements

**B. Lot and Yard Requirements**

The lot and yard requirements of the underlying Zoning District shall apply.

**C. Development Requirements for Parking**

The parking requirements for uses in the underlying Zoning District shall apply. See also Chapter 17 for general requirements.

**D. Development Requirements for Signs**

The sign requirements of the underlying Zoning District shall apply. See also Chapter 16 for general requirements.

## CHAPTER 5 R-1 RESIDENTIAL DISTRICTS

### SECTION 5.01 INTENT AND PURPOSE

The regulations of this District are intended to encourage a suitable environment for very low and low-density residential development, and compatible supportive recreational, institutional, and educational uses.

### SECTION 5.02 TABLE OF USES

A. The following abbreviations apply to the Table of Uses:

- P: Land and/or buildings in this District may be used for the purposes listed by right.
- SLU: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 15 and elsewhere are met:
- NP: Use is not permitted in the district.

Use	R1-A	R1-B	R1-C	R1-D
<b>Residential</b>				
Detached single-family dwellings.	P	P	P	P
Manufactured and Modular single-family detached dwellings Subject to Section 3.22.	P	P	P	P
Residential Child and Adult Care Facilities	Refer to Section 3.20			
Zero lot line, single family detached dwellings	NP	SLU	SLU	SLU
<b>Non-Residential</b>				
Accessory buildings and uses as defined in Chapter 2 and subject to Sections 3.15 and 3.16.	P	P	P	P
Agricultural Operations including general farming, truck farming, fruit orchards, nursery, greenhouses, and usual farm buildings	NP	NP	NP	NP
Assisted Living Facility	P	P	P	P
Cemeteries	P	P	P	P
Clinics	SLU	SLU	SLU	SLU
Colleges and universities.	SLU	SLU	SLU	SLU
Convalescent Home	SLU	SLU	SLU	SLU
Elementary and secondary schools	SLU	SLU	SLU	SLU
Golf courses or country clubs	SLU	SLU	SLU	SLU
Home Occupations subject to Section 3.18	P	P	P	P
Horse riding stables, horse breeding stables	SLU	SLU	NP	NP

Use	R1-A	R1-B	R1-C	R1-D
Hospitals	SLU	SLU	SLU	SLU
Municipal and public service activities	SLU	SLU	SLU	SLU
Nursing Home	SLU	SLU	SLU	SLU
Parks, playgrounds and community centers	P	P	P	P
Places of Religious Worship	SLU	SLU	SLU	SLU
Recreation facilities, indoor or outdoor	SLU	SLU	SLU	SLU
Utility substations, transmission lines and switching stations	SLU	SLU	SLU	SLU
Wireless Communication Towers when proposed tower is within the height limitations for the zoning district	SLU	SLU	SLU	SLU
Wireless Communications Antenna when attached to a lawful existing telecommunications tower, water tower, or other structure	P	P	P	P

**SECTION 5.03 DEVELOPMENT REQUIREMENTS**

**A. Site Plan Review Requirements**

The following chart provides requirements for site plan review. A site plan shall be submitted for Planning Commission review in connection with the following, unless specifically exempted in Section 14.02:

District	Site Plan Review Requirements	Other Requirements
R1-A-D	All Special Land Uses, Plats and Site Condominium Developments	Any new building with a permitted use shall be subject to approval by the Staff Review Team in accordance with the requirements of Section 13.05. See Section 3.25 for site condominium requirements and procedures. See Chapter 14 for site plan requirements. See Chapter 15 for Special Land Use Requirements.

**B. Lot, Yard, and Building Requirements**

Requirement	R1-A	R1-B	R1-C	R1-D	Other Requirements
Minimum Lot Area	5 acres (217,800 sq. ft.)	14,000 sq. ft.	10,000 sq. ft., if served by public water and sanitary sewer	5,500 sq. ft., if served by public water and sanitary sewer	Minimum 20 acre site for Cemeteries. Also See Section 5.03 C, 1.
		20,000 sq. ft. if not served by public water and sanitary sewer 16,800 sq. ft. if served by public water but not sanitary sewer			

Requirement	R1-A	R1-B	R1-C	R1-D	Other Requirements
Minimum Lot Width	See Section 3.23	100 ft.	80 ft.	50 ft.	Lot width is measured at the front building setback line. See Section 3.05
		160 ft. if not served by public water and sanitary sewer 140 ft. if served by public water but not sanitary sewer			See Section 5.03 C. 1.
Front Yard	40 ft.	40 ft.	35 ft.	25 ft.	See Section 5.03 C. 1.
			For nonresidential main buildings a minimum thirty-five (35) foot front yard shall be provided		
Side Yard	12 ft.	7 ft.	7 ft.	5 ft.	In cases of non-parallel lot lines, the nearest wall shall be no closer than four (4) feet to the nearest point of the side lot line.
	On the side street of a corner lot, a minimum side yard of twenty-five (25) feet shall be provided.				See Section 5.03 C. 1. See definition of Yard Side in Section 2.02.Y
	For nonresidential principle use buildings a minimum twenty (20) foot side yard shall be provided				
Rear Yard	35 ft.	35ft.	35 ft.	30 ft.	Except for the R1-A District, in the case of corner lots there shall be a rear yard of not less than twenty-five (25) feet.
					See Section 5.03 C. 1.
					For nonresidential main buildings a minimum fifty (50) foot rear yard shall be provided.
Maximum Lot Coverage	20%	25%	25%	30%	Includes area of lot covered by main and accessory buildings and structures
Minimum Dwelling Unit Size	1,040 sq. ft minimum 650 sq. ft. on main floor			850 sq. ft. minimum 600 sq. ft. on main floor	See Chapter 2 Floor Area, Main definition for split level buildings.
Maximum Building Height	2 1/2 stories or 35 ft.	2 stories or 25 ft.	2 stories or 25 ft.	2 stories or 25 ft.	
		For sites over 5 acres, the building height for nonresidential main buildings may be increased by 1 ft. for each 10 ft. of additional setback provided above 50 ft. from building wall to nearest property line, to a maximum height of 35 ft			See Chapter 2, definition for building height and Section 3.03.

**C. Average Lot Requirements**

1. The R1-D requirements for Lot Area, Lot Width, Side Yard, Front Yard, and Rear Yard are minimum requirements. The following average lot requirements apply to plats and site condominium projects. Each phase must meet the following average requirements. All other requirements of Section 5.03 remain the same.

Averaged Requirement	R1-D	Other Requirements
Lot Area	6,600 sq. ft.	
Lot Width	60 ft.	Lots with more than one public street frontage shall count the shorter street frontage as the lot width used to determine average width.
Side Yard	5 ft. one side/ 12 ft. total	
Front Yard	25 ft.	
Rear Yard	30 ft.	

**D. Development Requirements for Parking.**

1. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Chapter 17.

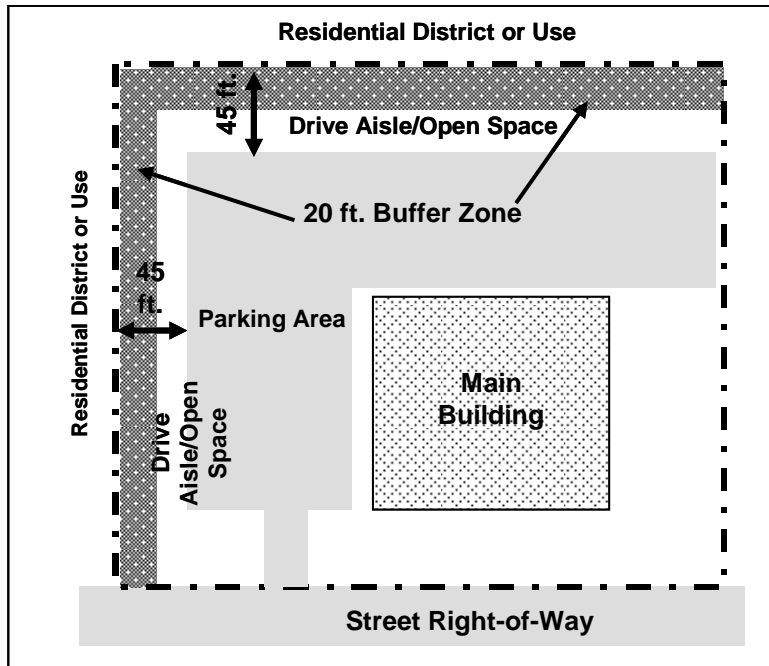
Use	Parking Requirement Spaces per unit of measurement
<b>Residential</b>	
Detached single-family dwellings.	3 per dwelling unit.
Family child day care homes	Parking Operations Plan or 1 Per each 3 children computed on the basis of the greatest number of children on site at a given time
Foster care group homes, adult foster care family homes, adult foster care small group home, Foster family homes, foster family group homes	1 Per each 3 beds or 2 rooms, whichever is less, <u>plus</u> 1 per on duty shift staff
<b>Non-Residential</b>	
Assisted living facilities, Convalescent homes, nursing homes	1 per each 3 beds or 2 rooms, <u>plus</u> 10 spaces signed for visitors
Auditoriums or places of assembly, as included in uses permitted in the R-1 Districts	1 per each 3 seats
Cemeteries	Sufficient parking shall be provided within the site through the submission by the owner of an operations plan submitted with a site plan.
Clinic	3 per each exam or outpatient procedure room or station <u>plus</u> 1 per each lab or recovery room
Day care centers	Parking Operations Plan or 1 Per each 3 clients computed on the basis of the greatest number of clients on site at a given time.

Use	Parking Requirement Spaces per unit of measurement
Elementary and middle schools	4 per classroom or amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup areas for busses must be provided.
Golf courses or country clubs	2 per each hole for a par 3 course; 6 per hole for other courses <u>plus</u> those required for accessory uses
High schools, colleges and universities	8 per classroom or amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup areas for buses must be provided.
Horse riding stables, horse breeding stables	1 per each 2 stalls; parking spaces shall be sized to accommodate vehicles <u>plus</u> trailers
Hospitals	2 per each in patient bed <u>plus</u> 1 per 150 sq. ft. for offices and administrative uses, <u>plus</u> required out patient parking. Total parking needs shall be based on a parking needs study submitted with the site plan.
Municipal and public service activities	1 per each 300 sq. ft. GFA, not including parking areas for municipal vehicles (police cars, public works vehicles, etc.), <u>plus</u> spaces required for assembly areas.
Parks, playgrounds and community centers	10 Per each athletic field <u>plus</u> 1 per each 10 sq. ft. of indoor or outdoor play area.
Places of Religious Worship	2 per each 5 seats based on the maximum seating capacity of the main place of assembly up to 2,500 persons
Recreation facilities, indoor	Parking Operations Plan but not less than 4 Per court or other recreational facility use <u>plus</u> parking required for any accessory uses, including restaurants, offices, or other similar activities.
Recreation facilities, outdoor	Parking Operations Plan but not less than 4 Per court or other recreational facility use <u>plus</u> parking required for any accessory uses, including restaurants, offices, or other similar activities. If athletic fields are included, there shall be provided 10 spaces per field

2. Location of parking

- a. Single Family Dwellings: The off-street parking facilities required for single family dwellings shall be located on the same lot as the building they are intended to serve. Parking is limited to the garage and driveway only. One (1) additional parking lane may be allowed with Zoning Administrator approval.
- b. Non-residential Uses: The off-street parking facilities required for non-residential uses shall not be located in the required front yard area and the respective side and rear yard setback common to an adjacent residential use or district shall be a minimum of forty-five (45) feet of which twenty (20) feet nearest the respective property line is developed as a buffer zone. Such buffer zone shall extend the entire depth of the side of the lot in the case of the side yard parking adjoining residential use, or the width of the rear of the lot in the case of rear yard parking adjoining the residential use. No accessory buildings or storage allowed within the 45-foot setback. The required buffer zone shall incorporate a minimum six (6) foot high vertical screen.





**E. Development Requirements for Signs.** See also Chapter 16, Signs for general requirements.

Signs Permitted	R-1A through D Districts				Other Requirements
	Size	Number	Height	Location	
Home Occupation Sign	2 sq. ft.	1/dwelling unit	N/A	Attached to dwelling unit or mailbox	May not be illuminated
Non-Commercial	6 sq. ft	1/issue or candidate per lot	4 ft.	Behind the ROW	Sign must be maintained so as not to become unsightly or dangerous and may not be illuminated
Real Estate	6 sq. ft.	1/premise or building	4 ft.	Behind the ROW	Permitted only when property is for sale, rent, or lease
	32 sq. ft. - R1-A only				
Subdivision Real Estate Sign	64 sq. ft.	1/major street Frontage	10 ft.	Setback at least 15 ft. from front And side lot lines	Subject to approval for periods up to 12 months by the Zoning Administrator.

Signs Permitted	R-1A through D Districts				Other Requirements
	Size	Number	Height	Location	
Plat Entry	75 sq. ft. Unless located within a boulevard	1/subdivision entrance	8 ft. Unless located within a boulevard	At least 17 ft. from the public street ROW line unless located within a boulevard	See Section 16.05.A.7 for restrictions on boulevard signs.
Portable	32 sq. ft. if advertising a special event or community activity	1/lot	4 ft.	Behind the ROW and in a location where driver visibility is not impaired	Limited to 30 days of display in any calendar year
Institutional Bulletin Board	50 sq. ft.	1/public or semi-public institution	6 ft.	Set back 25 ft. from front property line	
Institutional Wall Sign		1/street frontage	N/A	N/A	
On-Site Identification	50 sq. ft.	1 per use	4 ft.	Minimum of ½ required front yard setback; not permitted in side yard setback	Only for nonresidential principal uses
Directional	6 sq.ft.				Only to the extent necessary as determined by Zoning Administrator for traffic safety, subject to approved plan for design, number and location.

## CHAPTER 6 TWO FAMILY AND MULTIPLE FAMILY RESIDENTIAL DISTRICTS

### SECTION 6.01 INTENT AND PURPOSE

These districts are intended to provide a sound and stable environment for various types of residential buildings and group housing developments. It is further intended to accommodate a mixture of housing types, including two family and single family homes, and to serve the limited needs for town houses, row houses or other attached single family housing facilities similar in character and density, but generally somewhat more dense than detached single family developments. These districts may also act as buffers between other detached single family developments and certain non-residential or multiple family developments.

### SECTION 6.02 TABLE OF USES

A. The following abbreviations apply to the Table of Uses:

- P: Land and/or buildings in this District may be used for the purposes listed by right.
- SLU: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 15 and elsewhere are met.
- NP: Use is not permitted in the district.

Use	R-2	R-3	R-4
<b>Residential</b>			
Attached single family dwellings (town houses or row houses)	NP	SLU	P
Detached single-family dwellings.	P	P	NP
Elderly housing	NP	SLU	SLU
Manufactured or Modular, single-family detached dwellings Subject to Section 3.22.	P	P	NP
Multiple family dwellings	NP	SLU	P
Residential Adult and Child Care Facilities	Refer to Section 3.20		
Two family dwellings	P	P	P
Zero lot line, single family detached dwellings	SLU	SLU	NP
<b>Non-Residential</b>			
Accessory buildings and uses as defined in Chapter 2 and subject to Sections 3.15 and 3.16.	P	P	P
Assisted Living Family Facility	P	P	P
Assisted Living Group Facility	SLU	SLU	SLU
Cemeteries	P	P	P

Use	R-2	R-3	R-4
Clinics	SLU	SLU	SLU
Colleges and Universities	SLU	SLU	SLU
Convalescent Home	SLU	SLU	SLU
Elementary and Secondary Schools	SLU	SLU	SLU
Golf courses or country clubs	SLU	SLU	SLU
Home Occupations subject to Section 3.18	P	P	P
Hospitals	SLU	SLU	SLU
Municipal and public service activities	P	P	P
Nursing Home	SLU	SLU	SLU
Parks, playgrounds and community centers	P	P	SLU
Places of Religious Worship	SLU	SLU	SLU
Recreation facilities, indoor or outdoor	SLU	SLU	SLU
Utility substations, transmission lines and switching stations	SLU	SLU	SLU
Wireless Communication Towers - when tower is within height limitations for the zoning district	SLU	SLU	SLU
Wireless Communication Antenna when attached to existing telecommunications tower, water tower, or other structure	P	P	P

**SECTION 6.03 DEVELOPMENT REQUIREMENTS**

**A. Site Plan Review Requirements**

The following chart provides requirements for site plan review. A site plan shall be submitted for Planning Commission review in connection with the following, unless specifically exempted in Section 14.02

District	Site Plan Review Requirements	Other Requirements
R-2	Special Land Uses, Plats and Site Condominium Developments	Any new building with a permitted use shall be subject to approval by the Staff Review Team in accordance with the requirements of Section 13.05. See Section 3.25 for site condominium requirements and procedures.

R-3 R-4	Permitted Uses and Special Land Uses, Plats and Site Condominium Developments	Single or two family dwellings as a principal use on a single lot shall be subject to approval by the Staff Review Team in accordance with the requirements of Section 13.05. See Chapter 14 for site plan requirements. See Chapter 15 for Special Land Use requirements.
------------	---	--

**B. Lot, Yard and Building Requirements**

Requirement		R-2	R-3	R-4	Other Requirements
Minimum Lot Area	Single family	6,500 sq. ft.	8,400 sq. ft.	Not Permitted	Maximum densities permitted: R-3 7 units per acre R-4 12 units per acre
	Two family	13,000 sq. ft.			
	Multiple Family	Not applicable	4,000 sq. ft. for first dwelling unit and 2,200 sq. ft. for each additional unit		
	All	20,000 sq. ft. without public water and sanitary sewer 16,800 sq. ft. with public water but not sanitary sewer	--		Minimum 20 acre site for cemeteries
Minimum Lot Width	Single family	70 ft.	65 ft.	Not Permitted	Lot width is measured at front building setback line. See Section 3.05.
	Two family	100 ft.			
Front Yard		35 ft.			
Side Yard		7 ft. one side/15 ft. total		15 ft. one side/30 ft. total	In cases of non-parallel lot lines, nearest wall shall be no closer than four (4) feet to nearest point of side lot line. See definition of Yard Side in Section 2.02.Y
		Side street - corner lot - 25 ft			
		Nonresidential principal use buildings - 20 ft.			
Rear Yard		35 ft.	35 ft.	30 ft.	
		Nonresidential principal use buildings - 50 ft.			
Maximum Lot Coverage		30%		40%	Including buildings and structures
Minimum (finished living area)	Two family	850 sq. ft. minimum 600 sq. ft. on main floor			See Chapter 2 Floor Area, Main definition for split level buildings.
	Attached single family				
	Multiple Family	Efficiency	375 sq. ft.		
		1 BR	600 sq. ft.		
2 BR	780 sq. ft.				

Requirement	R-2	R-3		R-4	Other Requirements
		3 + BR	940 sq. ft. + 80 sq. ft. for any bedroom over 3		
Maximum Building Height	2 stories or 25 ft.	3 stories or 35 ft.			See Chapter 2, definition for building height. See Section 3.03.
	Sites over 5 acres - Building height for nonresidential main buildings may be increased by 1 ft. for each 10 ft. of additional setback provided beyond 50 ft. from building wall to nearest property line, to a maximum height of 35 ft				

**C. Site development Requirements**

All lots in the R-2, R-3 and R-4 Districts must be served by public sanitary sewer and public water.

**D. Development Requirements for Parking**

1. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Chapter 17, Off Street Parking and Loading.

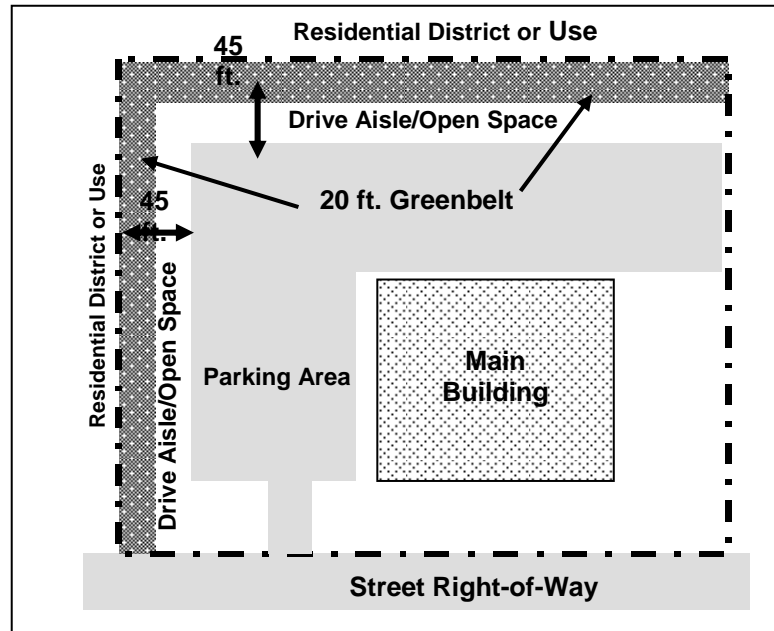
	Parking Requirement Spaces per unit of measurement
<b>Residential</b>	
Attached single family dwellings (town houses or row houses)	2 Per dwelling unit
Detached single-family dwellings.	3 Per dwelling unit
Elderly housing	1 per dwelling unit, of which 25% shall be designated for visitor parking
Family Child day care home, Group child day care home	Parking Operations Plan or 1 Per each 3 children computed on the basis of the greatest number of children on site at a given time.
Foster family homes, adult foster care small group homes, Adult foster care family home, foster family group home	1 Per each 3 beds or 2 rooms, whichever is less, <u>plus</u> 1 per each on duty shift staff
Multiple family dwellings	2 Per dwelling unit
Two family dwellings	3 Per dwelling unit
Zero lot line, single family detached dwellings	3 Per dwelling unit

	<b>Parking Requirement Spaces per unit of measurement</b>
<b>Non-Residential</b>	
Assisted living facilities, Convalescent homes, nursing homes	1 Per each 3 beds or 2 rooms, whichever is less, <u>plus</u> 10 spaces signed for visitors
Cemeteries	Sufficient parking shall be provided within the site through the submission by the owner of a operations plan submitted with a site plan.
Child care institutions and Adult care institutions	1 per each 4 beds, <u>plus</u> 1 per each on duty shift staff <u>plus</u> 1 per each 4 off-site visiting staff
Clinic	3 per each exam or outpatient procedure room or station <u>plus</u> 1 per each lab or recovery room
Colleges, universities and High schools	8 Per classroom or amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup areas for buses must be provided.
Day care centers, Adult day care facility	Parking Operations Plan or 1 Per each 3 clients computed on the basis of the greatest number of clients
Elementary and middle schools	4 Per classroom or amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup areas for busses must be provided.
Golf courses or country clubs	2 Per each hole for a par 3 course; 6 per hole for other courses <u>plus</u> those required for accessory uses
Hospitals	2 Per each in patient bed <u>plus</u> 1 per 150 sq. ft. GFA for offices and administrative uses, <u>plus</u> required out patient parking (see clinic). Total parking needs shall be based on a parking needs study submitted with the site plan.
Municipal and Public Service Activities	1 per each 300 sq. ft. GFA, not including parking areas for municipal vehicles (police cars, public works vehicles, etc.), <u>plus</u> spaces required for assembly areas.
Parks, playgrounds and community centers	10 Per each athletic field <u>plus</u> 1 per each 10 sq. ft. of indoor or outdoor play area.
Places of Religious Worship	2 Per each 5 seats based on the maximum seating capacity of the main place of assembly up to 2,500 persons
	1 Per each 2 seats, based on the maximum seating capacity of the main place of assembly exceeding 2,500 persons
Recreation facilities, indoor or outdoor	4 Per court or other recreational facility use <u>plus</u> parking required for any accessory uses, including restaurants, offices, or other similar activities. If athletic fields are included, there shall be provided 10 spaces per field

2. Location of parking

- a. Single Family Dwellings: The off-street parking facilities required for single and two family dwellings shall be located on the same lot as the building they are intended to serve. Parking is limited to within the garage and driveway only. One (1) additional parking lane may be allowed with Zoning Administrator approval.
- b. Non-residential Uses: The off-street parking facilities required for non-residential uses shall not be located in the required front yard area and the respective side

and rear yard setback common to an adjacent residential use or district shall be a minimum of forty-five (45) feet of which twenty (20) feet nearest the respective property line is developed as a buffer zone. No accessory buildings or storage allowed within the 45 foot setback. Such buffer zone shall extend the entire depth of the side of the lot in the case of the side yard parking adjoining residential use, or the width of the rear of the lot in the case of rear yard parking adjoining the residential use. The required buffer zone shall incorporate a minimum six (6) foot high vertical screen.



- c. The off-street parking facilities for multiple family dwellings shall be located on the same lot as the dwellings they are intended to serve, and shall consist of a parking lot as defined elsewhere in this Chapter. In no event shall any uncovered parking space for a multiple family dwelling be located nearer than ten (10) feet to any main building. The required front yard setback area shall be maintained as a green area. In cases of difficult topography, the Zoning Administrator may allow the parking lots to extend into the front setback area, provided that the average of front setback areas totals at least thirty (30) feet from any public street right-of-way. In no case shall the parking lot be any closer than ten (10) feet to a public street right-of-way.

**E. Development Requirements for Signs.** See also Chapter 16, Signs for general requirements.

Signs Permitted	R-2 through R-4 Districts				Other Requirements
	Size	Number	Height	Location	
Home Occupation Sign	2 sq. ft.	1/dwelling unit	N/A	Attached to dwelling unit or mailbox	May not be illuminated



Signs Permitted	R-2 through R-4 Districts				Other Requirements
	Size	Number	Height	Location	
Non-Commercial	6 sq. ft.	1/issue or candidate or issue per lot	4 ft.	Behind the ROW	Signs may remain until deemed unsightly through disrepair or action of the elements May not be illuminated
Real Estate	6 sq. ft.	1/premise/building/ or use	4 ft.	Behind the ROW	Permitted only when property/units are for sale, rent, or lease
Plat Entry	75 sq. ft. Unless located within a boulevard	1/subdivision entrance	8 ft. Unless located within a boulevard	At least 17 ft. from public street ROW line unless located within a boulevard	See Section 16.05.A.7 for restrictions on boulevard signs
Portable <sup>(1)</sup>	4 sq. ft.	1/lot	4 ft.	Behind the ROW and in a location where driver visibility is not impaired	Maximum 30 days of display/calendar year
	32 sq. ft. if advertising a special event or community activity				
Institutional Bulletin Board	50 sq. ft.	1/public or semi-public institution	6 ft.	25 ft. from front property line	
Institutional Wall Sign		1/street frontage	N/A	N/A	
On-Site Identification	50 sq. ft.	1/use	4 ft.	Setback ½ of required front yard; not permitted in side yard setback	Only for nonresidential principal uses
Freestanding (R-3 and R-4 only)	50 sq. ft.	1/major entrance; total of 2	4 ft. above mean grade If less than 10 feet from ROW line		
			6 ft. above mean grade If 10 ft. or more from ROW line		
Wall	50 sq. ft.				Permitted if no freestanding sign is used
Directional	6 sq. ft.				Only to the extent necessary as determined by the Zoning Administrator for traffic safety, subject to approved plan for design, number and location.

(1) For multiple family developments a one (1) time six (6) month display period is permitted during initial opening. No other portable sign is permitted for six (6) months after the initial display period has elapsed.

## CHAPTER 7 R-5 MANUFACTURED HOUSING DISTRICT

### SECTION 7.01 INTENT AND PURPOSE

This Chapter is intended to provide for suitable areas for development of manufactured housing communities and other compatible uses. The regulations contained in this Chapter are intended to ensure that manufactured housing communities will provide a comfortable, pleasing and safe environment for persons who seek manufactured housing residence by providing for safe and adequate vehicular and pedestrian movement on the site. These regulations are also intended to ensure that manufactured housing communities will be served adequately by essential public facilities such as access streets, public water, sanitary sewer, storm water drainage facilities and police and fire protection.

All manufactured housing communities shall comply with the applicable requirements and promulgated rules of Public Act 96 of 1987, as amended. All development within this district must also comply with the regulations set forth in this ordinance that shall be considered the minimum standards to be applied to all new manufactured housing communities in the City of Kentwood.

### SECTION 7.02 TABLE OF USES

- A. The following abbreviations apply to the Table of Uses:
- P: Land and/or buildings in this District may be used for the following uses by right.
  - SLU: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 15 and elsewhere are met.
  - NP: Use is not permitted in the district

<b>R-5 MANUFACTURED HOUSING DISTRICT - TABLE OF USES</b>	
<b>Residential Uses</b>	
Detached single-family dwellings	P
Manufactured housing communities as regulated by Act 96 of 1987, as amended	P
Manufactured housing condominium projects as regulated by the Condominium Act, being Act 59 of 1978, as amended	P
<b>Non-Residential Uses</b>	
Accessory buildings and uses as defined in Chapter 2 subject to Sections 3.15 and 3.16. and as regulated within this Chapter	P
Adult and child care institutions	See Section 3.20
Community buildings for the residents of a manufactured housing community	P
Elementary and secondary schools, not to include colleges and universities	SLU
Golf courses or Country Clubs	SLU
Home occupations subject to Section 3.18	P
Municipal and Public Service Activities	P
Office building to be used exclusively for conducting business operations of the manufactured housing development	P
Parks, playgrounds and Community Centers	P
Places of Religious Worship	SLU
Utility substations, transmission lines and switching stations	SLU
Wireless Communications Antenna when attached to an existing telecommunications tower, water tower, or other structure.	P

**SECTION 7.03 DEVELOPMENT REQUIREMENTS**

**A. Site Plan Review Requirements**

The following chart provides requirements for site plan review. A site plan shall be submitted for Planning Commission public hearing review in connection with the following, unless specifically exempted in Section 14.02:

District	Site Plan Review Requirements	Other Requirements
MH District	All Permitted and Special Land Uses	See Chapter 14 for site plan requirements. See Chapter 15 for Special Land Use requirements

**B. Lot, Yard and Building Requirements**

Requirement	Residential Uses	Non-Residential Uses	Other Requirements	
Minimum Project Size	15 contiguous acres	Not applicable	Minimum project size does not apply to expansions to existing communities or individual phases	
Minimum lot size	5,500 sq. ft.	20,000 sq. ft.	5,500 sq. ft. may be reduced by 20 percent provided that the individual manufactured home site shall be equal to at least 4,400 sq. ft provided each square foot of land gained through the reduction of the lot be dedicated as open space	
			Overall site density shall not exceed that designated in the Master Plan.	
Maximum Building Height	2 stories 25 feet	2.5 stories 35 feet	See Section 3.03.	
Minimum Floor Area	720 sq. ft. minimum 600 square feet on main floor	Not applicable	Minimum floor area is exclusive of garage, basement or porch	
Front Yard Setback	See spacing standards below	40 ft.		
Side Yard		One Side	7 ft.	See definition of Yard, Side in Section 2.02.Y
		Total	15 ft.	
Rear Yard		30 ft.		

**B. Spacing Requirements within Manufactured Housing Communities**

Situation	Spacing Requirement
Housing unit from internal roadway	20 ft.
Housing unit from any lot line, with the exception of road easements and right-of-way	10 ft.
Accessory structure from any lot line internal to the development, with the exception of road easements and right-of-way	10 ft.
Housing unit, accessory structure, utility building or development office building from an external public right-of-way or private road easement	50 ft.
Housing unit or accessory structure from perimeter lot line	10 ft.
Housing unit from another housing unit	20 ft.
Housing unit from an accessory structure	10 ft.
Housing unit or accessory structure from the edge of any man-made lake or waterway	25 ft.
Accessory structure from internal roadway	10 ft.
Accessory structure from another accessory structure	10 ft.

**C. Development Requirements for Parking.** See also Chapter 17, Off Street Parking and Loading for General Requirements. The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site. Each parking space must meet the minimum area requirements.

Use	Parking Requirements – Spaces per unit of measurement
<b>Residential</b>	
Detached single family	3 Per parking spaces per each dwelling unit
Manufactured home located in a licensed manufactured housing community	2 each dwelling unit plus; <u>plus</u> 1 parking space for every 3 units for visitor parking
<b>Non-Residential</b>	
Community buildings for the residents of a manufactured housing community	1 Per spaces per 100 sq. ft. of GFA
Day care centers	Parking Operations Plan or 1 Per each three (3) clients computed on the basis of the greatest number of clients on site at a given time.
Day care homes for six (6) or fewer non-residents, foster family homes	1 Per each three (3) children
Elementary and middle schools	4 Per classroom or amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup areas for buses must be provided.
Golf courses or country clubs	2 Per each hole for a par 3 course; 6 per hole for other courses <u>plus</u> those required for accessory uses

Municipal and public service activities	1 Per each 300 sq. ft. GFA, not including parking area for municipal vehicles (police cars, public works vehicles, etc.), <u>plus</u> spaces required for assembly areas.
Office building to be used exclusively for conducting business operations of the manufactured housing development	1 Per space per 300 sq. ft. of GFA
Parks, playgrounds and community centers	10 Per each athletic field <u>plus</u> 1 per each 10 sq. ft. of indoor or outdoor play area.
Places of Religious Worship	2 Per each 5 seats based on the maximum seating capacity of the main place of assembly up to 2,500 persons
	1 Per each 2 seats, based on the maximum seating capacity of the main place of assembly exceeding 2,500 persons

**D. Development Requirements for Signs.** See also Chapter 16, Signs, for general requirements

Signs Permitted	Size	Number	Height	Location	Other Requirements
Manufactured Housing Community Entrance Sign	32 sq. ft.	One (1) per each major entrances	4 ft.	At least 17 ft. from public street ROW line	
Institutional Wall Sign	50 sq. ft.	One (1) per street frontage	N/A	N/A	
Real Estate Sign	6 sq. ft.	One (1) per unit	4 ft.	Behind the ROW	Permitted only when property is for sale, rent or lease
Non-commercial	6 sq. ft.	One (1) per candidate or issue per lot	4ft.	Behind the ROW	Sign must be maintained so as not to become unsightly or dangerous and may not be illuminated
Directional Sign	6 sq. ft.				Only to the extent necessary as determined by the Zoning Administrator for traffic safety, subject to approved plan for design, number and location.
Portable	32 sq. ft. if advertising a special event or community activity	One (1) Peer entrance	4 ft.	Behind the ROW and in a location where driver visibility is not impaired	Limited to 30 days of display in any calendar year

**SECTION 7.04 MANUFACTURED HOUSING COMMUNITY DESIGN REQUIREMENTS**

All manufactured housing communities shall comply with the applicable requirements of Act 96 of the Michigan Public Acts of 1987, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.

**A. Access and Circulation**

1. Access: Each manufactured housing community shall have at least two (2) points of access. All ingress and egress from arterial or collector street or streets shall be a minimum of one hundred twenty-five (125) feet from any other curb cut or local street or a distance from another arterial/collector street as determined by the Planning Commission.
2. Each manufactured housing community shall have frontage on a collector street or arterial street as designated on the City’s master thoroughfare plan.
3. Street Requirements. All internal streets located within the boundaries of a manufactured housing community shall have two-way circulation and meet the following standards:

Intended Use	Requirement
Two-way circulation with no on-street parking	21ft. wide
Two-way circulation with on-street parking on one side of the road	31ft. wide
Two-way circulation with on-street parking on both sides of the road	41 ft. wide

4. Pavement and Curbing: All internal streets shall be paved with curbing. Only streets within the manufactured housing community shall provide access to individual manufactured home sites.

**B. Utilities/Drainage**

1. Public water and sanitary sewer shall be connected to all manufactured housing units located within the manufactured housing community. The homes in the development do not have to be metered separately, although the development itself must be metered. All other utilities for manufactured homes located in the development shall be designed, installed, operated and maintained in accordance with the Manufactured Home Commission Regulations.
2. All other utilities for mobile or manufactured homes located in the manufactured housing community shall be designed, installed, operated and maintained in accordance with Manufactured Home Commission Regulations.
3. The ground surface in all parts of a manufactured housing community shall be graded and equipped to drain all surface water in a safe and efficient manner. Stormwater detention areas must be provided which are sufficient to prevent increased run-off prior to the development of the site. The manufactured housing community shall also comply with the Michigan Department of Environmental Quality standards for drainage.

**C. Screening/Landscaping**

1. Manufactured housing communities which abut any R-1 District shall be adequately

screened from such zone by natural or landscaped areas that meets the minimum landscaping requirements of Chapter 19, Table 19.01.

2. A minimum of one (1) shade tree at least two (2) inches in caliper when planted shall be provided at forty (40) foot intervals along the street side of all manufactured housing sites located on any public street.
3. Landscaping shall meet the minimum planting sizes, installation requirements and all other general landscaping requirements set forth in Chapter 19.

**D. Open Space and Recreation.**

1. At least one (1) designated open space area shall contain two percent (2%) but not less than 25,000 square feet of the manufactured housing community for developments of 50 or more home sites.
2. The open space shall be in an appropriate location in relation to the site and surrounding lands. The required open space shall not include narrow corridors and shall be centrally located and suitable for recreation. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the City.
3. Open space areas shall not include existing and proposed street rights-of-way, parking areas, parking, drives, sidewalk, storm water detention areas, manufactured homes sites, or non-recreational buildings. If a recreational area is to be provided in a manufactured housing community, such area shall be designated on the preliminary plan, and if so designated, must be developed and maintained. Such area shall be protected from streets, drives and parking areas. The development and maintenance of each recreational area shall be the responsibility of the manufactured housing community.
4. Unused open space of up to one thousand one hundred (1,100) square feet for each individual site may be counted toward the total open space requirements of the City as long as it is in compliance with the qualifications as stated in Section 7.04, D, 2, above.

**E. Storage of Recreational Vehicles.** The storage of recreational vehicles shall be permitted only in the storage area designated by the owner of the manufactured housing community and limited to the use of the residents. The storage yard shall be completely screened around its entire perimeter by a solid screen at least six (6) feet in height.

**F. Lighting.** Lighting shall be provided along all vehicular and sidewalk systems within a manufactured housing community including access points, road intersections, designated pedestrian crosswalks and parking bays and shall comply with the intensity levels set forth by the Michigan Manufactured Home Commission Regulations.

**G. Sidewalks.** If provided, sidewalks on any street other than a public street shall be at least four (4) feet wide and shall comply with the minimum requirements of the Michigan Manufactured Home Commission Rules. Such sidewalks are required to be provided on both sides of all streets functioning as a main collector route for the development. Sidewalks located along streets dedicated to the public shall be at least five (5) feet in width and shall comply with the minimum requirements of the Michigan Manufactured Home Commission Regulations.

**H. Signs.** Signs in the manufactured housing community shall conform to the requirements of Section 7.03 (D) above, Chapter 16 of this Ordinance, and the Michigan Manufactured Home Commission Regulations.

- I. **Personal Storage.** Except as otherwise noted in this Ordinance, no personal property, including tires, shall be stored outside or under any mobile home, or within carports which are open on any side. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio of equivalent type of surface associated with the home. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.
- J. **Accessory Buildings and Structure.** An accessory building or structure constructed within the manufactured housing community shall be designed and serviced consistent with the following requirements:
1. Accessory buildings and structure including development management offices and public works facilities storage buildings, laundry facilities, recreation and community centers, and other accessory facilities shall be designed and operated for use by only residents, guests and employees of the manufactured housing community.
  2. Each manufactured home shall be permitted up to one (1) storage shed and one (1) garage. The installation of any such shed or garage shall comply with codes and ordinances of the City and, if otherwise required by the adopted Building Code of the City, shall require a building permit.
  3. Accessory buildings and structures shall not be permitted in the front yard of any site.
  4. A storage shed shall not exceed a floor area greater than one hundred and forty-four (144) sq. ft.. A carport shall not exceed five hundred and seventy-six (576) sq. ft..
  5. Attached accessory buildings and structures shall consist of materials similar to the principal building.
  6. All detached accessory buildings shall be at least ten (10) feet from an adjacent residential unit.
  7. Carports open at a minimum on two long sides and the entrance side shall be set back such that the support pillars are installed at least four (4) feet from the edge of internal roads or at least two (2) feet from the edge of sidewalks. Furthermore the roof overhang shall be set back at least two (2) feet from the edge of the internal road. Carports and garages must otherwise set back at least twenty (20) feet from the edge of an internal roadway.
- K. **Skirting.** All manufactured homes located in a manufactured housing community within the City shall be skirted in accordance with the Manufactured Home Commission Regulations.
- L. **Unit Certification.** Any manufactured home built since 1976 must be certified by HUD (Department of Housing and Urban Development). Manufactured homes constructed prior to 1976 shall meet all the requirements and specifications of the State Construction Code, the A.N.S.I. Code, or any other applicable code.
- M. **Anchoring and Installation.** Each manufactured housing site shall be installed pursuant to the manufacturer's set up instructions and pursuant to Michigan Manufactured Home Commission regulations. Each manufactured home shall be secured to the premises by an anchoring system or device compatible with Michigan Manufactured Home Commission Regulations.



**SECTION 7.05 APPLICATION PROCEDURES**

Application for the construction, alteration, or extension of a manufactured housing community shall be accompanied by a site plan of the proposed community and all permanent buildings indicating the proposed methods of compliance with these requirements. Said site plan shall be in conformance with the review process for site plans of Chapter 13 and provisions and requirements of Chapter 14.

## CHAPTER 8 COMMERCIAL/OFFICE DISTRICTS

### SECTION 8.01 INTENT AND PURPOSE

This Chapter is intended to provide in an organized format the regulations associated with three (3) commercial/office zoning districts in the City: C-2 Community Commercial District which provides for commercial uses and activities providing services for the community and surrounding neighborhoods; C-3 Regional Commercial District providing commercial goods and services of a regional nature, serving areas both within and outside the city; and C-4 Office/Business District, which is intended primarily to permit office and business uses of a less intensive nature than those in the other commercial districts. These regulations shall provide for the orderly development of these uses to meet the retail, service and employment needs of the City’s residents and surrounding areas.

### SECTION 8.02 TABLE OF USES

A. The following abbreviations apply to the Table of Uses:

- P: Land and/or buildings in this District may be used for the purposes listed by right.
- SLU: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 15 are met:
- NP: Use is not permitted in the district.

Use	C-2	C-3	C-4
<b>Retail</b>			
Building supply and equipment establishments.	SLU	NP	NP
Commercial enterprises producing merchandise on the premises	SLU	NP	NP
Convenience Stores	P	NP	NP
Drive through service establishments	SLU	NP	NP
Open Air Businesses.	SLU	SLU	NP
Pawnshops	SLU	NP	NP
Restaurants, drive-through	SLU	SLU	NP
Restaurants, Freestanding but excluding drive-through establishments	P	P	SLU
Restaurants within shopping centers, excluding drive-through establishments	P	P	NP
Retail businesses	P	P	NP
Retail with on site Warehousing/Distribution	SLU	NP	NP
Vehicle rental establishments.	SLU	NP	NP
<b>Service</b>			
Animal hospitals and kennels.	SLU	NP	NP

Use	C-2	C-3	C-4
Commercial schools	SLU	SLU	SLU
Financial Institutions, Freestanding	SLU	SLU	SLU
Funeral homes and Crematoria	SLU	NP	P
Hotels and motels	SLU	SLU	SLU
Personal service establishments	P	P	P
Radio and television stations	P	P	P
Repair and service establishments	P	NP	NP
Vehicle Fuel Stations	SLU	NP	NP
Vehicle Repair, Major	SLU	SLU	NP
Vehicle Repair, Minor	P	SLU	NP
Vehicle washes	SLU	NP	NP
<b>Institutional, Recreational and Utilities</b>			
Assisted Living Facilities	NP	NP	NP
Assisted Living Family Facility	NP	NP	NP
Assisted Living Group Facility	NP	NP	NP
Colleges and universities	SLU	SLU	SLU
Convalescent Homes	NP	NP	NP
Elementary and secondary schools	SLU	NP	NP
Emergency Medical Centers	SLU	SLU	SLU
Training Facility	P	P	SLU
Hospitals	SLU	SLU	SLU
Municipal and Public Service Activities	P	P	P
Nursing Homes	NP	NP	NP
Private Clubs or Lodges	P	NP	NP
Recreation Facilities, Indoor	P	P	SLU
Recreational Facilities, Outdoor	P	P	SLU
Recycling Station	SLU	NP	NP
Theaters	SLU	SLU	NP
Utility substations, transmission lines and pressure controls	SLU	SLU	SLU

Use	C-2	C-3	C-4
<b>Offices</b>			
Clinics	P	NP	P
Offices	P	P	P
<b>Other</b>			
Accessory buildings and uses subject to Sections 3.15 and 3.16	P	P	P
Assembly buildings	P	P	P
Billboards	NP	NP	NP
Conference Meeting and Banquet Facility	P	P	P
Elderly Housing	NP	NP	NP
Freestanding Off Street Parking	P	P	P
Places of Religious Worship	P	P	P
Residential Child and Adult Care Institutions	Refer to Section 3.20		
Single family residential within a historic district as designated by the City of Kentwood Historic Preservation Commission.	P	NP	P
Wireless Communications Tower	SLU	NP	SLU
Wireless Communications Antenna when attached to an existing telecommunications tower, water tower, or other structure	P	P	P

**SECTION 8.03 DEVELOPMENT REQUIREMENTS**

**A. Site Plan Approval Requirements**

The following chart provides requirements for site plan approval. A site plan shall be submitted for Planning Commission review in connection with the following, unless specifically exempted in Section 14.02:

District	Site Plan Approval Requirements	Other Requirements
C-2	Special Land Uses	Site plans shall be submitted for all shopping centers, plats, site condominium projects, and municipal buildings. All other new buildings with a permitted use in C-2 and C-4 shall be subject to approval by the Staff Review Team in accordance with the requirements of Section 13.05. See Section 3.25 for site condominium requirements and procedures. See Chapter 14 for site plan requirements. See Chapter 15 for Special Land Use requirements.
C-3	Permitted and Special Land Uses	
C-4	Special Land Uses	

**B. Lot, Yard and Building Requirements**

**1. Size and dimensional table:**

Requirement	C-2	C-3	C-4	Other Requirements
Minimum Lot Area	11,050 sq. ft.		15,000 sq. ft.	
Minimum Lot Width	85 ft.		100 ft.	Lot width is measured at the front building setback line. See Section 3.05.
Front Yard	35 ft.	40 ft.	30 ft.	The required front yard shall be landscaped, except for necessary drives or walks. No storage, parking, off-street loading areas or accessory structures shall be permitted.
Side Yard	None Required When adjacent to a C-2, C-3, I-1 or I-2 district		12 ft. one side / 25 ft. total	In the C-2 and C-3 Districts, side yards shall not be required, except on that side of the lot abutting an OS Open Space or C-4 Office district in which case there shall be a side yard of not less than ten (10) feet or upon a Residential District in which case there shall be a side yard of not less than twenty (20) feet.
				Where the building is not placed on the lot line on lots abutting Commercial or Industrial Districts, a minimum side yard of ten (10) feet shall be required.
				In all Commercial Districts in the case of a corner lot the building setback on the side yard on the street side shall be a minimum of thirty (30) feet with a minimum ten (10) foot landscaped area.
				See definition of Yard side in Section 2.02.Y
Rear Yard	30 ft.	35 ft.	35 ft.	When the rear yard of a lot in any commercial district abuts any Residential District, the building setback shall be fifty (50) feet.
Maximum Lot Coverage	75%	35%	35%	Includes area of lot covered by main and accessory buildings and structures. For the C-2 District, maximum lot coverage includes all areas not landscaped. Principal activity conducted within an enclosed building except for specified Special Land Uses. Maximum 85% maximum lot coverage for redeveloping C-2 sites where existing buildings will be retained.
Maximum Building Height	3 stories or 45 feet, whichever is lower			Building height is limited to two stories or 30 feet, whichever is lower in any commercial property abutting any residential district. See Chapter 2, definition for building height. See Section 3.03.
Maximum Warehouse with Retail Use	75%		NP	No outside storage of materials. The site shall not abut any residential district nor lie within one hundred (100) feet of a residential use

2. The type and amount of building materials utilized shall comply with the following table:

Material	Maximum Percent of Wall to be Covered by Certain Building Materials			
	100	75	50	25
Brick	✓			
Decorative Masonry		✓		
Stone		✓		
Wood, Vinyl and Metal Siding				✓
Finishes*				✓
* includes dryvit, plaster, stucco or similar materials. Such materials shall not be used where contact with vehicles may occur such as parking areas and traffic ways.				

**C. Development Requirements for Parking**

1. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table and shall meet the dimensional requirements of Chapter 17, Offstreet Parking and Loading. Site development within the C-2 zone district must provide for sufficient parking for general retail use of the building.

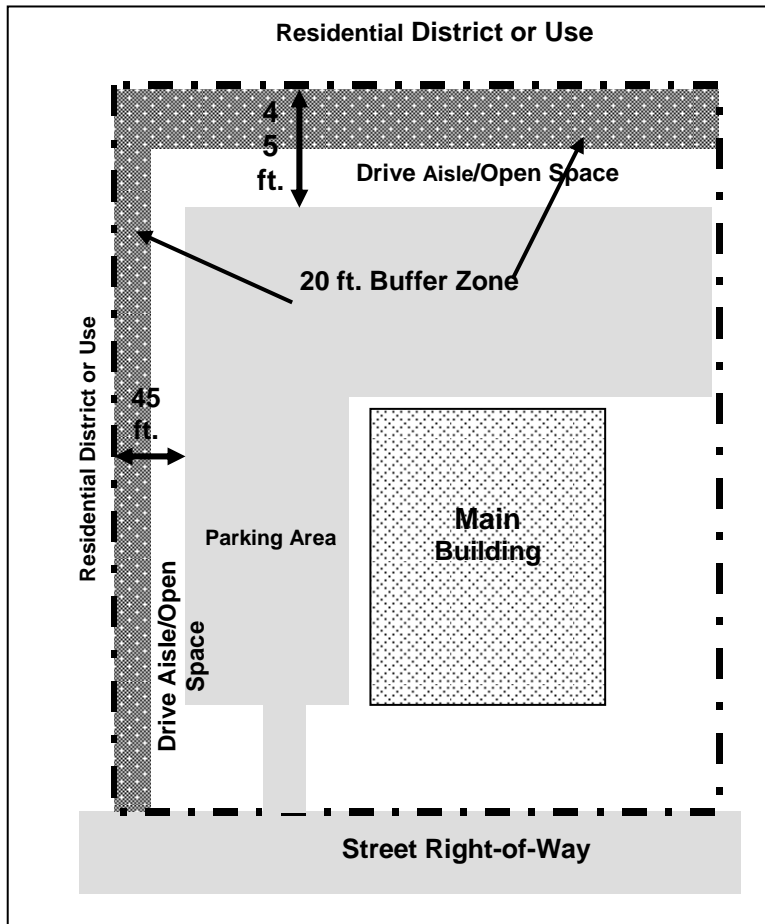
Use	Parking Requirement – Spaces per unit of measurement
<b>Retail</b>	
Auto salesrooms, wholesale stores and machinery sales	1 per each 400 sq. ft. GFA
Building supply and equipment establishments	1 Per each 300 sq. ft. GFA
Commercial enterprises producing merchandise on the premises	1 Per each 250 sq. ft. GFA
<b>Convenience Store</b>	1 space Per every 250 sq. ft. GFA
Drive Through Service establishments	4 Standing spaces per each out-side teller or other outside service window, <u>plus</u> normal requirements for the use
Open Air Businesses	1 Per each 800 sq. ft. of lot area used for the open air business <u>plus</u> parking for any main use building and associated accessory uses
Open Air Business- Vehicle Sales	1 per each 300 square feet of GFA for the showroom building
Retail Businesses	1 Per each 250 sq. ft. GFA for the first 25,000 sq ft of GFA and 1 per each 300 sq ft GFA for additional floor area in building or center.
Restaurants, excluding drive-through services, when within shopping centers	1 Per each 70 sq. ft. UFA
	1 Per each 50 sq. ft. UFA, <u>plus</u> 4 standing spaces per each outside service window
Restaurants ,Freestanding	1 Per each 50 sq. ft. UFA, <u>plus</u> 4 standing spaces per each outside service window

Use	Parking Requirement – Spaces per unit of measurement
Retail with on site Warehousing/Distribution	1 Per each 250 sq. ft. GFA of area used for retail sales <u>plus</u> 1 per each 2,000 square feet GFA of warehouse area
Vehicle rental establishments.	1 Per each 500 sq. ft. GFA
<b>Service</b>	
Animal hospitals and kennels.	1 Per each 400 sq. ft. GFA
Commercial schools	12 Per classroom or amount required in the auditorium or place of assembly, whichever is greater
Financial Institutions	1 Per each 200 sq. ft. GFA, <u>plus</u> , 4 Standing space per each out-side teller
Funeral Homes and Crematoria	Parking Operations Plan or 1 per 50 sq.ft. of parlor area
Hair Stylists	3 Per each stylist
Hotels, motels	1 Per each guest bedroom, <u>plus</u> 1 per each employee, <u>plus</u> amount required for accessory uses
Laundromats	1 per each 2 washing and drycleaning machines
Personal service establishments	1 Per each 300 sq. ft. GFA
Radio and Television Stations.	1 Per each 300 sq. ft. GFA
Repair and service establishments	1 Per each 800 sq. ft. GFA
Vehicle fuel stations, vehicle repair - major and minor	2 Per each service stall, <u>plus</u> 1 Per each employee, <u>plus</u> 1 Per each service area
Vehicle washes.	1 Per each employee
<b>Institutional, Recreational and Utilities</b>	
Assisted Living Facilities, Convalescent Homes and Nursing Homes	1 per each 3 beds or 2 rooms, whichever is less, Plus 10 spaces signed for visitors
Colleges and universities and High schools	8 Per classroom or amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup areas for buses must be provided.
Elementary and <i>secondary</i> schools	4 Per classroom or amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup areas for buses must be provided.
Emergency Medical Centers	2 ½ Per exam or outpatient procedure room or station <u>plus</u> 1 per each lab or recovery room

Use	Parking Requirement – Spaces per unit of measurement
Hospitals	Parking Operations Plan or 2 per each in patient bed <u>plus</u> 1 per 150 square feet for offices and administrative uses, <u>plus</u> required out patient parking (see clinic).
Municipal and public service activities	1 Per each 300 sq. ft. GFA, not including parking areas municipal vehicles (police cars, public works vehicles, etc.) <u>plus</u> spaces required for assembly areas.
Private Clubs or Lodges	Parking Operations Plan but not less than 1 Per each 3 individual members and/or guests allowed within the maximum occupancy load
Recreational facilities Indoor	Parking Operations Plan but not less than 4 Per court or other recreational facility use <u>plus</u> parking required for any accessory uses. If athletic fields are included, there shall be provided 20 spaces per field
Recreational facilities Outdoor	Parking Operations Plan but not less than 1 per each 2 miniature golf holes <u>plus</u> 2 per each batting cage <u>plus</u> 1 per each 50 sq ft with video games <u>plus</u> 4 spaces per court
Office buildings	One (1) per 300 square feet GFA.
Clinic	3 per each exam or outpatient procedure room or station <u>plus</u> 1 per each lab or recovery room
Bowling Alleys	5 Per bowling lane, <u>plus</u> 50% of amount required for any restaurant or banquet uses
Assembly buildings	1 Per each 3 seats or six feet of bleacher seating or each 100 sq. ft. whichever is greater
Libraries, Art Galleries and museums	1 per each 400 sq. ft. GFA
Day Care Centers	Parking operations plan or 1 Per each 3 clients computed on the basis of the greatest number of clients on site at a given time.
Places of Religious Worship	2 Per each 5 seats based on the maximum seating capacity of the main place of assembly up to 2,500 persons
Parks	10 per athletic field <u>plus</u> 1 per each 10 sq ft of play structure
Golf courses	3 per hole for par three, 6 per hole for others <u>plus</u> parking required for any accessory use
Stadiums and sports arenas	1 per each two (2) seats or five (5) feet of bleachers



2. The respective side and rear yard setback for the off-street parking for non-residential uses common to an adjacent residential use or district shall be a minimum of forty-five (45) feet of which twenty (20) feet nearest the respective property line is developed as a buffer zone. No accessory buildings or storage is allowed in this 45 foot setback. Such buffer zone shall extend the entire depth of the side of the lot in the case of the side yard parking adjoining residential use, or the width of the rear of the lot in the case of rear yard parking adjoining the residential use. The required buffer zone shall incorporate a minimum six (6) foot high vertical screen.



**D. Development Requirements for Signs.** See also Chapter 16, Signs for general requirements.

Signs Permitted	C-2, C-3, C-4 Districts				Other Requirements
	Size	Number	Height	Location	
Freestanding Pole -On lots 190 lineal feet or less of frontage	2 sq. ft. of sign for each 4 ft. of frontage.	1 per lot	25 ft.	Behind the ROW	10 foot clear space necessary from bottom of sign to ground
Freestanding Pole - On lots of greater than 190 lineal feet of frontage	2 sq. ft. of sign for each 4 ft. of frontage up to 190 lineal feet plus 2 sq. ft. of sign for each 10 ft. of frontage exceeding 190 lineal feet	1 per lot	25 ft.	Behind the ROW	No sign shall exceed 100 sq. ft.
					10 foot clear space necessary from bottom of sign to ground
Freestanding Ground – On lots 190 lineal feet or less of frontage	2 sq. ft. for each 4 ft. of frontage	1 per street frontage	4 ft. above mean grade if less than 10 feet from ROW line		Not permitted if a freestanding pole sign is used Outside the clear vision area of the intersection of streets or driveways onto streets
			10 ft. above mean grade If 10 ft. or more from ROW line		
Freestanding Ground – On lots greater than 190 lineal feet of frontage	2 sq. ft. of sign for each 4 feet of frontage up to 190 lineal feet plus 2 sq. ft. of sign for each additional 10 ft. of frontage.	1 per street frontage	4 ft. above mean grade if less than 10 feet from ROW line		Not permitted if a freestanding pole sign is used Outside the clear vision area of the intersection of streets or driveways onto streets
			10 ft. above mean grade If 10 ft. or more from ROW line		
Additional Freestanding (See Other requirements)	Same as Freestanding	1	Same as Freestanding	Same as Freestanding	Permitted if: On a lot of 5 acres or more with multiple public street frontages; OR on through lots (excluding corner lots)
Wall - Establishments 70 feet or less wall	1½ sq. ft. for each 1 lineal foot of wall	1 per street frontage	Cannot extend above roof line	On wall	Area of wall signs is calculated by using the wall to which the sign will be attached

Signs Permitted	C-2, C-3, C-4 Districts				Other Requirements
	Size	Number	Height	Location	
Wall - Establishments with more than 70 feet of wall	1½ sq. ft. for each 1 lineal foot of wall for first 70 lineal feet PLUS 1½ sq. ft. for each 3 lineal foot of wall in excess of 70 lineal feet.	1 per street frontage	Cannot extend above roof line	On wall	Area of wall signs is calculated by using the wall to which the sign will be attached
Non-Commercial	32 sq. ft.	1 per issue or candidate per street frontage	4 ft.	Behind the ROW	
Real Estate	32 sq. ft.	1	6 ft.	Set back at least 10 feet from a side or rear lot line	Permitted only when property is for sale, rent, or lease
Institutional Bulletin Board	50 sq. ft.	1	6 ft.	Set back at least 25 feet from front property line	
Directional	6 sq. ft.	Only to the extent necessary as determined by the Zoning Administrator for traffic safety, subject to approved plan for design, number, and location.			
Window	Shall not cover more than 25 percent of window area on any side of a building				
Balloon	See Height	1	35 ft. from surface of resting point or point of tie downs	Set back from any property line equal to 1½ times its height	See Chapter 16 for additional requirements related to balloon signs
Shopping Center Banner	Thirty (30) sq. ft. for every 100 feet of setback from public ROW	One banner for every 100 parking spaces	25 feet	Set back at least 100 feet from the front lot line	No banner shall exceed 100 sq. ft. in area
					10 foot clear space necessary from bottom of banner to ground

Signs Permitted	C-2, C-3, C-4 Districts				Other Requirements
	Size	Number	Height	Location	
Portable	32 sq. ft.	1	4 ft above mean grade if less than 10 ft from ROW <hr/> 10 ft above mean grade if more than 10 ft from ROW	Behind the ROW and in a location where driver visibility is not impaired	Limited to 50 days of display in any calendar year, display periods of a maximum ten (10) days for tenants within multi-tenant buildings, a separate permit and fee for each multi-tenant display period and permit sticker affixed to sign for the entire display period for all portable signs

Signs Permitted	Regional Shopping Centers (RSC) in C-3 Districts				Other Requirements
	Size	Number	Height	Location	
Monument sign for shopping center	Maximum of 200 sq. ft.	Not more than 1 for each street frontage	Maximum of 25 feet	Outside of ROW	No more than 50% of sign area to consist of text and/or graphics and landscaped at the base
Freestanding entrance sign	Maximum of 100 sq. ft.	Maximum of 1 at each driveway or street entrance to RSC	Maximum of 25 feet	Outside of ROW	Must be at least 400 feet between each freestanding entrance sign
Directional Sign	Maximum of 25 sq. ft.		Maximum of 10 feet, but greater height may be approved by Zoning Administrator	Outside of ROW	(1) May include name of use or tenant that has at least 18,000 sq. ft. in RSC; (2) May be permitted for full service restaurants, theaters, food courts, valet entrances, motor coach parking areas and convention and visitors bureau; (3) Signs shall be in a uniform style and appearance throughout RSC; (4) Signs may indicate location or route, provide identification, promote traffic safety or serve other related purposes
Banner	30 sq. ft. for each 100 feet of setback from public street ROW, but no banner to be larger than 100 sq. ft.	1 banner for each 100 off-street parking spaces	25 feet	Set back at least 100 feet from front lot line	At least 10 feet of clear space from bottom of banner to ground
Entrance sign - commercial establishment of more than 50,000 sq. ft.	Maximum of 70 sq.ft.	1 per entrance of the commercial establishment	Cannot extend above roof line	On wall	

Signs Permitted	Regional Shopping Centers (RSC) in C-3 Districts				Other Requirements
	Size	Number	Height	Location	
Wall sign - commercial establishment of more than 50,000 sq.ft. – in addition to permitted entrance sign	Maximum of 5% of the wall to which it is attached.	1 on each exterior wall of commercial establishment, in addition to permitted entrance sign	Cannot extend above roof line	On each exterior wall	Location of sign is subject to Zoning Administrator approval; area of sign is calculated with reference to the wall to which sign is attached.
Entrance sign - commercial establishment with separate exterior customer entrance, except establishments with more than 50,000 square feet (covered above)	1½ sq.ft. for each 1 lineal foot of wall for first 70 lineal feet <i>PLUS</i> 1½ sq.ft. for each 3 lineal feet of wall in excess of 70 lineal feet	1 per entrance of the commercial establishment	Cannot extend above roof line	On wall	Area of sign calculated with reference to tenant space wall to which sign is attached
Wall sign - commercial establishment of more than 20,000 square feet without an exterior entrance	Maximum of 70 square feet	1 sign on an exterior wall of building in which commercial establishment is located	Cannot extend above roof line	On wall	Location of sign is subject to Zoning Administrator approval
Wall sign - RSC identification sign at pedestrian entrance	Maximum of 300 sq.ft.	1 per pedestrian entrance	Cannot extend above roof line	At each pedestrian entrance of RSC	

E. The separate land parcels comprising a regional shopping center shall be permitted to have signs only as determined by the sign regulations for regional shopping centers in the C-3 District, as provided in this ordinance; provided, however, that a commercial establishment that consists of a separate, free-standing building, not contiguous with the building constituting the regional shopping center, shall not be deemed included, for sign purposes, within the regional shopping center, and accordingly, the signs permitted for such building shall be determined in accordance

with the sign regulations for buildings in the C-3 District that are other than regional shopping centers.

F. Subject to the provisions of this Section, the City Commission, after recommendation by the Planning Commission, shall have the power to waive or alter the specific provisions of Section 8.03.B, 8.03.C only in cases involving a Regional Shopping Center where there is evidence that all of the following conditions are met:

1. There are exceptional or extraordinary circumstances or conditions applying to the property. Exceptional or extraordinary circumstances or conditions include:
  - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
  - b. By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
  - c. By reason of the use or development of the property immediately adjoining the property in question.
2. The waiver or alteration will not be detrimental to adjacent property and the surrounding neighborhood.
3. The granting of the waiver or alteration will better serve to achieve the Intent and Purpose of the C-3 Regional Commercial Zone District as described in Section 8.01.

## CHAPTER 9 C-5 NEIGHBORHOOD CORRIDOR COMMERCIAL DISTRICT

### SECTION 9.01 INTENT AND PURPOSE

The purpose of this Chapter is to provide regulations for certain high traffic corridors within the city that exhibit unique characteristics not found in other commercial districts in the city, and to encourage appropriate development and redevelopment to sustain the economic viability of the district. The regulations herein are based on the following findings:

- A. The shallow depth and adjacent residential districts and uses of many of the parcels along arterial routes make it difficult to arrange a site plan that can meet the setback, parking and buffer standards required of other Commercial Districts in this Ordinance.
- B. The City wishes to encourage combinations of parcels to increase lot widths and depths to allow successful commercial development while allowing sufficient area to adequately protect adjacent residential land uses.
- C. The long-term viability of single-family residential uses along some arterial corridors is a concern. These residential uses are subject to high traffic volumes and future street widening. These factors call into question the long-term use of residential properties with shallow front yard setbacks.
- D. Uses appropriate for this District must be accommodated within relatively small lots and must be compatible with the adjacent residential neighborhoods.
- E. Establishing setbacks closer to the street than what is required in other commercial districts is considered appropriate given the unique conditions of this District and an objective to increase pedestrian activity along the street.

### SECTION 9.02 TABLE OF USES AND PARKING

- A. The following abbreviations apply to the Table of Uses and Parking:

- P: Land and/or buildings in this District may be used for the purposes listed by right.
- SLU: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 15 are met.
- NP: Use is not permitted in the District.

Use	Approval Type	Parking Requirement Spaces per unit of measurement
<b>Residential</b>		
Detached single-family homes existing at the effective date of this Ordinance. Such homes may be improved, expanded and reconstructed as a conforming use.	P	2 Per dwelling unit



Use	Approval Type	Parking Requirement Spaces per unit of measurement
Residential dwellings located on the same premises as non-residential uses permitted by this Chapter, provided that all such dwellings meet all applicable Building Codes.	P	2 Per dwelling unit
<b>Retail</b>		
Building supply and equipment establishments.	SLU	1 Per each 400 sq. ft. GFA
Commercial enterprises producing merchandise on the premises	SLU	1 Per each 350 sq. ft. GFA
Open Air Businesses.	SLU	1 Per each 800 sq. ft. of lot area used for the open air business plus parking for any main use building and associated accessory uses
Pawnshops	SLU	1 Per each 250 sq. ft. GFA
Restaurants, freestanding and other establishments serving food and/or beverages, including outdoor seating areas, but not including drive-through facilities.	SLU	1 per 75 sq. ft. UFA, including outdoor seating areas
Restaurants within shopping centers, excluding drive-throughs	P	1 Per each 100 sq. ft. UFA
Retail businesses	P	1 Per each 300 sq. ft. GFA
Convenience stores	P	
Vehicle rental establishments.	SLU	1 Per each 600 sq. ft. GFA
<b>Offices</b>		
Office	P	1 Per each 400 sq. ft. GFA
Clinic	SLU	2 Per each exam or outpatient procedure room or station plus 1 per each lab or recovery room
<b>Service and Repair Establishments</b>		
Animal hospitals and kennels.	SLU	1 Per each 400 sq. ft. GFA
Financial Institutions, freestanding	P	1 Per each 300 sq. ft. GFA
Financial Institutions, drive-in	SLU	1 Per each 300 sq. ft. GFA plus 3 standing spaces per each out-side teller or other outside service window
Funeral homes and Crematoria	SLU	1 Per each 50 sq. ft. of parlor area
Personal service establishments	P	1 Per each 400 sq. ft. GFA

Use	Approval Type	Parking Requirement Spaces per unit of measurement
Repair and service establishments	SLU	1 Per each 1000 sq. ft. GFA
Vehicle repair-major and minor	SLU	2 Per each service stall, plus one per each employee
Fuel Stations	SLU	2 Per each service stall, plus one per each employee
Vehicle washes		1 per each employee
<b>Institutional, Recreational, and Utilities</b>		
Adult and Child Care Institutions	SLU	1 Per each 4 beds, <u>plus</u> 1 Per each daytime work shift staff, <u>plus</u> 1 Per each 4 off-site visiting staff
Assembly buildings	SLU	1 Per each 3 seats or six (6) feet of bleacher seating or each 100 sq.ft. whichever is greater
Bowling alleys or skating rinks	SLU	4 Per bowling lane, <u>plus</u> ½ the amount required for accessory uses
Commercial recreation, indoor	SLU	Parking Operations Plan but not less than 3 per court or other recreational use plus parking required for any accessory uses. If athletic fields are included, there shall be provided an additional 10 spaces per field
Commercial recreation, outdoor	SLU	Parking Operations Plan but not less than 1 per each miniature golf holes plus two per each batting cage plus one per each 50 sq. ft. with video games plus 3 spaces per court
Commercial schools	SLU	6 Per classroom or amount required for the auditorium place of assembly, whichever is greater
Day Care Centers	SLU	Parking operations plan or 1 Per each 3 clients computed on the basis of the greatest number of clients on site at a given time.
Elementary and secondary schools	SLU	3 Per classroom or amount required for the auditorium place of assembly, whichever is greater; separate areas for student drop off and pick up areas for buses must be provided.
High schools, colleges and universities	SLU	6 Per classroom or amount required for the auditorium place of assembly, whichever is greater; separate areas for student drop off and pick up areas for buses must be provided.
Housing for the elderly.	SLU	1 Per dwelling unit <u>plus</u> 1 per each daytime work shift staff
Libraries, art galleries or museums	SLU	1 Per each 300 sq. ft. GFA

Use	Approval Type	Parking Requirement Spaces per unit of measurement
Freestanding Off Street Parking	P	Parking Operations Plan
Municipal and Public Service Activities	SLU	1 Per each 300 sq. ft. GFA, not including parking areas for municipal vehicles (police cars, public works vehicles, etc.), plus spaces required for assembly areas.
Parking lots to serve an adjacent permitted or approved special land use	SLU	N/A
Places of religious worship	P	2 Per each 5 seats based on the maximum seating capacity of the main place of assembly up to 2,500 persons
Radio and Television Stations.	SLU	1 Per each 250 sq. ft. GFA
Radio, Television, or Microwave Tower	SLU	None
Theaters	SLU	4 Per each 10 persons allowed within the maximum occupancy load as established by local, city, county, state – fire, health, or building codes
Utility substations, switching stations, and transmission lines	SLU	2

**SECTION 9.03 DEVELOPMENT REQUIREMENTS**

**A. SITE PLAN APPROVAL REQUIREMENTS**

The following chart provides requirements for site plan approval. A site plan shall be submitted for Planning Commission review in connection with the following, unless specifically exempted in Section 14.02:

Site Plan Approval Requirements	Other Requirements
Special Land Use, Plats, Site Condominium Projects, and Shopping Centers and Municipal Buildings	All other new buildings with a permitted use shall be subject to approval by the Staff Review Team in accordance with the requirements of Section 13.05. See Section 3.25 for site condominium requirements and procedures. See Chapter 14 for site plan requirements. See Chapter 15 for Special Land Use requirements.

**B. LOT AND YARD REQUIREMENTS**

Requirement		Other Requirements	
Minimum Lot Area	10,000sq. ft.		
Minimum Lot Width	75 ft.	Any non-residential use on a corner lot must provide the minimum frontage along the <u>arterial street</u> . Lot width is measured at the front setback line.	
Front Yard	All main buildings shall be set back a minimum of 15 feet from the front lot line	Except for necessary driveways the required front yard shall be landscaped	
		Parking within the front yard area of a side yard may be permitted to within five (5) feet of the front lot line as a Special Land Use. Where permitted a three (3) foot high, brick screen wall with a limestone cap (or similar materials and design) or dense hedgerow shall be provided to screen the parking lot.	
		No storage, overnight parking, off-street loading areas or accessory structures shall be permitted.	
Side Yard	Abutting Residential Districts or uses	20 ft.	A six (6) foot high fence, masonry wall or vertical screen shall be provided for screening. Landscaping is required along the fence or wall. Dumpsters shall be placed adjacent to the main use building
	Abutting Nonresidential Districts	10 ft	If the building is not placed on the lot line.
		None	If the building is placed on the lot line.
	Corner Lots	15 ft	On secondary frontage
			See definition of Yard, Side in Section 2.02.Y
Rear Yard	Abutting Residential Districts or uses	40 ft	All paved areas shall be set back a minimum of twenty (20) feet. A six (6) foot high fence, masonry wall, or vertical screen shall be provided for screening. Landscaping is required along the fence or wall.
	Abutting Nonresidential Districts	25 ft.	May be paved and used for parking
Maximum Building Height	3 stories or 35 feet, whichever is lower	See Chapter 2, definition for building height.	

**C. SPECIAL DESIGN AND OPERATION STANDARDS**

1. Lighting for parking areas and buildings shall comply with the requirements of Chapter 20, Lighting.

2. Mechanical equipment and service areas shall be visually screened from adjacent properties and public streets. The architectural design of the building shall incorporate design features that screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading areas and service yards.
3. Driveways: The number and location of driveways within the C-5 District shall be determined according to the provisions outlined in Chapter 17.

**D. DEVELOPMENT REQUIREMENTS FOR PARKING**

1. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the table in Section 9.02.
2. The design requirements for off street parking shall be in accordance with Section 17.04

**E. DEVELOPMENT REQUIREMENTS FOR SIGNS.** See also Chapter 16 Signs for general requirements.

C-5 District					
Signs Permitted	Size	Number	Height	Location	Other Requirements
Freestanding Ground	50 sq. ft.	1 per lot	4 ft. above mean grade	If less than 5 ft. from ROW line	
			6 ft. above mean grade	If 5 ft. or more from ROW line	
Wall	1½ sq. ft. for each 1 lineal foot of wall	1 per street frontage	Cannot extend above roof line	On wall facing street, parking area or public entrance	Area calculated using the wall to which the sign is attached
	1 sq. ft. for each 2 lineal feet of wall	1 per wall facing public parking area or public entrance not facing a street			
Non-Commercial	32 sq. ft.	1 per issue or candidate or issue per street frontage		Outside of ROW	
Real Estate	32 sq. ft.	1	6 ft.	Set back at least 10 feet from a side or rear lot line	Permitted only when property is for sale, rent, or lease
Institutional Bulletin Board	50 sq. ft.	1	4 ft. above mean grade	If less than 5 ft. from ROW line	Only permitted for institutional uses. Not

C-5 District					
Signs Permitted	Size	Number	Height	Location	Other Requirements
			6 ft. above mean grade	If 5 ft. or more from ROW line	permitted if a ground sign is also used.
Directional	6 sq. ft.	Subject to Zoning Administrator approval where required for traffic safety, subject to approved plan for design, number, and location.			
Window	Shall not cover more than 25 percent of window area on any side of a building				
Portable	32 sq. ft.	1	Same as Freestanding Ground	Outside of ROW and in a location where driver visibility is not impaired	Limited to 30 days of display in any calendar year

## CHAPTER 10 INDUSTRIAL DISTRICTS

### SECTION 10.01 INTENT AND PURPOSE

The City is committed to the continued growth and vitality of the industrial tax and employment base within the community. This Chapter is intended to present, in an organized format, the regulations of two of the City’s industrial districts. I-1 Light Industrial is intended to organize modern technology based industrial uses that have the least impact on the community. This district includes support services convenient to the industrial workforce and serves as a transition to the more exclusive industrial district, I-2 General Industrial. Uses within this district are generally the more traditional industrial uses requiring larger tracts of land to accommodate buildings and accessory uses. These uses require special attention to ensure the preservation of areas for strictly industrial use within the community. Industrial Performance Standards are utilized to regulate the results of an industrial activity.

### SECTION 10.02 TABLE OF USES

A. The following abbreviations apply to the Table of Uses:

- P: Land and/or buildings in this District may be used for the purposes listed by right.
- SLU: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 15 are met:
- NP: Use is not permitted in the district.

Use	I-1	I-2
<b>Industrial</b>		
Central Dry Cleaning Plant	P	P
Contractor’s Yard	SLU	SLU
Indoor Vehicle Sales	SLU	SLU
Industry	P	P
Industrial Selling Retail	P	P
Industrial Selling Retail with Drive Thru Service	SLU	SLU
Petroleum Based Industries	NP	SLU
Recycling Facility, except tire or rubber products	SLU	SLU
Small Group Fitness and Rehabilitation Training Facility	SLU	SLU
Tool and Die	P	P
Warehouse, Distribution	P	P
<b>Institutional and Utilities</b>		

<b>Use</b>	<b>I-1</b>	<b>I-2</b>
Heating and Electric Power Generating Plants	NP	SLU
Municipal and Public Service Activities	SLU	SLU
Utility Substations, Transmission Lines and Switching Stations	P	P
<b>Office</b>		
Corporate Offices Associated with Industrial Operations	P	P
Financial Institutions	SLU	SLU
Office buildings or office uses congregate within a building of less than 50,000 square feet	P	P
Office buildings or office uses congregate within a building of 50,000 square feet or more	SLU	SLU
Research and Development Facility	P	P
Trade or Industrial Schools	P	P
<b>Service</b>		
Clinic	P	P
Day Care Centers	SLU	SLU
Fuel Depot	SLU	SLU
Motor Freight Terminal	P	P
Printing and Publishing	P	P
Animal Hospital or Kennel	SLU	SLU
<b>Commercial</b>		
Lumberyards	SLU	SLU
Restaurants, freestanding	SLU	SLU
Vehicle Repair Establishment, Minor	NP	NP
Vehicle Repair Establishment, Major	SLU	SLU
Wholesale Establishment	P	P
<b>Other</b>		
Accessory Buildings and Uses subject to Sections 3.15 and 3.16	P	P
Billboards (See Chapter 15)	P	P
Freestanding Off Street Parking	P	P
Mining	NP	SLU
Wireless Communication Towers	SLU	SLU



Use	I-1	I-2
Wireless Communications Antenna when attached to an existing telecommunications tower, water tower or other structure	P	P

**SECTION 10.03 DEVELOPMENT REQUIREMENTS**

**A. Site Plan Review Requirements**

The following chart provides requirements for site plan review. A site plan shall be submitted for Planning Commission review in connection with the following, unless specifically exempted in Section 14.02:

District	Site Plan Review Requirements	Other Requirements
I-1 And I-2	Special Land Uses, Plats and Site Condominium Projects	Any new building with a Permitted Use shall be subject to approval by the Staff Review Team in accordance with the requirements of Section 13.05. See Section 3.25 for site condominium requirements and procedures. See Chapter 14 for site plan requirements. See Chapter 15 for Special Land Use requirements.

**B. Lot, Yard and Building Requirements**

Requirement			I-1	I-2	Other Requirements
Minimum Lot Area			40,000 sq. ft.	2 acres	
Minimum Lot Width			200 ft.	200 ft.	Lot width is measured at the front building setback line. See Section 3.05.
Front Yard (FY)	W/FY parking	Bldg. Front wall 150 ft. or less	70 ft. – the front 25 ft. of which shall be landscaped		Off-street loading areas shall not be provided in the front yard.

Requirement		I-1	I-2	Other Requirements
		Bldg. Front wall more than 150 ft.	100 ft. – the front 35 ft. of which shall be landscaped	In all Industrial Districts in the case of a corner lot, the building side yard on the street side shall be a minimum of thirty five (35) feet for building widths of 150 feet or less; and a minimum of forty five (45) feet for building widths of more than 150 feet. The landscaped parking setback on the street side yard shall be a minimum of ten (10) feet.  Except for landscape improvements and necessary drives and walks, the required front yard shall not be used for loading, storage or accessory structures.
	W/O FY parking	Bldg. Front wall 150 ft. or less	35 ft. - FY shall be landscaped	
		Bldg. Front wall more than 150 ft.	45 ft. - FY shall be landscaped	
Side Yard		20 ft.		Storage is not permitted in a required side yard. The side yard may be reduced to ten feet where adjacent to a railroad service to the lot. A side yard adjoining a residential or open space district shall comply with <u>chapter 19</u> setback and screening provisions and the provisions of section 10.03.C.4. See definition of Yard, side in Section 2.02.Y.
Rear Yard		40 ft.	60 ft.	Storage is not permitted in a required rear or side yard for sites immediately adjacent to a residential or commercial use or fronting on a public street  A rear yard adjoining a residential district shall comply with Chapter 19 setback and screening provisions and the provisions of Section 10.03.C.4.  The rear yard may be reduced to ten (10) feet where adjacent to a railroad service to the lot.
Maximum Lot Coverage		50%	50%	Includes area of lot covered by main and accessory buildings and structures
Maximum Building Height		3 stories or 45 ft.	3 stories or 60 ft.	See Chapter 2, definition for building height. See Section 3.03.
Maximum Accessory Retail Area		Five (5) percent or 1,000 sq. ft. (whichever is greater)		Retail area shall be within the same building as the primary industrial use.

### C. Site Development Requirements

1. The fronts and sides of industrial buildings facing streets shall be finished consistent with the table below. A minimum building offset of twenty-five (25) feet will be used to

distinguish the front or side of the building subject to the finished material requirement. The finished treatment shall also be continued around on a least twenty (20) percent of the sides adjacent to a street facing wall.

Material	Maximum Percent of Wall to be Covered by Certain Building Materials			
	100	75	50	25
Brick	✓			
Decorative Masonry		✓		
Stone		✓		
Wood, Vinyl and Metal Siding			✓	
Finishes*				✓
* includes dryvit, plaster, stucco or similar materials. Such materials shall not be used where contact with vehicles may occur such as parking areas and traffic ways.				

2. Written appeals of facade determinations made by the Zoning Administrator must be filed, within ten (10) days of the decision to the Planning Commission. The Planning Commission decision regarding such appeal shall be final.
3. Any outdoor storage of materials shall only be permitted in areas approved in advance as part of the site plan approval and must be screened from the view of neighboring properties or from a street through the use of an approved landscaped screen, wall or solid fence.
4. No building or storage shall be located closer than one hundred (100) feet to a residential district boundary, provided that a building may be permitted as close as fifty (50) feet if the area between the building and the boundary is an unlighted landscaped buffer used for no other purpose and further provided no entrance other than a required emergency door shall enter upon such area. However, no such building wall shall be permitted closer than twice its height to the residential boundary.

**D. Development Requirements for Parking**

1. The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table.

Use	Parking Requirement Spaces per unit of measurement
Day Care Centers	Parking operations plan or 1 per each 3 clients computed on the basis of the greatest number of clients on site at a given time
Financial institutions	1 Per each 200 sq. ft. GFA, <u>plus</u> , 1 Per each employee and 4 standing spaces per outside teller
Indoor Vehicle Sales	1 space per each 800 square feet of building area used for the storage/display of vehicles plus parking required for office uses
Industrial, manufacturing	1 Per 2,000 sq. ft. GFA <u>plus</u> parking required for office uses <u>plus</u> parking for any corporate vehicles
Research establishment	1 per 500 sq. ft. GFA.

Use	Parking Requirement Spaces per unit of measurement
Municipal and public service activities	1 Per each 300 sq. ft. GFA, not including parking areas for municipal vehicles (police cars, public works vehicles, etc.), plus spaces required for assembly areas.
Office	1 Per each 300 square feet GFA
Restaurants, Freestanding	1 Per each 50 square feet UFA, <u>plus</u> 4 Standing spaces per each outside service window
Trade or industrial schools	15 Per seated classroom area <u>plus</u> 1 Per 500 sq. ft. UFA for use areas outside of classrooms, including areas used for demonstration purposes.
Vehicle repair establishment	1 Per each 800 square feet, <u>plus</u> 2 Per each stall or service area
Warehouses and storage buildings	1 Per 1,500 sq. ft. GFA <u>plus</u> parking required for office uses <u>plus</u> parking for any corporate vehicles

**E. Development Requirements for Signs.** See also Chapter 16 for general requirements.

Signs Permitted	I-1 and I-2 Districts				Other Requirements
	Size	Number	Height	Location	
Freestanding – For each main building with less than 150 ft. of front wall width	48 sq. ft.	1/main building	15 ft.	At least seventeen (17) feet behind the public right-of-way	Sign must complement the architectural details of the building and be appropriately landscaped
Freestanding – For each main building of ft. 150 or greater front wall width	Area equal to 2% of the area of the front wall up to 100 sq. ft.				
Industrial Park Identification Sign	48 sq. ft.	1/each Park entrance	15 ft.	At least seventeen (17) feet behind the public right-of-way	May be freestanding or attached to a wall or fence; must be appropriately landscaped
Wall – Main buildings with a wall width of up to 250 ft.	1 sq. ft. for each 2 ½ lineal foot of wall	1/ street frontage	Cannot extend above roof line	On wall facing street frontage	Area of wall signs is calculated by using the wall to which the sign will

Signs Permitted	I-1 and I-2 Districts				Other Requirements
	Size	Number	Height	Location	
Wall – Main buildings with a wall width of 250 ft. or more	1 sq. ft. for each 2 ½ lineal foot of wall plus 1 sq. ft. for each 5 lineal ft. of wall in excess of 250 lineal ft..				be attached
Non-Commercial	32 sq. ft.	1/issue or candidate per street frontage	4 ft.	Behind the ROW	Signs may remain until deemed unsightly through disrepair or action of the elements
Real Estate	32 sq. ft.	1/premise or building	4 ft. above mean grade If less than 10 ft. from ROW line 6 ft. above mean grade If 10 ft. or more from ROW line	Behind the ROW	Permitted only when property is for sale, rent, or lease
Directional	24 sq. ft.	1/lot	6 ft.	At least 10 ft. from the front lot line	Only permitted if no freestanding sign is present
Portable	32 sq. ft.	1/lot	4 ft. above mean grade If less than 10 ft. from ROW line 6 ft. above mean grade If 10 ft. or more from ROW line	Behind the ROW and in a location where driver visibility is not impaired	Limited to 30 days of display in any calendar year
Billboard	300 sq. ft.	1/lot as a principal use only	25 ft.	Set back 100 ft. from street right-of-way line	Approved by Special Land Use in accordance with Chapter 15

**F. PERFORMANCE STANDARDS**

Uses of land and buildings permitted in the Industrial Districts shall conform to the following Performance Standards at all times. All new operations or changes in operations shall be certified by the owner, or by qualified representatives of the owner, to be designed and intended to comply with these standards.

1. All permitted activities, other than parking and loading, shall be conducted wholly within enclosed buildings.
2. Accessory storage or accessory equipment may be placed or conducted out doors only if screened from the view of a pedestrian on any adjacent street or on the ground floor of any adjacent residential or office use or district property by a solid wall or berm. Outdoor storage shall not be permitted in any required yard.

3. No permitted activity shall emit or produce odor, fumes, dust, glare, vibration or heat which will adversely affect permitted uses on an adjacent property.
4. No permitted activity shall emit noise that is readily discernable to the average person in any adjacent residential zone district providing that air handling equipment in proper working conditions shall be deemed to comply with this provision if located on a roof with intervening noise reduction baffles or if located on the side of a building facing away from the residential zone.
5. No permitted activity shall emit fumes, smoke, dust or particulates which damage personal property or buildings located on adjacent properties.
6. No permitted use shall discharge effluent of any kind onto or into the ground or in violation of sewage treatment regulations.
7. No permitted use shall emit electromagnetic radiation which would adversely affect the operation of equipment beyond the confines of the building producing the effect.
8. Any permitted activity that may present danger of fire, explosion or other catastrophe shall have a current Hazardous Material Management Plan, shall be reviewed and approved by the Kentwood Fire Department and shall not represent any danger to property or persons beyond the property lines.
9. All uses shall conform to all other City, County, State and Federal regulations pertaining to its operations.

## CHAPTER 11 OS OPEN SPACE, PUBLIC, SEMI-PUBLIC DISTRICT

### SECTION 11.01 PURPOSE

This District is intended to preserve, through zoning, selected open space land and uses from development pressures. This zone is intended for public purposes. It is not the intent of this zone to prevent private parks or recreation areas as provided for in other zoning districts.

### SECTION 11.02 TABLE OF USES

A. The following abbreviations apply to the Table of Uses:

- P: Land and/or buildings in this District may be used for the purposes listed by right.
- SLU: The following uses may be permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 15 are met:
- NP Use is not permitted in the district.

<b>TABLE OF USES – OPEN SPACE, PUBLIC, SEMI-PUBLIC DISTRICT</b>	
Accessory buildings and uses subject to Sections 3.15 and 3.16.	P
Cemeteries.	P
Elementary, and secondary schools.	SLU
Golf Courses Or Country Clubs	SLU
Municipal and Public Service Activities	P
Parks, playgrounds and community centers	P
Recreation facilities, indoor or outdoor	P
Recycling Station	SLU
Utility substations, switching stations, and transmission lines.	SLU
Wireless Communications Antenna when attached to an existing telecommunications tower, water tower or other structure	P
Wireless Communication Towers	SLU

### SECTION 11.03 DEVELOPMENT REQUIREMENTS

#### A. Site Plan Review Requirements

The following chart provides requirements for site plan review. A site plan shall be submitted for Planning Commission review in connection with the following, unless specifically exempted in Section 14.02:

District	Site Plan Review Requirements	Other Requirements
OS District	All Special Land Uses	See Chapter 14 for site plan requirements. See Chapter 15 for Special Land Use requirements

**B. Lot and Yard Requirements**

Requirement	OS District	Other Requirements
Minimum Lot Area	None Required	Lot area shall be sufficient to accommodate all principal and accessory uses.
Minimum Lot Width	None Required	Lot area shall be sufficient to accommodate all principal and accessory uses.
Front Yard	35 ft.	No parking is permitted in the required front yard.
Side Yard	12 ft.	Street side of a corner lot – 25 ft. setback is required for main buildings and parking See definition of Yard, Side in Section 2.02.Y
Rear Yard	50 ft.	In the case of wireless communication towers, all yards shall be equal to or exceed the tower fall zone or fifty percent (50%) of the height of the tower, whichever is greater. For the purposes of this Section, the term fall zone shall mean the calculated manner and extent to which a tower structure is designed to fall.
Maximum Lot Coverage	20%	Lots may contain more than one (1) principal building or use
Maximum Building Height	None Specified	See Section 3.03

**C. Development Requirements for Parking.**

The amount of required off-street parking spaces for individual uses shall be determined in accordance with the following table. See also Chapter 17, Off Street Parking and Loading for general requirements

Use	Parking Requirement Spaces per unit of measurement
Cemeteries	Sufficient parking shall be provided within the site through the submission by the owner of a operations plan submitted with site plan.
Elementary and middle schools	4 Per classroom or amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup areas for buses must be provided.
Golf courses	2 Per each hole for a par 3 course; 6 per hole for other courses plus those required for accessory uses
High schools	8 Per classroom or amount required for the auditorium or place of assembly, whichever is greater; separate areas for student drop off and pickup areas for buses must be provided.



Use	Parking Requirement Spaces per unit of measurement
Municipal and Public Service Activities	1 per each 300 sq.ft. GFA, not including parking areas for municipal vehicles (police cars, public works vehicles, etc.), plus spaces required for assembly areas.
Parks, playgrounds and community centers	10 Per each athletic field <u>plus</u> 1 per each 10 sq. ft. of indoor or outdoor play area.
Recreation facilities, Indoor or outdoor	Parking operations plan but not less than 4 per court or other recreational facility use <u>plus</u> parking required for any accessory uses, including restaurants, offices, or other similar activities. If athletic fields are included, there shall be spaces per field provided.

**D. Development Requirements for Signs.** See also Chapter 16, Signs for General Requirements.

Signs Permitted	OS District				Other Requirements
	Size	Number	Height	Location	
On Site Advertising	32 sq. ft.	1 per principal use	4 ft.	25 ft. from front lot line	
Non-Commercial	6 sq. ft	1/issue per lot	4 ft.	Behind the ROW	Signs may remain until deemed unsightly through disrepair or action of the elements
					May not be illuminated
Real Estate	32 sq. ft.	1/premise or building	4 ft.	Behind the ROW	Permitted only when property is for sale, rent, or lease
Portable	32 sq. ft. if advertising a special event or community activity	1/lot	4 ft.	Behind the ROW and in a location where driver visibility is not impaired	Limited to 30 days of display in any calendar year
Institutional Bulletin Board	50 sq. ft.	1/public or semi-public institution	6 ft.	Set back 25 ft. from front property line	
Institutional Wall Sign	50 sq. ft.	1/street frontage	N/A	N/A	

## Chapter 12

# Planned Unit Development Districts

### SECTION 12.01 INTENT AND PURPOSE

The purpose of this Section is to offer design flexibility and coordinated development consistent for certain sites to meet the objectives of the City of Kentwood as listed herein. Six types of PUD zoning designations are provided: Single Family Residential, High Density Residential, Commercial, Mixed Use, Office, and Industrial. The submittal requirements and standards of this Section are intended to guide preparation of submittals and serve as the basis for the evaluation by the Planning Commission and the City Commission. The standards are based on the following objectives:

- A. Encourage use of land in accordance with its character and adaptability through allowance of innovative and creative design solutions not permitted under conventional zoning;
- B. Allow design flexibility that benefits the community and the environment and results in a better overall project than would be permitted under conventional zoning;
- C. Create a package of amenities not typically achieved with conventional zoning, such as useable open space, preservation of key natural or historic resources, improvements to public roads or facilities, pathways, natural stormwater systems, more extensive landscaping, consistent and coordinated site design details among various projects (lighting, signs, building design, etc.), and high quality architectural design or materials;
- D. Create a complementary mixture of housing types within a project that is consistent with the overall character of the area;
- E. Ensure compatibility of design and use between various uses within the PUD and with neighboring properties, and
- F. Encourage the use, redevelopment and improvement of existing sites.

### SECTION 12.02 QUALIFYING CONDITIONS

The following provisions shall apply to all planned unit developments:

- A. Coordination
  - 1. A planned unit development submitted by an applicant shall be under the control of one owner or unified group of owners and shall be capable of being planned and developed as one integral unit.
  - 2. A PUD initiated by the City shall be capable of being developed in a coordinated manner. If a PUD is approved, the requirements shall be transferred to all future owners, and any changes shall require approval of both the City and the affected landowners within the PUD.
- B. A PUD zoning classification may be initiated by the City or property owner(s).

- C. The following minimum project sizes shall apply
1. RPUD-1- High Density Residential: Five (5) acres
  2. RPUD-2-Single Family Detached Residential: Five (5) acres
  3. Commercial PUD: Five (5) Acres
  4. Mixed Use PUD: Five (5) acres
  5. Office PUD: Five (5) acres
  6. Industrial PUD: Ten (10) acres
- D. All land included in a PUD application shall be contiguous.
- E. The site shall be served by public sanitary sewer and water systems.
- F. The application shall demonstrate the project will result in recognizable and substantial benefits to the residents or occupants of the site, visitors to the site, adjacent properties and the City in contrast to development permitted under conventional zoning. The applicant must provide compelling evidence that demonstrates these benefits through drawings, reports or other submittals that contrast development under conventional zoning with the design and uses proposed. Such benefits can be provided from amongst the following:
1. Transition areas from adjacent land uses
  2. High quality architectural design and materials, with clear guidelines that must be met with future site plan submittals
  3. Extensive landscaping and preservation of quality woodlands or trees
  4. Assured preservation of unique natural or historic site features, or viewsheds
  5. Greenways that link to adjacent greenway corridors
  6. Unified access and circulation that reduces the number of driveways
  7. Provision of open space and social space
  8. Provision of extensive pathway systems through the project
  9. Provision of recreational facilities, such as playground equipment and courts
  10. Use or enhancement of natural systems for stormwater detention
  11. More extensive setbacks or buffering between development and water features
  12. Coordinated site design elements such as lighting, signs and greenbelt design
  13. Coordinated development of several small parcels
  14. Design Improvements (public and/or private) to mitigate traffic impacts, as demonstrated through a traffic impact study
  15. Elimination of nonconforming situations
  16. Removal or renovation of blighted buildings or remediation of contamination as documented through a Phase I and Phase II Environmental Site Assessment and a Baseline Environmental Assessment.

### **SECTION 12.03 RPUD-1 HIGH DENSITY RESIDENTIAL PUD - SPECIFIC REGULATIONS**

High density residential development under this category shall promote the high quality character of the community and contribute to the variety of housing options for City residents. To ensure RPUD-1 projects meet this intent and the described intent of the PUD designation, the following design requirements shall apply in addition to all other regulations set forth in this Ordinance.

- A. **Permitted Uses:** The following uses shall be permitted within an RPUD-1 development:
1. Any Permitted Use in the R-3 or R-4 Districts.
  2. Golf courses, tennis clubs and athletic clubs, when combined with any residential use.
  3. Any Permitted Use within C-2 Commercial District except regulated uses as described in Section 3.26 when integrated into the residential development; however it is further required that the gross area designated for commercial uses including parking, accessways and yards or open space shall not exceed five (5) percent of the gross site area of a PUD. In addition no use provided for in this subsection shall be constructed until not less than thirty (30) percent of the dwelling units proposed in the development have been completed.
  4. State licensed adult and child care facilities in accordance with Section 3.20
- B. **Special Land Uses:** Special Land Uses as provided in the R-3 or R-4 Districts may be permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 15 and elsewhere are met:
- C. **Development Requirements**
1. **Density:** Allowable density for the RPUD-1 District shall be dictated by the City's master plan and shall be determined by the Planning Commission at the Preliminary PUD Plan stage. Net density shall be consistent with the definition in Chapter 2 except that up to twenty-five percent (25%) of the acreage of preserved floodplain may be computed in the PUD zones.
  2. **Minimum Lot Area:** Lot sizes within this PUD District shall not be varied or reduced in area below the following standards.
    - a. Single family detached dwellings: Six thousand five hundred (6500) square feet of lot area.
    - b. Two family dwellings: Eight thousand five hundred (8500) square feet of lot area.
    - c. Town houses or other similar permitted single family attached dwelling types: six thousand five hundred (6500) feet of lot area for the first dwelling unit in each structure plus two thousand (2000) square feet for each additional dwelling unit within a structure.
    - d. For multiple family dwelling structures the first dwelling unit shall have a minimum of four thousand (4000) square feet of lot area and each additional unit shall require a minimum additional two thousand two hundred and fifty (2250) square feet of lot area.
  3. **Minimum Setback and Building Spacing Requirements:** Setbacks within this PUD District shall not be varied or reduced below the following standards.
    - a. Front yard: Twenty (20) feet for all dwellings.
    - b. Side yard:
      - (1).For all one and two family dwellings- Five (5) feet minimum side yard, with no less than twelve (12) feet of combined side yards per lot. The side yard on the street side of any lot shall be a minimum of twenty (20) feet. Zero lot line units must provide at least a twenty (20) foot side yard on one (1) side of the unit.

- (2).Town houses or apartments- No side yard is required, provided that there shall be a minimum of twenty (20) feet between ends of contiguous groups of dwelling units.
  - (3).For all dwellings-Side yard setbacks may be increased by the Planning Commission after consideration of the design relationship between individual lots, buildings, streets, parking areas, and the land.
  - c. Rear yard: Thirty (30) feet for all dwellings, provided, that rear yard requirements may be varied by the Planning Commission after consideration of common open space areas or parks which abut the rear yard.
  - d. Perimeter setback: The following yard requirements at exterior boundaries of the PUD shall be required: Front yard, forty (40) feet; side yard, fifteen (15) feet, provided that on the street side of a corner lot a minimum of twenty five (25) feet shall be provided; rear yard, thirty five (35) feet.
4. **Minimum Floor Area:** The minimum required floor area shall be provided in the following amounts:
- a. Single Family Detached. Each dwelling unit shall have a minimum finished living area of nine hundred fifty (950) square feet of floor area per dwelling unit with a minimum of six hundred twenty four (624) square feet on the main floor for units of more than one (1) story.
  - b. Attached Single Family including Two Family and Townhouses. Each dwelling unit shall have a minimum finished living area of eight hundred and fifty (850) square feet per dwelling unit with a minimum of six hundred (600) square feet on the main floor for units of more than one (1) story.
  - c. Multiple Family Dwellings:
    - (1).Efficiency - 375 square feet.
    - (2).One Bedroom - 600 square feet.
    - (3).Two Bedrooms - 780 square feet.
    - (4).Three bedrooms - 940 square feet plus an additional eighty (80) square feet for each bedroom in excess of three (3) bedrooms.
5. **Minimum Open Space:** A minimum 25% of the site shall be provided as common open space that meets the standards of Section 12.10 N.
6. **Building Height and Architectural Guidelines:** Multiple family structures shall provide distinct and prominent architectural features that create a positive visual impression. Walls facing the street shall include windows, entrances to the units, porches, and other architectural features customarily found on the front façade of a residential structure. The City may require architectural diversity between various areas, or between adjacent single family or two-family buildings. Architectural diversity may include: recessing garages behind or in line with the living area; provision of front porches extending across a portion of the living area; varied texture of building materials including brick and other natural materials; restricted use of privacy fencing; and restricted use and location of accessory buildings. The height of buildings within the PUD shall be determined by the use. Single family detached uses shall be limited to the R1-A height requirements, all other residential uses shall be limited to the R-4 height requirements and commercial retail or office uses shall be limited to the commercial/office district height requirements.
7. Sign types and materials shall be consistent with the overall architectural design of the PUD. Signs for uses or buildings located in the PUD shall be subject to the sign limitations

allowed for uses or buildings of a similar type built in the respective zoning districts, as determined by the Zoning Administrator.

8. Parking for uses or buildings located in the PUD shall be subject to the parking requirements for uses or buildings of a similar type built in the respective zoning districts, as determined by the Zoning Administrator. In addition, the minimum off street parking spaces for single family detached housing shall include a garage to accommodate at least two vehicles.

- D. Subject to the provisions of this Section, the City Commission, after recommendation by the Planning Commission, shall have the power to waive or alter the specific provisions of Sections 12.02.C, 12.02.D, and 12.03.C only in cases where there is evidence that all of the following conditions are met:
1. There are exceptional or extraordinary circumstances or conditions applying to the property. Exceptional or extraordinary circumstances or conditions include:
    - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
    - b. By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
    - c. By reason of the use or development of the property immediately adjoining the property in question.
  2. The waiver or alteration will not be detrimental to adjacent property and the surrounding neighborhood.
  3. The granting of the waiver or alteration will better serve to achieve the Intent and Purpose of the PUD as described in Section 12.01.

#### **SECTION 12.04      RPUD-2 SINGLE FAMILY RESIDENTIAL**

Low density residential development under this category shall promote the high quality character of the community and contribute to the variety of detached housing options for City residents. To ensure RPUD-2 projects meet this intent and the described intent of the PUD designation, the following design requirements shall apply in addition to all other regulations set forth in this Ordinance.

- A. **Density:** The number of dwelling units allowed shall be determined through the alternative, conventional plan as described in Section 12.09 G and in accordance with the City Land Use Plan of the City's Master Plan. Net density shall be consistent with the definition in Chapter 2 and may include up to twenty-five percent (25%) of the acreage of preserved floodplain.
- B. **Permitted Uses:** The following uses of land and structures may be permitted within a Single Family Detached PUD when the standards of this Section and other applicable standards are met.
1. Any Permitted Use in the R1-C and D Districts.
  2. Golf courses, tennis clubs and athletic clubs when combined with a residential use.

- C. **Special Land Uses:** Special Approval Uses in the R1-C, D Districts may be permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 15 are met.
- D. Development Requirements
1. **Minimum Lot Area:** The minimum lot areas for the development shall not be less than 6,500 square feet.
  2. **Minimum Lot Dimensions and Setbacks:** Lot dimensions, including width, setbacks and yard requirements shall not be varied or reduced below the following standards.
    - a. Front yard: Twenty (20) feet.
    - b. Side yard: Five (5) feet minimum side yard, with no less than twelve (12) feet of combined side yards per lot. The side yard on the street side of any lot shall be a minimum of twenty (20) feet. Zero lot line units must provide at least a twenty (20) foot side yard on one (1) side of the unit. Side yard setbacks may be increased by the Planning Commission after consideration of the design relationship between individual lots, buildings, streets, parking areas, and the land.
    - c. Rear yard: Thirty (30) feet, provided, that rear yard requirements may be varied by the Planning Commission after consideration of common open space areas or parks which abut the rear yard.
  3. **Minimum Living Area:** Each dwelling unit shall have a minimum finished living area of nine hundred fifty (950) square feet of floor area, with a minimum of six hundred and twenty four (624) square feet on the main floor.
  4. **Minimum Open Space:** A minimum 25% of the site shall be provided as common open space that meets the standards of Section 12.10 N
  5. **Building Height and Architectural Guidelines:** The City may require architectural diversity between adjacent single family buildings. Architectural diversity may include: recessing garages behind or in line with the living area; provision of front porches extending across a portion of the living area; varied texture of building materials including brick and other natural materials; restricted use of privacy fencing; and restricted use and location of accessory buildings. The height of buildings shall be limited to the R1-A height requirements.
  6. Sign types and materials shall be consistent with the overall architectural design of the PUD. Signs for uses or buildings located in the PUD shall be subject to the sign limitations allowed for uses or buildings of a similar type built in the respective zoning districts, as determined by the Zoning Administrator
  7. Parking for uses or buildings located in the PUD shall be subject to the parking requirements for uses or buildings of a similar type built in the respective zoning districts, as determined by the Zoning Administrator. In addition, the minimum off street parking spaces for single family detached housing shall include a garage to accommodate at least two vehicles.

- E. Subject to the provisions of this Section, the City Commission, after recommendation by the Planning Commission, shall have the power to waive or alter the specific provisions of Sections 12.02.C, 12.02.D and 12.04.D only in cases where there is evidence that all of the following conditions are met:
1. There are exceptional or extraordinary circumstances or conditions applying to the property. Exceptional or extraordinary circumstances or conditions include:
    - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
    - b. By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
    - c. By reason of the use or development of the property immediately adjoining the property in question.
  2. The waiver or alteration will not be detrimental to adjacent property and the surrounding neighborhood.
  3. The granting of the waiver or alteration will better serve to achieve the Intent and Purpose of the PUD as described in Section 12.01.

### **Section 12.05 Commercial PUD**

It is the purpose of Commercial PUD's to allow creative and imaginative approaches in the development of commercial elements in the City. The following regulations ensure conservation of the property value through optimum utilization of areas devoted to commercial use together with protection of the immediate environment.

- A. **Permitted Uses:** The following uses of land or structures may be permitted within a Commercial PUD.
1. Any "Permitted Use" within the C-2 or C-4 Districts.
  2. Customary accessory uses as permitted in the C-2 or C-4 Districts.
  3. Adult and Child Care Facilities in accordance with Section 3.20
- B. **Special Land Uses:** The uses permitted by Special Land Use approval in the C-2 Community Commercial and C-4 Office districts may be permitted when all applicable standards as cited in Chapter 15 are met.
- C. **Development Requirements**
1. **Minimum Lot Size:** The lot size requirements of the District from which the uses were taken shall apply. In case of uses from more than one (1) District, the more restrictive requirements shall apply.
  2. **Setbacks and Building Spacing:** Building and parking setbacks and spacing between buildings may be varied to meet the objectives and standards of this Section, provided all building and fire codes are met. In no case, shall the required building setback from adjacent residential land uses be decreased by more than fifty percent (50%).
  3. **Parking:** Parking requirements shall be equal to the sum of the parking requirements for all uses proposed. However, where it can be demonstrated by the applicant that due



to non-conflicting hours of operation, design of the circulation, and parking plan or any other factor reasonably related to the need for parking, a portion of the parking requirement may be deferred by the Planning Commission. The site plan shall show adequate paved parking and, as applicable, adequate landscaped reserve unpaved parking area, exclusive of required yards, to meet these parking requirements.

**4. Traffic Circulation, Operations and Access:**

- a. Main access points shall be spaced from existing signalized intersections adequately to minimize conflicts with signal operations. If the site has access to a traffic signal or if the main access point has potential to be signalized, the site shall be designed and way-finding signs provided to direct traffic flow to use the signal.
- b. Interior drives shall provide circulation between uses.
- c. Any outlots shall use shared driveways and internal access connections rather than separate, individual access points. The Preliminary PUD Plan and PUD Agreement shall clearly describe future access conditions and restrictions.
- d. Stacking or queuing depth at site access points shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation.
- e. Additional right-of-way shall be provided to accommodate improvements to the existing arterial roadway system that are planned or required to mitigate traffic associated with the PUD.
- f. A pedestrian circulation system shall be provided throughout the site, along existing arterials, and to connect the public pedestrian system with building entrances.
- g. Provision shall be made to accommodate improvements to public transit service including, but not limited to, shelter and stop locations, bus turnout lanes and pedestrian connections.

**5. Site Design Guidelines:** The following site elements shall be provided:

- a. An extensively landscaped greenbelt, with an average width of thirty (30) feet and minimum of twenty (20) feet, shall be provided along public streets. Plantings within the greenbelt shall exceed the requirements of Section 19.03 A. Low, undulating (horizontal and vertical) berms or an architectural feature (decorative stone or brick wall, wrought iron fencing, or combination) may be permitted as an alternative to the trees.
- b. Site design and landscaping shall diminish the prominence of parking lots as viewed from public streets. Parking lot landscaping shall exceed the amount otherwise required.
- c. A City entranceway landmark or entrance sign may be required near the intersection of two arterial streets or at an entrance point to the city. The type and conceptual design of said landmark shall be determined as part of the Preliminary PUD Plan approval, and the timing of installation described in the PUD Agreement.
- d. Extensive pedestrian gathering and seating plazas, greenways and tree lined drives shall be within parking lots and throughout the site to provide an inviting pedestrian environment, protection of the pedestrian from vehicular circulation for improved traffic operations and views.
- e. Other site amenities to create a pedestrian scale environment shall be provided such as bike racks, benches, information kiosks, art, planters or streetscape elements to separate mainline buildings from the parking lots.

- f. Any detention areas with predominant view from the roadway, parking lot, residential dwellings or primary entrances to buildings shall be designed to have a natural appearance, such as: variable shape; natural arrangement of landscape materials; aerated fountains; use boulder accent walls; or other similar design features.
  - g. Sign types and materials shall be consistent with the overall architectural design of the PUD. Signs for uses or buildings located in the PUD shall be subject to the sign limitations allowed for uses or buildings of a similar type built in the respective zoning districts, as determined by the Zoning Administrator.
  - h. The site shall have a minimum open space of thirty (30) percent exclusive of areas of deferred parking.
6. **Maintenance and Utilities:** For any areas to be held under common ownership, a document ensuring the future maintenance provisions shall be submitted for approval to the Planning Commission. Such provision shall include mandatory membership of all property owners in any association designed for maintenance of the common area and the City shall have the right to require the recording of such documentation and other provisions deemed appropriate for the project by the Planning Commission.
7. **Building Height and Architectural Guidelines:** Information on architecture and building design (elevations or perspectives, materials and description of design standards) shall be submitted and comply with the following:
- a. Architecture throughout the development shall be compatible based on a design theme established with the Preliminary PUD Plan and described in the PUD Agreement.
  - b. Compatibility of site use with nearby residential areas must be evidenced and can be determined in relationship to the following criteria:
    - (1) Uses have no harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes.)
    - (2) The PUD site has direct access to a collector or arterial street.
    - (3) Appearance is harmonious with adjacent uses. This feature would include but not be limited to landscaping, enclosure of principal and accessory uses, height control, sign control, low profile buildings and architectural controls.
    - (4) The distances separating all proposed uses and buildings from the surroundings are great enough to in fact constitute a buffer.
    - (5) Loading docks and truck maneuvering areas and terminals should be further removed from residential lot lines than the building.
  - c. Buildings shall utilize high quality architecture with variable building lines, peaked roofs or parapet walls, architectural accents, and brick facades.
  - d. Building heights will be as required by the Commercial Districts (Chapter 8).
  - e. The depth of the front building line shall be varied to break up the building massing.
  - f. The predominant material utilized on facades which are visible from a public right-of-way or parking lots shall be brick. Other materials may be used for architectural accents, provided such materials shall have the appearance of wood or cut or cast stone.
  - g. A building or buildings shall face (front facade or side elevation with appearance of a front facade) the intersection of existing arterial streets. The building(s) shall have distinct architecture that creates a prominent landmark at the intersection, with no

loading or utility areas that face the intersection. There shall be a landscaped plaza in front of the building or between buildings. Parking is encouraged behind buildings.

- h. The type and amount of building materials utilized shall comply with the following table:

Material	Maximum Percent of Wall to be Covered by Certain Building Materials			
	100	75	50	25
Brick	✓			
Decorative Masonry		✓		
Stone		✓		
Metal, Wood and Vinyl Siding			✓	
Finishes*				✓
* includes dryvit, plaster, stucco or similar materials. Such materials shall not be used where contact with vehicles may occur such as parking areas and traffic ways.				

- D. Subject to the provisions of this Section, the City Commission, after recommendation by the Planning Commission, shall have the power to waive or alter the specific provisions of Sections 12.02.C, 12.02.D and 12.05.C only in cases where there is evidence that all of the following conditions are met:
  - 1. There are exceptional or extraordinary circumstances or conditions applying to the property. Exceptional or extraordinary circumstances or conditions include:
    - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
    - b. By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
    - c. By reason of the use or development of the property immediately adjoining the property in question.
  - 2. The waiver or alteration will not be detrimental to adjacent property and the surrounding neighborhood.
  - 3. The granting of the waiver or alteration will better serve to achieve the Intent and Purpose of the PUD as described in Section 12.01

**SECTION 12.06 MIXED USE PUD**

The Mixed Use PUD designation is intended to permit residential uses to be mixed with commercial uses in an innovative and unified manner. This will encourage responsible development of sites and more efficient use of the City’s infrastructure.

- A. **Applicability:** To qualify as a Mixed Use PUD the project must meet the following criteria:
  - 1. Where the underlying district is zoned for non-residential uses or designated for non-residential in the Land Use Plan of the Master Plan, the project shall contain the following uses:
    - a. Maximum eighty percent (80%) of the site may include uses permitted in the Commercial and Office Districts

- b. Minimum twenty percent (20%) of the site shall be devoted to recreation and open space area, as defined in Section 12.10 N.
    - c. The remainder may be residential, institutional and/or public uses
  2. Where the underlying district is zoned for residential uses or designated for residential in the Land Use Plan of the Master Plan, or the site is zoned or planned for both residential and non-residential uses, the project shall contain the following maximum breakdown:
    - a. A minimum sixty percent (60%) of the site shall be devoted to residential, institutional and/or public uses. If the underlying zoning is single family residential, no more than fifty percent (50%) of the units may be attached. Any attached units shall not be located adjacent to areas with existing or planned single family residential uses.
    - b. Minimum twenty percent (20%) of the site shall be devoted to recreation and open space area, as defined in Section 12.10 J.
    - c. A maximum ten percent (10%) may be devoted to businesses, services and professional offices. Such uses shall be located along arterial roads, or to provide a transition between the residential component and more intense land uses in the surrounding area. If part of the PUD site is zoned or planned for non-residential use, this percentage may be increased to allow up to ten percent (10%) of additional area for non-residential uses.
- B. **Permitted Uses:** Provided the proper mixture of uses complies with Section 12.06(A), the following uses are permitted in a Mixed Use PUD:
  1. Any use permitted in the C-2, C-4, R-3 or R-4 Districts
  2. Related recreational facilities such as tennis courts, golf courses, swimming pools and health clubs
- C. **Special Land Uses:** Special Land Uses in the C-2, C-4, R-3 or R-4 Districts may be permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 15 are met.
- D. **Development Requirements**
  1. **Residential Density, Floor Area, Lot Size:** Residential development in a Mixed Use PUD shall comply with the maximum density, minimum lot area and minimum floor area requirements outlined for the RPUD-1 designation in Section 12.03.
  2. **Setbacks and Building Spacing:** Front, side and rear yard requirements shall be the same as for buildings of a similar use built in the regular zoning districts; provided, however, the City may modify these requirements where necessary for the design of a quality project. The clustering, attaching and combining of uses within buildings is encouraged.
  3. **Building and Architectural Guidelines:** Building materials and architectural design within the Mixed Use PUD shall comply with the regulations set forth in the previous PUD designations of RPUD-1, RPUD-2 and Commercial PUD as determined applicable by the Planning Commission.

4. Sign types and materials shall be consistent with the overall architectural design of the PUD. Signs for uses or buildings located in the PUD shall be subject to the sign limitations allowed for uses or buildings of a similar type built in the respective zoning districts, as determined by the Zoning Administrator.
- E. Subject to the provisions of this Section, the City Commission, after recommendation by the Planning Commission, shall have the power to waive or alter the specific provisions of Sections 12.02.C, 12.02.D and 12.06.D only in cases where there is evidence that all of the following conditions are met:
1. There are exceptional or extraordinary circumstances or conditions applying to the property. Exceptional or extraordinary circumstances or conditions include:
    - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
    - b. By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
    - c. By reason of the use or development of the property immediately adjoining the property in question.
  2. The waiver or alteration will not be detrimental to adjacent property and the surrounding neighborhood.
  3. The granting of the waiver or alteration will better serve to achieve the Intent and Purpose of the PUD as described in Section 12.01

## **SECTION 12.07 OFFICE PUD**

It is the purpose of Office PUD's to allow creative and imaginative approaches in the development of research and office elements in the City. The following regulations ensure conservation of the property value through optimum utilization of areas devoted to office use together with protection of the immediate environment.

- A. **Permitted Uses:** The following uses of land or structures may be permitted within an Office PUD.
1. Any "Permitted Use" within the C-4 Districts.
  2. Any "Special Land Uses" within the C-4 Districts when all applicable standards and procedures as stated in Chapter 15 and Section 13.04 respectively, are met.
  3. Research and Development facilities.
  4. Up to 33 percent of the business area for the aforementioned uses can be devoted to storage or prototype development of product.
- B. **Special Land Uses:** Special Land Uses in the C-4 District may be permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 15 are met.
- C. **Development Requirements:**
1. **Minimum Lot Size: Five (5) acres**
  2. **Setbacks and Building Spacing:** Setbacks and spacing between buildings may be varied to meet the objectives and standards of this Section, provided all building and fire codes are met. In no case, shall the required setback from adjacent residential land uses be decreased by more than fifty percent (50%).

3. **Minimum Building Size:** 40,000 square feet
4. **Maximum Building Height:** 50 feet
5. **Parking:** Parking requirements shall be equal to the sum of the parking requirements for all uses proposed. However, where it can be demonstrated by the applicant that due to non-conflicting hours of operation, design of the circulation, and parking plan or any other factor reasonably related to the need for parking, a portion of the parking requirement can be deferred by the Planning Commission.
6. **Traffic Circulation, Operations and Access:**
  - a. Main access points shall be spaced from existing signalized intersections adequately to minimize conflicts with signal operations. If the site has access to a traffic signal or if the main access point has potential to be signalized, the site shall be designed and way-finding signs provided to direct traffic flow to use the signal.
  - b. Interior drives shall provide circulation between uses.
  - c. Any outlots shall use shared driveways and internal access connections rather than separate, individual access points. The Preliminary PUD Plan and PUD Agreement shall clearly describe future access conditions and restrictions.
  - d. Stacking or queuing depth at site access points shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation.
  - e. Additional right-of-way shall be provided to accommodate improvements to the existing arterial roadway system that are planned or required to mitigate traffic associated with the PUD.
  - f. A pedestrian circulation system shall be provided throughout the site, along existing arterials, and to connect the public pedestrian system with building entrances.
  - g. Provision shall be made to accommodate improvements to public transit service, including but not limited to, shelter and stop locations, bus turnout lanes and pedestrian connections.
  - h. The height of buildings shall be limited to the commercial/office district requirements.
7. **Site Design Guidelines:** The following site elements shall be provided:
  - a. An extensively landscaped greenbelt, with an average width of 50 feet and minimum of 30 feet, shall be provided along public streets. Plantings within the greenbelt shall exceed the requirements of Section 19.03 A.. Low, undulating (horizontal and vertical) berms or an architectural feature (decorative stone or brick wall, wrought iron fencing, or combination) may be permitted as an alternative to the trees.
  - b. Site design and landscaping shall diminish the prominence of parking lots as viewed from public streets. Parking lot landscaping shall exceed the amount otherwise required.
  - c. Extensive pedestrian gathering and seating plazas, greenways and tree lined drives shall be within parking lots and throughout the site to provide an inviting pedestrian environment, protection of the pedestrian from vehicular circulation for improved traffic operations and views.
  - d. Other site amenities to create a pedestrian scale environment shall be provided such as bike racks, benches, information kiosks, art, planters or streetscape elements to separate mainline buildings from the parking lots.

- e. Any detention areas with predominant view from the roadway, parking lot, residential dwellings or primary entrances to buildings shall be designed to have a natural appearance, such as: variable shape: natural arrangement of landscape materials; aerated fountains; boulder accent walls; or other similar design features.
  - f. Sign types and materials shall be consistent with the overall architectural design of the PUD. Signs for uses or buildings located in the PUD shall be subject to the sign limitations allowed for uses or buildings of a similar type built in the respective zoning districts, as determined by the Zoning Administrator. In addition, all freestanding signs shall be monument type with a base to match the building materials with landscaping around the sign integrated into the overall landscape plan.
8. **Maintenance and utilities:** For any areas to be held under common ownership, a document showing the future maintenance provisions shall be submitted to the Planning Commission. Where applicable, such provisions shall include mandatory membership of all property owners in any association designed for maintenance of the common area.
9. **Building Height and Architectural Guidelines:** Information on architecture and building design (elevations or perspectives, materials and description of design standards) shall be submitted and comply with the following:
- a. Architecture throughout the development shall be compatible based on a design theme established with the Preliminary PUD Plan and described in the PUD Agreement.
  - b. Compatibility of site use with nearby residential areas must be evidenced and can be determined in relationship to the following criteria:
    - (1) Uses have no harmful or unpleasant effects (noise, odors, fumes, glare, vibration, smoke, vapors and gases, electrical emissions and industrial wastes.)
    - (2) The PUD site has direct access to a collector or arterial street.
    - (3) Appearance is harmonious with adjacent uses. This feature would include but not be limited to landscaping, enclosure of principal and accessory uses, height control, sign control, low profile buildings and architectural controls.
    - (4) The distances separating all proposed uses and buildings from the surroundings are great enough to in fact constitute a buffer.
    - (5) Loading docks and truck maneuvering areas and terminals should be further removed from residential lot lines than the building.
  - c. Buildings shall utilize high quality architecture with variable building lines, peaked roofs or parapet walls, architectural accents, and brick facades.
  - d. The depth of the front building line shall be varied to break up the building massing.
  - e. The predominant material utilized on facades which are visible from a public right-of-way or parking lots shall be brick. Other materials may be used for architectural accents, provided such materials shall have the appearance of wood or cut or cast stone.
  - f. A building or buildings shall face (front facade or side elevation with appearance of a front facade) the intersection of existing arterial streets. The building(s) shall have distinct architecture that creates a prominent landmark at the intersection, with no loading or utility areas that face the intersection. There shall be a landscaped plaza in front of the building or between buildings. Parking is encouraged behind buildings.

- g. The type and amount of building materials utilized shall comply with the following table:

Material	Maximum Percent of Wall to be Covered by Certain Building Materials			
	100	75	50	25
Brick	✓			
Decorative Masonry		✓		
Stone		✓		
Metal, Wood and Vinyl Siding			✓	
Finishes*				✓
* includes dryvit, plaster, stucco or similar materials. Such materials shall not be used where contact with vehicles may occur such as parking areas and traffic ways.				

D. Subject to the provisions of this Section, the City Commission, after recommendation by the Planning Commission, shall have the power to waive or alter the specific provisions of Sections 12.02.C, 12.02.D and 12.07.C only in cases where there is evidence that all of the following conditions are met:

1. There are exceptional or extraordinary circumstances or conditions applying to the property. Exceptional or extraordinary circumstances or conditions include:
  - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
  - b. By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
  - c. By reason of the use or development of the property immediately adjoining the property in question.
2. The waiver or alteration will not be detrimental to adjacent property and the surrounding neighborhood.
3. The granting of the waiver or alteration will better serve to achieve the Intent and Purpose of the PUD as described in Section 12.01

**SECTION 12.08 INDUSTRIAL PUD**

The Industrial PUD is intended to permit and control the development of pre-planned, exclusively industrial areas and research and development centers. It is intended that this type of PUD afford industry reasonable protection from encroachment by retail commercial, residential and other incompatible land uses, and that reasonable protection will be afforded to adjacent uses.

A. **Applicability:** A site may be designated for Industrial PUD provided it meets the following criteria:

1. Direct access to an arterial street.
2. The Industrial PUD shall be located in an area previously master planned for industrial use.
3. Utilities, roads and other essential services must be available for the immediate use of occupants purchasing or leasing sites in the industrial PUD.

B. **Permitted Uses:** The following uses are permitted by right in the Industrial PUD.



1. Any use permitted by right in the I-1 Light Industrial District.
  2. Corporate office buildings.
  3. Research and Development laboratories, offices and facilities for the development of new products and processes.
- C. **Special Land Uses:** The following uses may be permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 15 are met:
1. Special Land Uses in the I-1 Light Industrial district and uses allowed by right in the I-2 General Industrial district.
  2. Vehicle Fuel stations and vehicle rental establishments dealing strictly in passenger vehicles.
  3. Related essential services that are ancillary to the industrial planned development including office equipment and supply sales and personal service establishments which perform personal services on the premises.
- D. **Covenants or Restrictions:** Any private covenants or restrictions applying to the parcels within the Industrial PUD shall be submitted to the Zoning Administrator for review and approval to ensure consistency with the approved PUD agreement.
- E. **Development Requirements:**
1. **Minimum lot and building size:** The following shall apply for minimum lot area and width according to building size:
    - a. Industrial buildings with a gross floor area of ten thousand (10,000) square feet or less shall have a minimum lot size of twenty-five thousand (25,000) square feet and a minimum lot width of one hundred fifty (150) feet
    - b. The minimum lot size for a building greater than ten thousand (10,000) square feet shall be one (1) acre and a minimum lot width of two hundred-(200) feet.
  2. **Minimum Setback Requirements:** The following setback requirements shall be met:
    - a. Front Yard - A front yard of thirty-five (35) feet is required which must be landscaped with grass and shrubbery or trees. For buildings with parking in front, there shall be a front setback of seventy-five (75) feet the front thirty (30) feet of which shall be landscaped.
    - b. Side yard - A side yard shall be no less than ten (10) feet wide with fifty (50) feet of side yard required if it includes parking.
    - c. Rear yard - A rear yard of no less than twenty-five (25) feet shall be required.
  3. **Building Height:** The height of buildings within the PUD shall be determined by the use. I-1 uses shall be limited to I-1 height requirements, I-2 uses shall be limited to I-2 height requirements.
  4. **Outdoor Storage:** All business, services or processing shall be conducted wholly within enclosed buildings with the exception of outdoor contractor's storage yards which must be screened from view from any public street.
  5. **Architectural Design:** Architecture throughout an industrial development shall be compatible based on a design theme established with the Concept Plan and described in the PUD Agreement.

- a. The administrative/office segment of the building shall utilize quality architecture with variable building lines, architectural accents, and brick facades.
- b. The administrative/office portion of the building shall be in the front with an appropriate architectural transition to the warehouse/manufacturing.
- c. Techniques shall be utilized to break up building massing such as windows, varying building lines and landscaping.
- d. The predominant material utilized on facades visible from a public right-of-way or parking lots shall be brick. Other materials may be used for architectural accents, provided such materials shall have the appearance of wood or cut or cast stone.
- e. The type and amount of building materials utilized shall comply with the following table:

Material	Maximum Percent of Wall to be Covered by Certain Building Materials			
	100	75	50	25
Brick	✓			
Decorative Masonry		✓		
Stone		✓		
Wood, Vinyl and Metal Siding			✓	
Finishes*				✓
* includes dryvit, plaster, stucco or similar materials. Such materials shall not be used where contact with vehicles may occur such as parking areas and traffic ways.				

- 6. Sign types and materials shall be consistent with the overall architectural design of the PUD. Signs for uses or buildings located in the PUD shall be subject to the sign limitations allowed for uses or buildings of a similar type built in the respective zoning districts, as determined by the Zoning Administrator.
- F. Subject to the provisions of this Section, the City Commission, after recommendation by the Planning Commission, shall have the power to waive or alter the specific provisions of Sections 12.02.C, 12.02.D and 12.08.E only in cases where there is evidence that all of the following conditions are met:
- 1. There are exceptional or extraordinary circumstances or conditions applying to the property. Exceptional or extraordinary circumstances or conditions include:
    - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
    - b. By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
    - c. By reason of the use or development of the property immediately adjoining the property in question.
  - 2. The waiver or alteration will not be detrimental to adjacent property and the surrounding neighborhood.
  - 3. The granting of the waiver or alteration will better serve to achieve the Intent and Purpose of the PUD as described in Section 12.01

**SECTION 12.09 PRELIMINARY PUD SITE PLAN SUBMITTAL REQUIREMENTS**

The purpose of the Preliminary review is to provide the applicant with a substantive review of the proposed project in order to prepare final site engineering and architecture plans and to execute necessary agreements between the applicant and the City. Fifteen (15) copies of each of the following items shall be submitted by the applicant. (Sheet size of submitted drawings shall be at least 24-inches by 36 inches, with graphics at an engineer's scale):

- A. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- B. A completed application form, supplied by the Zoning Administrator, and an application fee. A separate escrow deposit may be required for administrative or consultant charges to review the PUD submittal.
- C. A traffic impact or environmental assessment, if required, as described in Section 13.02.
- D. A complete draft PUD Agreement for review by the Planning Commission and City Attorney which shall:
  1. Set forth the conditions upon which the approval is sought, with reference to approved Plans and a specific description of all deviations from City regulations which have been requested and approved, and thus do not require approval of the Zoning Board of Appeals. Such deviations shall be clearly listed in tabular form and may include: building and parking lot setbacks, building height, reduction in minimum lot size, reduction in road width, modifications to road geometric design, reduction on required parking, mixture of uses (if applicable), larger or additional signs, or driveways that do not meet the standards of this Ordinance.
  2. Convey in fee or commit otherwise common areas indicated in the PUD plan for use by the residents or the public at large. The use shall be irrevocably dedicated for the useful life of the residences, and retained as open space for park, recreation or other common uses. The transfer of responsibility from the developer to the association shall be clearly defined, to ensure all obligations will be met, or performance guarantees provided, to ensure common areas are left in a usable state.
  3. Set forth a program and financing for maintenance of common areas and features, such as pathways, roads, signs, lighting, landscaping, recreational facilities and stormwater detention facilities. Adequate provision shall be made to insure common areas and features and to indemnify the City.
  4. Assure that trees and woodlands indicated on the plan will be preserved as shown, or replaced on a caliper for caliper basis if damaged or removed during construction.
  5. Assure the construction, improvement and maintenance of all streets and necessary utilities (including public water, wastewater collection and treatment and stormwater) to mitigate the impacts of the PUD project through construction by the developer, bonds or other satisfactory means, for any and all phases of the PUD. In the case of phased PUD's this requirement shall be reviewed at the time of any final site plan approval.
  6. Confirm that variances from the Zoning Board of Appeals cannot be sought for the PUD Plan and describe whether individual landowners are eligible to seek variances in the future, once the PUD project or phase is constructed.

7. Address any other stated concerns of the City regarding construction and maintenance including phasing development plans. Adequate development assurances shall be provided for all proposed phased development.
8. Ensure that the obligations of the PUD are transferred to future buyers and note the process for approval of amendments to the PUD Agreement, including the manner in which affected parties within the PUD must approve the change in addition to the City.
9. Narrative description of architectural treatment/features.
10. Narrative description of the walkability of the PUD (within and to the public walkways)
11. Narrative description of open space features.
12. Narrative description of the relationship between the PUD and the goals of the City Master Plan.

E. Cover Sheet providing:

1. The applicant's name;
2. The name of the development; the preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan;
3. Date of preparation and any revisions;
4. North arrow;
5. Property lines and dimensions;
6. Complete and current legal description and size of property in acres;
7. Small location sketch of the subject site and area within one-half mile; and scale;
8. Zoning and current land use of applicants property and all abutting properties and of properties across any public or private street from the PUD site;
9. Lot lines and all structures on the property and within one-hundred (100) feet of the PUD property lines;
10. Location of any access points on both sides of the street within three-hundred (300) feet of the PUD along arterial streets and within one-hundred (100) feet along other streets where access to the PUD is proposed.

F. A Plan Sheet(s) labeled "Existing Site Conditions", that includes the location of existing buildings and structures, rights-of-way and easements, significant natural and historical features, existing drainage patterns (by arrow), surface water bodies, floodplain areas, wetlands, the limits of major stands of trees and a tree survey indicating the location, species and caliper of all trees with a caliper over six (6) inches, measured four feet above grade. This sheet shall also illustrate existing topography of the entire site at five (5) foot contour intervals and a general description of grades within one-hundred (100) feet of the site. A reduced copy of this sheet(s) should also be included in the Impact Assessment outlined in Section 13.02 of this Zoning Ordinance.

G. A conceptual plan that illustrates how the site could be developed under standard zoning regulations. This alternative plan must meet all the applicable requirements for lot size, setbacks, road and stormwater facilities, etc. The applicant may wish to submit the alternative plan for City review prior to submittal of the overall PUD package to identify where more documentation is needed to support the practicality of the alternative plan, or to obtain acceptance from City staff. The applicant may provide more than one alternative plan as a contrast with the PUD Plan. The alternative, conventional plan, shall be used to determine the base density for PUD projects with a residential component and to evaluate whether the benefits of the PUD Plan are substantial enough to support approval.

H. A Preliminary PUD Site Plan Sheet that includes the following:

1. Preliminary layout of proposed land use, acreage allotted to each use, residential density overall and by underlying zoning district (calculations shall be provided for both overall and net density), building footprints, structures, roadways, parking areas, drives, driveways, pedestrian paths, gathering areas and identification signs
2. Building setbacks and spacing.
3. Parking lot areas, loading areas and setbacks.
4. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees over six-inches in caliper to be retained, and any woodlands that will be designated as "areas not to be disturbed" in development of the PUD. The City may require cross sections that illustrate relationship to natural features and adjacent land uses.
5. A preliminary layout of contemplated storm water drainage, detention pond location, water supply and wastewater disposal systems, any public or private easements, and a note of any utility lines to be removed. A preliminary layout of vegetation and/or grades that will be left undisturbed.
6. Calculations to demonstrate compliance with minimum open space requirements of this Section.
7. Schematic architectural design information that, if approved, will serve as a guideline for approval of future site plan submittals. The City may require elevations, perspectives, color drawings and material descriptions or samples.
8. If a multi-phase Planned Unit Development is proposed, identification of the areas included in each phase. For residential uses, the number, type, and density proposed by phase.
9. Utility Master Plan shall be required based on guidelines provided by the City Engineer. The Utility Master Plan shall show connection points to existing utilities, and concepts for layout, size and phasing of utilities.

#### **SECTION 12.10 STANDARDS FOR APPROVAL OF PRELIMINARY PUD SITE PLAN:**

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Commission may deny, approve, or approve with conditions the proposed planned unit development.

- A. The planned unit development meets the qualification requirements.
- B. A draft PUD Agreement has been submitted and found to meet the standards herein.
- C. In contrast to development under conventional zoning, the proposed PUD shall have a significant beneficial effect in terms of public health, safety and welfare, as described in the sections above.
- D. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment.
- E. The planned unit development is generally consistent with the goals, objectives and land use map of the City's Master Plan.
- F. Be designed, constructed and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

- G. Be served adequately by essential public facilities and services, such as streets, public transit, pedestrian ways, police and fire protection, drainage structures, refuse disposal, water and sewer facilities.
- H. Not create excessive additional requirements at public cost for public facilities and services.
- I. Be developed in accordance with the Objectives of the Planned Unit Development District.
- J. Judicious effort has been used to preserve significant natural and historical features, surface and underground water bodies and the integrity of the land.
- K. Public water and sewer facilities are available or shall be provided for by the developer as part of the site development.
- L. Safe, convenient, uncongested, and well-defined vehicular circulation within and to the site is provided. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
- M. A comprehensive pathway system shall be provided that links all components within the PUD and links the PUD with existing or planned public sidewalk or pathway systems. The pathway system may consist of sidewalks, paved pathways or natural trails, as deemed appropriate by the City.
- N. Common open space shall be provided including natural areas, community greens, community buildings, plazas and recreation areas. The open space and all other elements shall be in an appropriate location, suitably related to each other, site and surrounding lands. The required open space shall be: centrally located and of sufficient size to be usable for recreation; along the road frontage of the development; located to preserve significant natural features; located to connect open spaces throughout the development; or provide a buffer from adjacent land uses. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the City. Grading and utility installation in the open space shall be minimal, with the intent to preserve existing significant topographic features where such resources exist.

Required open space shall be exclusive of all building setbacks or building spacing required under conventional zoning. Perimeter setbacks (including any area that overlaps with building setback) may be counted towards required open space. At least twenty-five percent (25%) of required open space shall be exclusive of ponds, stormwater detention facilities and wetlands.

- O. Any approved deviations from the applicable zoning regulations meeting the intent of this Section.

#### **SECTION 12.11 FINAL PUD SITE PLAN SUBMITTAL REQUIREMENTS:**

The final submittal shall include fifteen (15) copies of each of the following items:

- A. All materials required by Chapter 14 Site Plan Review.
- B. A hydrologic impact assessment describing the existing ground and surface water resources including, but not limited to, a description of the water table, direction of groundwater flow, recharge and discharge areas, lake levels, surface drainage, floodplains, and water quality and the projected impact of the proposed development on such resources, in particular impacts associated with water supply development, wastewater disposal, and storm water management.
- C. A final copy of the approved PUD Agreement.
- D. Any other additional information required by the City to demonstrate compliance with the approved Preliminary PUD Plan, with the Zoning Ordinance and other ordinances, and the City's Master Plan.

### **SECTION 12.12 STANDARDS FOR APPROVAL OF FINAL PUD SITE PLAN**

Based upon the following standards, the Planning Commission may recommend denial, recommend approval, or recommend approval with conditions. The City Commission may deny, approve or approve with conditions the proposed planned unit development.

- A. The Final PUD Plan and associated documents shall be reviewed for consistency with the approved Preliminary PUD Plan, PUD Agreement and associated documents and any conditions required by the City.
- B. The Final PUD Plan and associated documents shall be reviewed in accordance with Chapter 14 Site Plan Review, City Subdivision Regulations, and any other applicable legal requirements.
- C. The Final PUD Plan shall comply with applicable specific regulations outlined in the sections below.
- D. The City may impose additional reasonable conditions to ensure compliance with the standards of this Section, and ensure that public streets, services and facilities will be capable of accommodating increased demands created by the PUD.

### **SECTION 12.13 ADMINISTRATION**

#### **A. Amendments and Deviations from Approved Final PUD Site Plan**

1. **Deviations:** Deviations from the approved Final PUD Site Plan may occur only when an applicant or property owner granted Final PUD Site Plan approval notifies the Zoning Administrator of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change, and receives approval consistent with this section. The request shall be received prior to initiation of any construction in conflict with the approved Final PUD Site Plan.
2. **Procedure:** Within fourteen (14) days of receipt of a request to amend the Final PUD Site Plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as outlined in Section 13.05 (D) 8.

**B. Schedule of Construction**

Final site plan approval of a PUD, PUD phase or a building within a PUD shall be effective for a period of three years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.

**C. Appeals and Violations**

1. Appeals: The Board of Zoning Appeals shall have the authority to hear and decide appeal requests by property owners for variances from the Zoning Ordinance. However, the Board of Zoning Appeals shall not have the authority to change conditions or make interpretations to the PUD site plan or written agreement.
2. Violations: A violation of the PUD plan or agreement shall be considered a violation of this Ordinance. Notwithstanding any other relief available to the City pursuant to this Ordinance or the law, the City Commission may revoke its approval of a PUD plan for a violation of the PUD plan or agreement.

**D. Validity of Existing PUDs**

The site plans of Planned Unit Developments previously approved by the Planning Commission and the City Commission shall remain in effect provided substantial progress has been made in development of approved phases.



## CHAPTER 13 APPLICATION AND REVIEW PROCEDURES

### SECTION 13.01 PURPOSE AND APPLICATION

- A. The provisions of this Chapter describe the general application submittal procedures and review processes for zoning approvals required by this Ordinance. Additional specific information regarding each of the zoning reviews may be found in the Chapters dealing with those reviews.
- B. Compliance with all applicable City, State, or federal licensing ordinances and laws applicable to any use approved through the provisions of this Chapter and this Ordinance is required.

### SECTION 13.02 IMPACT STUDIES

- A. The City may require a Development Impact Assessment, or Traffic Impact Assessment or Study of the potential impact of any development encompassing a total of five (5) acres or more for site plan review, Special Land Use review, or rezoning. The assessments will be in conformance with the requirements of B and C, below and prepared by persons qualified by education and experience.
- B. Development Impact Assessment:
  - 1. A Development Impact Assessment may be required to permit the City to determine the potential impact of the proposed development on:
    - a. municipal services (fire, police, sewer, water, library, roads, solid waste disposal and parks),
    - b. natural environment (soils, wildlife, vegetation, stormwater, air and water quality and natural water courses)
    - c. adjacent land uses (noise, property values and compatibility in bulk, height, design and open space).
  - 2. The Development Impact Assessment will contain information adequate to allow a determination as to the overall effect of the proposed development on the area affected by the proposed development and to the City as a whole. The Zoning Administrator shall, upon consultation with the Staff Review Team, determine the level of detail and the elements required in the Development Impact Assessment. The extent to which the development conforms with the City's Master Plan shall be considered in determining the necessity and elements of the Development Impact Assessment as well as the level of required detail.
  - 3. The Planning Commission or City Commission, upon review of the submitted Development Impact Assessment, may require additional information it deems necessary to adequately assess the overall effect of the development.

### C. Traffic Impact Assessment, Traffic Impact Study

1. The level of detail required for either a Traffic Impact Assessment or Study is based upon the expected amount of traffic to be generated by the proposed use, based on generally accepted traffic engineering sources such as the Michigan Handbook "Evaluating Traffic Impact Studies."
2. **Traffic Impact Assessment:** A traffic impact assessment shall be required for projects expected to generate either between 50-99 directional trips during peak hour traffic or 500-750 directional trips during a typical day. The assessment shall evaluate current and future inbound and outbound traffic operations at site access points and shall support and describe proposed access design and other mitigation measures that will positively affect traffic operations at these points.
3. **Traffic Impact Study:** A traffic impact study shall be required for projects expected to generate either 100 or more directional trips in the peak hour or over 750 trips on an average day. The impact study shall evaluate current, background and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site. The impact study must also describe and support proposed access design and other mitigation measures that will positively affect traffic operations at the site and nearby intersections. The impact study shall evaluate pedestrian access, circulation and safety. The Traffic Impact Study must take into account the Master Plan in analyzing future traffic developments.

## SECTION 13.03 ZONING ORDINANCE AMENDMENTS

### A. Initiation of Amendments

1. Either the City Commission or the Planning Commission may, at any time, initiate amendments to the map or text of this Zoning Ordinance.
2. Any property owner or holder of a valid option to purchase (with written permission from the property owner) may request an amendment to this Zoning Ordinance. An application for a rezoning shall be submitted through the Zoning Administrator. The application shall consist of the following:
  - a. An application form, completed in full by the applicant.
  - b. Fifteen(15) copies of a land plan portraying the following information: north arrow; scale (not more than 1"=100'); name/address of firm who prepared land plan; name/address of property owner; location sketch to scale; property size in acres; all lot and/or property lines with dimensions; location of existing structures within one hundred (100) feet of property boundaries; existing zoning of all abutting properties; location and size of any established flood plain areas, bodies of water, wetlands areas and other unbuildable areas; and contours, a maximum of five (5) foot intervals.
  - c. One (1) letter sized reduction of the land plan.
  - d. Payment of a fee as established by the City Commission.
  - e. Legal and common/popular property description in writing and in electronic form.

### B. Public Hearing

1. All amendments to this Ordinance, both with reference to the text or the zoning of the land as appears on the zoning map, shall be made in the manner provided in the Zoning Act.

2. The Planning Commission and City Commission shall each cause notice of hearing on any proposed amendment changing the zoning classification of any parcel of any land to be served in the manner required by the Zoning Act. (Michigan Zoning Enabling Act, PA 110 of 2006)

C. **Guidelines for Amendment of the Official Zoning Map:** In considering any proposed amendment to the Official Zoning Map, the Planning Commission shall consider the following as a guide in making its findings, recommendations and decision:

1. Consistency with the goals, policies and future land use map of the Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area;
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district;
3. The applicant's ability to develop the property with at least one (1) of the uses permitted under the current zoning;
4. The 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, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;
5. Whether the City's infrastructure and services are sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the City;
6. Where a rezoning is reasonable given the above guidelines, a determination that the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.

D. **Resubmittal:** No petition for rezoning which has been disapproved by the City Commission shall be resubmitted for a period of one (1) year from the date of disapproval, unless the Zoning Administrator finds the existence of new and significant facts or conditions which might result in favorable action upon resubmittal.

#### **SECTION 13.04 SPECIAL LAND USES**

A. **Applications:** An application for a Special Land Use shall be submitted through the Zoning Administrator. The application shall be transmitted to the Planning Commission for review and shall consist of the following:

1. An application form, completed in full by the applicant, including a statement by the applicant describing the application's compliance with the applicable review standards of Chapter 15 and a detailed description of the proposed use.
2. A completed site plan, in sufficient folded copies, as specified in Chapter 14. The site plan review associated with a special land use request shall encompass the entire site on which the proposed use is to be located.
3. One (1) letter sized reduction of the site plan.
4. Payment of a fee as established by the City Commission, unless the Special Land Use is to be located entirely within an existing building, in which case, no fee is required.

B. **Joint Submittal:** If necessary, applications for rezonings and Special Land Uses may be submitted jointly. The procedures, standards, and specifications for each shall be followed as specified in this Chapter and other applicable Chapters of this Ordinance.

- C. **Wireless Communication Towers:** The Zoning Administrator shall conduct Special Land Use review and approval of Wireless Communication Towers if it involves a site designated as a preferred tower site in the Wireless Communication Plan of the Master Plan. The Planning Commission shall review all other Wireless Communication Tower applications.
- D. **Offices in Industrial:** The Planning Commission Shall conduct Special Land Use and Site Plan Review of all office buildings or office uses congregate within a building of 50,000 square feet or more.
- E. **Short Term Open Air Business:** Short Term Open Air Businesses shall be considered a permitted accessory use in all non residential zone districts subject to the review and approval of the Zoning Administrator consistent with Chapter 26, Article 5 of this Code of Ordinances.
- F. **Service of Alcoholic Beverages:** An Administrative Review Team consisting of the police chief, the city clerk, and the community development director, or their designees, shall conduct a Special Land Use and Site Plan Review public hearing of any new establishments as well as any existing establishment seeking a license for the sale or consumption of beer, wine, or alcoholic beverages on-premises. Notice of the public hearing shall be served in the manner required by the Zoning Act. The Administrative Review Team shall make recommendations to the city commission whether the proposed special land use and accompanying site plan meet the criteria of the city codes and should be approved. The recommendations may include conditions on any recommended approval that would be incorporated into a development agreement between the applicant and the city. The city commission shall determine whether to deny, approve, or approve with conditions the special land use and site plan review.

#### G. Public Hearing

1. The Planning Commission shall hold a public hearing to consider Special Land Use applications subject to their review.
2. A notice of public hearing shall be served in the manner required by the Zoning Act.
3. Failure to notify a party or an address not listed in city records shall not jeopardize compliance with this section.

#### H. Special Land Use Decisions

1. Before approval of any Special Land Use application, the General Standards of Section 15.02, in addition to those specific standards established for each use in Section 15.03 shall be satisfied.
2. Additional conditions and safeguards may be stipulated as deemed necessary for the general welfare, for the protection of individual property rights, and as reasonably necessary to ensure that the intent and objectives of this Ordinance will be observed.
3. Special Land Use/Site Plan Reviews conducted by the Zoning Administrator must be preceded by a notice published in a newspaper of general circulation and sent or delivered to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all buildings within three hundred (300) feet. Should the applicant or an adjacent property owner or occupant request a public

hearing within ten (10) days of the date of the notice, staff shall schedule the public hearing consistent with Section 13.04.F.2-4.

4. The breach of any condition, safeguard, or requirement shall be considered as a violation of the Special Land Use approval. The Planning Commission, following notice to the property owner, shall have the authority to revoke any Special Land Use if the applicant fails to comply with any of the applicable requirements in this Chapter or any other applicable sections of this Ordinance.
  5. Special Land Uses granted pursuant to this Chapter shall be valid for one (1) year from the date of approval. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Zoning Administrator shall notify the applicant in writing of the expiration of approval for the Special Land Use.
  6. Special Land Uses granted and established pursuant to this chapter shall terminate with the approval and establishment of an intervening permitted or special land use on the same site.
  7. A single one (1) year extension may be granted by the Planning Commission, if applied for in writing prior to the date of expiration on the Special Land Use approval. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, including any extensions, the special land use approval will expire. Expired Special Land Uses must be resubmitted for Planning Commission approval.
- I. **Resubmittal:** No petition for a Special Land Use which has been disapproved by the Planning Commission shall be resubmitted for a period of one (1) year from the date of disapproval, unless the Zoning Administrator finds the existence of new and significant facts or conditions which might result in favorable action upon resubmittal.

## **SECTION 13.05 SITE PLAN REVIEW**

### **A. Applications**

1. An application for Site Plan Review shall be submitted through the Zoning Administrator on a special form for that purpose.
2. The application shall consist of the following:
  - a. A special form shall be completed in full by the applicant as well as a general overview of the proposed use.
  - b. Fifteen (15) folded copies of a completed site plan as specified in Chapter 14, including any additional or related information required by the Planning Commission.
  - c. Each application shall be accompanied by the payment of a fee as established by the City Commission.

### **B. Staff Review**

1. Except for those plans exempted in Section 14.02, B, any site plan not reviewed by the Planning Commission or City Commission is subject to review by the Staff Review Team. The Staff Review Team shall consist of the Zoning Administrator, Fire Chief, and City Engineer, or their respective designees. The Staff Review Team may consult with other City staff members if, in the discretion of the Staff Review Team, such input would materially assist in the review of a proposed site plan. The Zoning Administrator shall serve as chair of the Staff Review Team.
2. Site plans reviewed by the Staff Review Team shall contain the information required by Section 14.04. Three (3) copies of all plans shall be submitted.

3. No final decision regarding a site plan shall be made until all members of the Staff Review Team are afforded an opportunity to review and comment on the plan. The members of the Staff Review Team shall submit, in writing, any and all conditions that would warrant approval of the site plan or alternatively reasons for denial of the site plan. The basis for conditions or reasons for denial shall be specified. By majority vote, the Staff Review Team shall either approve, with or without conditions, or deny the site plan. In the case of a tie vote by the Staff Review Team, the site plan shall be sent to the Planning Commission at its next regular meeting for final disposition.
4. Prior to a vote by the Staff Review Team, the Zoning Administrator may elect to submit any site plan to the Planning Commission for its review, in accordance with the procedures of Section 13.05 C., if the Zoning Administrator determines that the proposed site plan may have a significant effect on either the surrounding area or the City as a whole.
5. Any person aggrieved by the approval or denial of a site plan by the Staff Review Team shall have the right to request the submission of the site plan to the Planning Commission for review. In such circumstances, the Planning Commission's review shall be conducted in accordance with the procedures contained in Section 13.05 C. The Planning Commission shall affirm or reverse the decision of the Staff Review Team, stating its findings and the reasons for its action. A written copy of the Commission's findings, reasons and actions shall be provided to the applicant.

#### **C. Planning Commission Review**

1. The Zoning Administrator shall cause the application to be placed on the agenda of the Planning Commission. The Planning Commission shall set a date for consideration of the Site Plan Review at its regular meeting.
2. Following the establishment of the date a work session shall be held on the proposal before consideration at the next regular meeting.
3. When considering site plans pursuant to Section 13.05, C, notice of public hearing shall be served in the manner required by the Zoning Act for other public hearings.

#### **D. Site Plan Review Decisions**

1. The Planning Commission, City Commission, Staff Review Team and Zoning Administrator, as applicable, shall have the responsibility and authority to approve, disapprove, or approve subject to conditions a site plan submitted and reviewed in accordance with this Ordinance.
2. The Planning Commission, City Commission, Staff Review Team and Zoning Administrator, as applicable, shall utilize the Review Standards of Section 14.04 in reviewing all site plans. These standards are also intended to provide a frame of reference for the applicant in the preparation of site plans. These standards shall not be regarded as inflexible requirements nor are they intended to discourage creativity, invention or innovation.
3. When approved by the Planning Commission, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Secretary of the Planning Commission. When a variance is also involved, these two (2) copies shall also bear a dated signature of the Chairman of the Board of Appeals. One of these two (2) approved copies shall be kept on file and the other approved copy shall be returned to the petitioner or his designated representative.

**E. Subdivisions:** In those instances in which Act 288, Public Acts of 1967, as amended, the

Land Division Act, is involved, the owner shall apply for and obtain Site Plan approval. Thereafter, the proprietor shall submit the preliminary and final plats to the proper officer in conformance with Act 288, and in accordance with all other applicable codes, acts and ordinances. The plats shall remain in conformance with the approved Site Plan.

**F. Site Condominium Project Review:** In those instances where a parcel is to be developed under Act No. 59, Public Acts of 1978, as amended, the owner shall apply for and obtain Site Plan approval through the Kentwood Planning Commission, in accordance with all other applicable codes, acts, and ordinances.

#### **G. Appeals of Site Plan Review Decisions**

1. Any interested person aggrieved by a site plan review decision of the Planning Commission may appeal that decision in writing to the City Commission. The appeal shall be filed with the City Clerk within ten (10) days after the date of the decision appealed.
2. The City Commission shall fix and notify the appellant of a time and place for a public hearing to be published in a newspaper of general circulation in the City not less than fifteen (15) days prior to the hearing. All interested parties shall be afforded the opportunity to be heard. Informal procedural and evidentiary rules shall govern the appeal.
3. After the hearing, the City Commission shall affirm or reverse the action of Planning Commission, stating its finding and the reasons for its action and a written copy of the findings, reasons and actions shall be given to the appellant. The decision of the City Commission shall be based on the record prepared before the Planning Commission.
4. An appeal under this section shall stay all administrative and enforcement action relative to the matter that is the subject of the appeal, absent a determination by the City Commission that a stay would otherwise not be in the interest of the public health, safety or welfare.

#### **H. Period of Validity**

1. A Site Plan approval granted pursuant to this Ordinance shall be valid for one (1) year from the date of approval.
2. A single one (1) year extension may be granted by the Planning Commission, if applied for in writing prior to the date of expiration of the site plan approval. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, including any extensions, the site plan approval will expire. Expired Site Plans must be resubmitted for Planning Commission approval.
3. After the permitted approval time has elapsed, including any extensions as provided in this Chapter, the site plan, if not exercised and substantial construction has not commenced and proceeded in a meaningful manner, shall become null and void.

#### **I. Changes in an Approved Site Plan**

1. Major changes to the approved final Site Plan shall be applied for by the applicant to the Zoning Administrator and processed in the same manner as the original Site Plan Review. Any major changes approved in the final site plan shall be recorded with the site plan and shall bear the signature of the Planning Commission Secretary and the date of the approval.

2. Any change not considered a minor change, shall be considered a major change. The Zoning Administrator may approve minor changes. The approved changes shall be noted on the site plan and bear the signature of the Zoning Administrator. Minor changes shall include the following:
  - a. Increase in the building size, up to twenty percent (20%) in total floor area.
  - b. Movement of buildings or other structures by no more than twenty (20) feet.
  - c. Replacement of plant material specified in the landscape plan with comparable materials of an equal or comparable size.
  - d. Changes in floor plans that do not alter the character of the use or require an increase in parking requirements.
  - e. Changes required or requested by the City, or other County, State, or Federal regulatory agency in order to conform to other laws or regulations.
3. No changes are to be considered as a waiver of conditions or covenants, and all rights to enforce the conditions or covenants against any changes permitted by this Ordinance are expressly reserved.

## **SECTION 13.06 PLANNED UNIT DEVELOPMENT**

### **A. Pre-Application Conference**

Before submitting an application for approval of a PUD rezoning, or approval of a Preliminary or Final Site Plan, the applicant shall confer in a joint meeting with the Zoning Administrator, City Planner and City Engineer to obtain information and guidance regarding land development regulations, the City's Master Plan and the application process. At the pre-application conference, the applicant may submit a Concept Plan and written statement of the benefits of the proposed PUD. No formal action shall be taken at the pre-application conference and any discussion shall not be determined as a final decision on the part of the city or the applicant. The Concept Plan shall contain at a minimum:

1. A sketch plan of the proposed PUD;
2. A legal description of the property;
3. The total number of acres in the project;
4. A statement of the approximate number of any residential units;
5. The approximate number of acres to be occupied by each type of use;
6. The general deviations from the Ordinance regulation to be sought;
7. The numbers of acres and percentage of land to be preserved as open or recreational space; and
8. The natural or other features to be preserved.

### **B. City Initiated PUD Rezoning**

1. For a City initiated PUD rezoning, a PUD Concept Plan as outlined in Section 13.06A showing the entire PUD area must be submitted to the Planning Commission for review. The Concept Plan must include a narrative describing the concept as it relates to the Master Plan and the intent and purpose of the PUD sought.
2. Planning Commission Review:
  - a. The Planning Commission shall conduct a public hearing.



- b. The Planning Commission shall review the PUD Concept Plan and rezoning application to determine its conformance with the Master Plan and the Intent and Purpose and Qualifying Conditions for a Planned Unit Development, as described in Section 12.01 and Section 12.02 and the requirements of Chapter 12 for the type of PUD under consideration.
  - c. Following the public hearing, the Planning Commission shall recommend to the City Commission approval, denial, or approval with conditions of the PUD Concept Plan and PUD rezoning.
3. After receipt of the recommendation of the Planning Commission, the City Commission shall review the PUD Concept Plan and rezoning application, and the recommendation of the Planning Commission and shall make its finding as to denial, final approval or approval with conditions. Approval by the City Commission will constitute approval of the rezoning to the appropriate PUD District.

#### **C. PUD Rezoning and Preliminary PUD Plan Review:**

1. For approval of a PUD rezoning not initiated by the City, or if the property has previously been rezoned to PUD, an application for a PUD Preliminary Plan showing the entire PUD area may be submitted to the Planning Commission for review.
2. The Preliminary PUD Plan shall include all information outlined in Section 12.09.
3. Planning Commission Review
  - a. The Planning Commission shall conduct a public hearing.
  - b. The Planning Commission shall review the Preliminary PUD Plan (which includes associated materials including the PUD Agreement) and rezoning application to determine its conformance with the City's Master Plan and the Intent and Purpose and Qualifying Conditions for a Planned Unit Development, as described in Section 12.01 and Section 12.02, the review standards of Section 12.10, and the requirements of Chapter 12 for the type of PUD under consideration.
  - c. Following the public hearing, the Planning Commission shall recommend to the City Commission approval, denial, or approval with conditions of the Preliminary Plan and PUD rezoning.
4. After receipt of the recommendation of the Planning Commission, the City Commission shall review the Preliminary Plan and rezoning application, and the recommendation of the Planning Commission and shall make its finding as to denial, final approval or approval with conditions. Approval by the City Commission will constitute approval of the rezoning to the appropriate PUD District.

#### **D. Final PUD Plan Review**

1. A Final PUD Plan shall be submitted within twelve (12) months of approval of a Preliminary PUD Plan by the Planning Commission. Failure to submit the Final PUD Plan within this period will cause the Preliminary PUD Plan approval to lapse.
2. If the PUD is to be built in phases, a Final PUD Plan shall be required before the approval of each phase.
3. A Final PUD Plan shall consist of the material outlined in Section 12.11 and its period of validity consistent with Section 13.05.H.
4. The Planning Commission shall conduct a public hearing in accordance with the requirements of the Zoning Act. Following the public hearing, the Planning Commission

shall approve, deny, or approve with conditions the Final PUD Plan. This determination shall be based on the standards for approval contained in Section 12.12. Final PUD plans that represent a major change to the Preliminary PUD plan must be subsequently approved by the City Commission.

**E. City Commission Review of Major Changes**

1. After receipt of the recommendation of the Planning Commission, the City Commission shall review Major Changes to the Final PUD Plan and shall make its finding as to denial, final approval or approval with conditions of the Major Change to the Final PUD Plan.
2. The approval of the Major Change to the Final PUD Plan, including any conditions, agreements, or other conditions attached thereto, shall constitute an amendment to the PUD Ordinance, approved as part of the PUD rezoning.
3. Following the approval of the City Commission of the amendment to the PUD rezoning, a completed Final Site Plan incorporating the conditions shall be presented to the Zoning Administrator. No building permit shall be issued until the Zoning Administrator has received the modified Final Site Plan.

**F. Other Requirements:** After approval of the Final PUD Plan, the following conditions shall apply where applicable.

1. Where the provisions of Act 288, Michigan Public Acts of 1967, as amended, the Land Division Act, shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other local procedures or regulations pertaining to platting approval.
2. The City Commission shall cause to have legal documents prepared which involve the City and are required as a result of the conditions contained in the Final PUD Plan approval. All documents shall be recorded in the office of the Kent County Register of Deeds.
3. The Zoning Administrator shall inspect the development at each stage to ensure compliance with the Final PUD Plan and the approved schedule of improvements.
4. Conditions to the approved Final PUD Plan shall be treated in accordance with the requirements of Section 12.13A.
  - a. Any major changes approved in the Final PUD Plan approved by the City Commission shall be recorded with the site plan and shall bear the signature of the City Clerk and the date of the approval.
  - b. No changes are to be considered as a waiver of conditions or covenants, and all rights to enforce the conditions or covenants against any changes permitted by this Ordinance are expressly reserved.

**G. Resubmittal:** No petition for a PUD rezoning which has been disapproved by the City Commission shall be resubmitted for a period of one (1) year from the date of disapproval, unless the Zoning Administrator finds existence of new and significant facts or conditions which might result in favorable action upon resubmittal.

**SECTION 13.07 ZONING BOARD OF APPEALS****A. Applications**

1. An application for any review by the Zoning Board of Appeals shall be submitted through the Zoning Administrator. The application shall consist of the following:
  - a. An application form completed in full by the applicant, including a statement by the applicant describing the application's compliance with the applicable review standards for the decision required by the Zoning Board of Appeals.
  - b. Ten (10) copies of an accurate, scaled site plan with enough information to clearly indicate the nature of the issue being considered. The Zoning Administrator shall determine the completeness of the plans.
  - c. Each application shall be accompanied by the payment of a fee as established by the City Commission.
2. The application together with all required data shall be transmitted to the Zoning Board of Appeals.

**B. Public Hearing**

1. When an application or appeal has been filed in proper form and with the required data, the Board shall place or cause the application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served.
2. These notices shall be served in the manner required by the Zoning Act. Any party so notified may appear at the hearing in person or by agent or by attorney.
3. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information, or to cause further notice as it deems proper to be served upon other property owners as it decides may be interested in the application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of the hearing unless the Board so decides.

**C. Zoning Board of Appeals' Decisions**

1. **Non-use Variances:** A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is evidence of practical difficulty in the official record of the hearing and that all of the Review Standards of Section 21.04(B) are met.
2. **Appeals**
  - a. Any person or any governmental department affected or aggrieved by any ruling of the Zoning Administrator, Building Inspector, or other administrative official administering any portion of this Ordinance may appeal the ruling.
  - b. Appeals, accompanied by a fee set by the City Commission, shall be filed with the Zoning Administrator, who shall transmit the same, together with all plans, specifications and other papers pertaining to the appeal to the Zoning Board of Appeals.
  - c. Appeals brought by any City governmental departments or personnel, acting in his official capacity shall not require payment of this fee.

- d. An appeal to the Board shall stay all proceedings in furtherance of the action appealed from, unless the office or body from whom the appeal is taken certifies to the Board of Appeals after notice of appeal shall have been filed with him that by reason of fact stated in the certificate, a stay would cause imminent peril to life or property.
  - e. Appeals from other City ordinances will be processed according to their specified appeals procedures.
3. In authorizing a variance or deciding an appeal, the Board may, in addition to the specific conditions of approval called for in this Ordinance, attach other conditions regarding the location, use, character, landscaping, site improvements or treatment reasonably necessary to insure compliance with the required standards of review, further the intent and spirit of this Ordinance, or protect the public interest.
  4. The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon, unless the applicant and the Board agree to an extension. A copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning Administrator and Building Inspector. The decision shall be binding upon these officials.
  5. The Building Inspector shall incorporate the terms and conditions of the decision in the issuance of any permit required by the City to the applicant or appellant.
6. Period of Validity
    - a. If the Board grants a variance to an appellant, the variance shall be exercised within one (1) year from the date of the approval, unless more time is specifically granted by the Board.
    - b. A single one (1) year extension may be granted by the Board, applied for in writing prior to the date of expiration of approval of the variance.
    - c. After the permitted approval time has elapsed, including any extensions as provided in this Chapter, the variance, if not exercised and substantial construction has not commenced and proceeded in a meaningful manner, shall become null and void.
    - d. Once executed the approval, with any associated conditions, runs with the land.
- D. **Decisions Final:** The decision of the Board of Appeals shall be final, however, any person having an interest affected by any decision shall have the right of appeal to the Circuit Court as provided by law.
- E. **Resubmittal:** No application which has been disapproved by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of disapproval, unless the Zoning Administrator finds the existence of new and significant facts or conditions which might result in favorable action upon resubmittal.

### SECTION 13.08 REVIEW STANDARDS

In all cases where the City Commission, Zoning Administrator, Staff Review Team, Planning Commission or Zoning Board of Appeals is required to make a decision under this Ordinance, the following standards shall be relied upon by such body, in addition any standards which may be specifically required for a particular approval type:

- A. Whether or not the request reasonably preserves the health, safety, and welfare of the

public, and is in harmony with the general purpose and intent of this Ordinance.

- B. Whether or not the request is generally consistent with the Master Plan and provisions of this Ordinance that are designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers.
- C. Whether or not the request will unduly interfere with the provision of adequate light and air, cause an overcrowding of land, or cause an undue concentration of population.
- D. Whether or not the request will unduly interfere with or adversely affect traffic patterns and streets, water supply, wastewater collection and disposal systems, park and recreational facilities and other public services.
- E. Whether or not the request may have a substantial and permanent adverse effect on neighboring property.
- F. Whether or not the request may have a tendency to create any type of blight within the immediate area.
- G. Whether or not the request is generally aesthetically compatible with its surroundings.

## **CHAPTER 14 SITE PLAN APPLICATION**

### **SECTION 14.01 INTENT AND PURPOSE**

The required site plan information and review criteria contained in this Chapter are intended to provide a consistent and uniform method by which to review proposed development plans. Requiring consistent information will ensure that each plan is in full compliance with standards contained in this Ordinance, other applicable local ordinances, standard engineering practices, and county, state and federal rules and laws, as applicable. The site plan review criteria set forth in this Chapter are intended to coincide with and enhance the requirements of this Ordinance in order to:

- A. Achieve efficient use of the land;
- B. Ensure high quality site design;
- C. Promote safe and efficient motorized and non-motorized circulation;
- D. Protect natural resources;
- E. Minimize adverse impacts on adjoining or nearby properties; and
- F. Ensure proper redevelopment and improvements to existing sites.

### **SECTION 14.02 USES SUBJECT TO SITE PLAN REVIEW**

- A. A site plan shall be furnished in the following circumstances for review and approval by the Planning Commission, Staff Review Team or City Commission, as applicable in accordance with the provisions of this Chapter and Chapter 13:
  - 1. Permitted Uses in R-3, R-4 and R-5.
  - 2. Special land uses in any zoning district.
  - 3. Condominium or Site Condominium projects
  - 4. Planned Unit Developments
  - 5. Platted Subdivisions
  - 6. Municipal and Public Service Activities
  - 7. Manufactured Housing Communities
  - 8. Single and Two Family Dwellings
- B. The following uses and structures shall be subject to approval by the Zoning Administrator. The review shall ensure that the proposed uses and structures conform to the applicable setbacks, yards, parking and other specific Zoning Ordinance requirements.
  - 1. Temporary buildings and uses
  - 2. Accessory uses or structures
  - 3. Individual manufactured home sites

### **SECTION 14.03 PROCESS**

When a site plan review is required, as stipulated in Section 14.02 above, the applicant shall follow the site plan review process as described in Chapter 13 Zoning Approval Application and Review Procedures.

**SECTION 14.04 SITE PLAN INFORMATION REQUIREMENTS**

The following information shall be included with and as part of the site plan submitted for review. Each category of site plan items shall be included on a separate sheet. The Planning Commission shall not review incomplete applications. Where circumstances warrant the Zoning Administrator or Planning Commission has the discretion to eliminate or add to any of the following items as required information or may allow the information to be organized differently than as listed below.

REQUIRED SITE PLAN DATA	Prelim Site Plan	Final Plan
<b>A. All Sheets</b>		
All sheets shall be drawn to an engineer's scale of not less than 1 inch = 50 feet for a site less than 3 acres, or 1 inch = 100 feet for a site of 3 acres or more. Sheet size should be at least 24 x 36 inches. For large developments shown in sections on multiple sheets, an overall composite sheet shall be included.	●	●
Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year)	●	●
Scale and north-point	●	●
Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared drawings	●	●
<b>B. Project and Site Data</b>		
Written project description, including proposed use, building(s) and site improvements	●	●
Location map with north-point, showing surrounding land, and streets within a quarter mile	●	●
Legal and common description of property	●	●
Zoning classification of petitioner's parcel and all abutting parcels	●	●
Proximity to major thoroughfares	●	●
Net acreage (minus rights-of-way) and total acreage	●	●
<b>C. Site Analysis</b>		
Survey of existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site	●	●
Surrounding zoning	●	●
Location of existing drainage courses, floodplains, lakes and streams, and wetlands with elevations	●	●
Surface drainage flows including high points, low points and swales		●
All existing easements	●	●
Existing roadways and driveways within 100 feet of the site	●	●
Existing sidewalks and non-motorized pathways		●
<b>D. Site Plan Details</b>		
Proposed lot lines, lot dimensions, property lines and setback dimensions	●	●
Building, structure, parking and driveway improvements	●	●
Proposed easements	●	●
Location of exterior lighting (site and building) in accordance with Chapter 20		●
Location of trash receptacle(s) and transformer pad(s) and method of screening		●

Required Site Plan Data	Prelim	Final
<b>E. Access and Circulation</b>		
Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements	●	●
Cross section details of proposed roads, driveways, parking lots, sidewalks and non-motorized paths illustrating materials and thickness		●
Dimensions of acceleration, deceleration, and passing lanes		●
Dimensions of parking spaces, islands, circulation aisles and loading zones	●	●
Calculations for required number of parking and loading spaces	●	●
Designation of fire lanes		●
Traffic regulatory signs and pavement markings		●
Location of existing and proposed sidewalks/pathways within the site or right-of-way	●	●
Traffic Impact Study, Where Required	●	●
<b>F. Building and Structure Details</b>		
Location, height, and outside dimensions of all proposed buildings or structures	●	●
Building floor area by use (e.g. office, retail, warehouse) and total floor area	●	●
Location, size, height, and lighting of all proposed site and wall signs		●
Location and type of obscuring wall(s) or berm(s) where required	●	●
Location, type, size, height and material of construction for all obscuring wall(s) or berm(s) with cross-sections, where required		●
Building facade elevations for all sides, drawn at an appropriate scale		●
Description of exterior building materials and colors (samples may be required)		●
<b>G. Drainage, Soil Erosion and Sedimentation Control</b>		
Location and size of existing and proposed storm sewers; and retention and detention ponds	●	●
Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls		●
Stormwater drainage and retention/detention calculations		●
Indication of site grading, drainage patterns and stormwater management measures		●
Soil erosion and sedimentation control measures		●
Existing and Proposed contours	●	●
<b>H. Utilities</b>		
Location of sanitary sewers and septic systems, existing and proposed	●	●
Location and size of existing and proposed water mains, well sites, water service and fire hydrants	●	●
<b>I. Additional information required for Residential Developments</b>		
The number and location of each type of residential unit (1 bedroom units, 2 bedroom units, etc.)	●	●
Density calculations by type of residential unit (dwelling units per acre)	●	●
Garage and/or carport locations and details, if proposed	●	●
Location, dimensions and elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable		●
Swimming pool fencing detail, including height and type of fence, if applicable		●
Location and size of recreation and open space areas	●	●
Indication of type of recreation facilities proposed for recreation area	●	●
For condominium projects, Master Deed and Bylaws		●



<b>J. Landscape Plan (See Chapter 19)</b>		
Description of methods to preserve existing plant materials		●
The location of existing and proposed landscaped areas	●	●
Location and type of all proposed shrubs, trees, and other live plant material	●	●
Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity		●
Table demonstrating compliance with all landscaping calculation requirements that lists required and proposed amount of plantings		●
Proposed dates of plant installation		●
<b>K. Lighting Plan (See Chapter 20)</b>		
Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations	●	●
Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in foot-candles)		●
Specifications, graphic depiction, and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding		●
Use of the fixture proposed	●	●

**SECTION 14.05 SITE PLAN REVIEW STANDARDS**

Site plan approval shall be granted only if the site plan meets all applicable standards set forth by law, in this Ordinance and the general criteria outlined below:

- A. **Adequacy of Information:** The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed use(s) and structure(s). All sheets must be consistent.
- B. **Site Design Characteristics:** All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal, safe, secure and orderly development or improvement of surrounding property for uses permitted under this Ordinance. The site shall be designed to conform to all provisions of this Ordinance. Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of this Ordinance related to the of redevelopment, as determined by the Planning Commission.
- C. **Buildings:** Buildings and structures shall meet or exceed setback standards, height and other dimensional standards, and be placed to preserve environmentally sensitive areas. Redevelopment of existing structures shall meet or exceed all standards for which a variance has not been obtained.
- D. **Architecture:** With the exception of single and two family dwellings, all proposed development subject to site plan approval shall comply with the following architectural guidelines:
  - 1. The applicant shall use quality architecture to ensure that buildings are compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously into the streetscape, and maintain a positive image for the City.

2. Building and sign materials and colors shall relate well and be harmonious with the surrounding area. Subtle colors should be used for building and roofing material.
  3. Buildings shall possess architectural variety, but enhance the overall cohesive community character. The scale and proportion of existing structures in the area should be considered. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape.
  4. Any side of a building facing a public or private road shall be covered with, or constructed of, at least fifty percent (50%) of the following materials:
    - a. Brick
    - b. Decorative concrete block
    - c. Cut stone
    - d. Windows
    - e. Other materials approved as part of the site plan.
  5. Architectural features of the buildings shall include details and ornaments such as archways, colonnades, cornices, peaked roof lines or towers.
  6. Building walls over one hundred (100) feet in length shall be broken up with varying building lines, windows, architectural accents and trees. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place. Unless immediately adjacent to a residential zoning district or premises used residentially, the sides of industrial warehouse or manufacturing buildings that do not face a public or private street shall be exempted from this requirement.
- E. Preservation of Natural Systems:** The landscape shall be preserved in its natural state by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Insofar as practical, existing site natural features and topography shall be incorporated into the proposed site design.
- F. Privacy:** The site design shall provide reasonable visual and sound privacy for dwelling units located therein and adjacent thereto. Fences, walks, barriers, buffers and plantings shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.
- G. Emergency Vehicle Access:** All buildings or groups of buildings shall be arranged so as to permit practicable emergency vehicle access consistent with other City ordinances.
- H. Ingress and Egress:** Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets. The number, design, and location of access driveways and other provisions for vehicular circulation shall comply with current City standards. Shared curb cuts and service drives shall be utilized as necessary to reduce traffic conflicts and improve the functionality of the site.

- I. **Non-motorized Circulation:** The site plan shall provide a non-motorized circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system for safety. The design shall also address the security of the non-motorized route.
- J. **Vehicular, Pedestrian and Bicycle Circulation Layout:** The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the safety, and pattern of existing or planned streets, existing or planned public transit routes, and pedestrian or bicycle pathways in the area. The width of streets and drives shall be appropriate for the volume of traffic they will carry, on-street parking, where appropriate and the desired character of the streetscape and neighborhood.
- K. **Drainage:** Stormwater management system and facilities shall preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible.
- L. **Soil Erosion:** The proposed development shall include measures to prevent soil erosion and sedimentation.
- M. **Exterior Lighting:** Exterior lighting shall be designed subject to the requirements of Chapter 20 so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on public streets.
- N. **Public Services:** The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished by or that may be required of the City or other public agency including, but not limited to, fire and police protection, public transportation, stormwater management, sanitary sewage removal and treatment, traffic control and administrative services.
- O. **Traffic Impact:** The expected volume of traffic to be generated by the proposed use shall not adversely impact existing roads, circulation patterns on the roads, or access to the site.
- P. **Hazardous Materials:** Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. The sites shall be designed to meet all applicable state and federal regulations.
- Q. **Master Plan:** Sites shall be designed in a manner which is consistent with the City Master Plan and any applicable subarea or corridor plans.
- R. **Landscaping:** Site landscaping shall be designed subject to the requirements in Chapter 19.

## **CHAPTER 15 APPROVAL STANDARDS FOR SPECIAL LAND USES**

### **SECTION 15.01 INTENT AND PURPOSE**

This Chapter provides a set of standards for special uses of land or structures that, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the community. These standards are in addition to the standard regulations of the zone districts within which the use is proposed.

### **SECTION 15.02 SPECIAL LAND USE GENERAL APPROVAL STANDARDS**

The procedure for the review and approval of a special land use is outlined in Chapter 13 Application and Review Procedures. Prior to approving a special land use application, the following standards shall be satisfied for the use at the proposed location, in addition to specific standards for individual special land uses listed in Section 15.03 below. The proposed special land use and its location shall:

- A. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that a use will not change the essential character of the area in which it is proposed.
- B. Be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities or schools.
- C. Not create excessive additional requirements at public cost for public facilities and services.
- D. Not involve uses, 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, electrical or electromagnetic interference or odors.
- E. Be compatible and in accordance with the goals, objectives and policies of the Master Plan and promote the Intent and Purpose of the zoning district in which it is proposed to locate.
- F. Be subject to stipulations by the Planning Commission of additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the granting of the Special Land Use.
- G. Comply with all applicable licensing ordinances.

**SECTION 15.03 SPECIAL LAND USE SPECIFIC APPROVAL STANDARDS**

The special land use general standards of Section 15.02 are basic to all uses authorized by special land use approval. The following sections identify specific requirements that shall be complied with by individual special land uses, in addition to the general standards of Section 15.02. The special land uses with specific site and/or use standards described on the following page are as follows:

- A. Adult Care: Adult foster care small group home.
- B. Adult Care: Adult day care.
- C. Animal Hospitals.
- D. Auto Related: Vehicle Fuel Stations.
- E. Auto Related: Vehicle Repair Establishments.
- F. Auto Related: Vehicle Wash Establishments.
- G. Auto Related: Vehicle Rental Establishments
- H. Auto Related: Fuel Depot.
- I. Outdoor Storage of Recreational Vehicles
- J. Child Care: Foster family group home
- K. Reserved
- L. Child Care: Child care center
- M. Child Care: Child caring institution
- N. Places of Religious Worship
- O. Hotels and Motels.
- P. Hospitals, Convalescent Homes, Nursing Homes, and Assisted Living Group Facilities
- Q. Housing for the Elderly, Independent Living Facilities
- R. Kennels
- S. Funeral Homes and Crematoria
- T. Open Air Businesses.
- U. Wireless Communication Towers.
- V. Recreation: Amusement Parks.
- W. Recreation: Golf Courses, Country Clubs.
- X. Recreation: Golf Driving Ranges, Miniature Golf Courses.
- Y. Recreation: Recreation Facility, Indoor.
- Z. Recreation: Recreation Facility, Outdoor.
- AA. Recycling Stations.
- BB. Restaurants or other establishments with drive-in or drive-through facilities.
- CC. Industrial Selling Retail.
- DD. Horse Riding Stables.
- EE. Zero Lot Line, Single Family Detached Dwellings.
- FF. Commercial Enterprise producing Merchandise on Premises
- GG. Office in Industrial
- HH. Indoor Vehicle Sales
- II. Service of Alcoholic Beverages

**SECTION 15.04 SITE DESIGN STANDARDS**

The Special Land Use general standards of Section 15.03 are basic to all uses authorized by special land use approval. The following subparagraphs identify specific requirements that shall be complied with by individual special land uses in addition to the general standards of Section 15.02.

**A. Adult Care: Adult foster care small group home**

1. The use shall be registered with the City and shall continually have on file with the City documentation of a valid license as required by the state.
2. The applicant shall submit documentation of compliance with State Building and Fire Codes.
3. Non-residential parking setback and screening provisions shall apply.
4. The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the District and neighborhood in which it is located.

**B. Adult Care: Adult day care.**

1. The use shall be registered with the City.
2. Non-residential parking setback and screening provisions shall apply.
3. The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the Residential District and neighborhood in which it is located, as determined by the Planning Commission.
4. An on-site drive shall be provided for drop offs/loading. This drive shall be located to allow maneuvers without creating a hazard to traffic flow on the public street.
5. The lot shall be located so that at least one (1) side abuts an arterial or collector street and all access shall be from an arterial or collector street.
6. The facility may operate a maximum of sixteen (16) hours per day.

**C. Animal Hospitals.**

1. Minimum main and accessory building setback shall be seventy-five (75) feet from the front property line and fifty (50) feet from all other property lines.
2. All principal use activities shall be conducted within a totally enclosed main building.

**D.. Auto Related: Vehicle Fuel stations**

1. A vehicle fuel station building and its accessory uses and buildings shall be located not less than fifty (50) feet from any right-of-way line or from any side or rear lot line abutting a Residential District. This setback requirement shall not apply to accessory parking.
2. Where adjoining a residential use or Residential District, Buffer Zone "B" is required (see Chapter 19, Landscaping). In addition, the Planning Commission may require a solid wall or solid fence along the lot line having a maximum height of six (6) feet.
3. The minimum frontage shall be one hundred fifty (150) feet and the minimum lot area one (1) acre.
4. Accessory auto related facilities located on the premises such as wash facilities, vehicle rental and vehicle repair are allowed however must obtain separate special land use permits as provided for in this Chapter.

5. The lot shall be located so that at least one (1) side abuts an arterial street.
6. The site shall be limited to no more than one (1) driveway for each street on which it has frontage.
7. All storage of material, merchandise and equipment shall be within the building.
8. Gasoline or other flammable mixtures shall not be used to wash down the premises.
9. In the event that a Vehicle Fuel station has been abandoned or not used as a Vehicle Fuel station for a period of more than one (1) year, any application to operate the premises as a Vehicle Fuel station shall be considered as an application for a new Vehicle fuel station.
10. The applicant shall comply with Michigan Department of Environmental Quality (MDEQ) requirements.

**E. Auto Related: Vehicle Repair Establishments.**

1. A vehicle repair establishment building and its accessory uses and buildings shall be located not less than fifty (50) feet from any right-of-way line or from any side or rear lot line abutting a Residential District. This setback requirement shall not apply to accessory parking.
2. Where adjoining a residential use or Residential District, Buffer Zone "B" (see Chapter 19, Landscaping) is required. In addition the Planning Commission may require a solid wall or solid fence along the lot line having a maximum height of six (6) feet.
3. The minimum frontage shall be one-hundred (100) feet and the minimum lot area one - half (1/2) acre.
4. The lot shall be located so that at least one (1) side abuts an arterial street.
5. The site shall be limited to no more than one (1) driveway for each street on which it has frontage.
6. Overhead doors shall not face any roadway, except as approved by the Planning Commission for any of the following circumstances:
  - a. For through garages where doors are provided on the front and rear of the building;  
or
  - b. Garages located on corner or through lots; or,
  - c. Where it is determined that a rear garage door would have a negative impact on an abutting Residential District.
7. Accessory buildings shall not be permitted.
8. All repair work shall be done within the building.
9. All outdoor storage of vehicles, material, merchandise, equipment and other material incidental to the operation shall be enclosed by a six (6) foot high solid wall or solid fence meeting the minimum design requirements of Chapter 19.
10. Outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be properly graded and drained to dispose of stormwater.
11. Outdoor storage areas are not permitted in the front yard of the site and shall meet the side and rear yard setback requirements.
12. No operator shall permit outdoor storage of automobiles, trucks or trailers within the parking lot. It is presumed that vehicles on the site for a period in excess of seventy-two (72) hours would represent a violation of this section.

13. Gasoline or other flammable mixtures shall not be used to wash down the premises.
14. The applicant shall comply with Michigan Department of Environmental Quality (MDEQ) requirements.

**F. Auto Related: Vehicle Wash Establishments.**

1. Additional auto related facilities located on the premises such as vehicle fuel and fuel stations are allowed, however they must obtain separate special land use permits as provided for in this Chapter.
2. All washing activities must be within a building.
3. Vacuuming activities, if outdoors, shall be set back at least one hundred (100) feet from any lot line adjoining a residential use or district.
4. The vehicular exit from the building shall be at least seventy-five (75) feet distant from the driveway egress.
5. No vehicle wash establishment operator shall permit patrons to extend lines of vehicles off of the premises.
6. Wastewater shall be filtered or otherwise cleansed so as to minimize discharge of soap, wax and solid matter into the public sewer.
7. The site shall be limited to no more than one (1) driveway for each street on which it has frontage.
8. Each wash bay shall be provided ample space for required stacking spaces that is not located within the public or private right-of-way and that does not conflict with vehicle maneuvering areas and does not conflict with other activities on the site such as gasoline pumps or vacuums.
9. A by-pass lane around the building is required for automated drive-through wash facilities.
10. Overhead doors shall not face any roadway, except as approved by the Planning Commission for any of the following circumstances:
  - a. For through garages where doors are provided on the front and rear of the building;  
or
  - b. Garages located on corner or through lots; or,
  - c. Where it is determined that a rear garage door would have a negative impact on an abutting Residential District.
11. A vehicle wash establishment building and its accessory uses and buildings shall be located not less than one hundred (100) feet from any right-of-way line or from any side or rear lot line abutting a Residential District.
12. No permitted activity shall emit noise that is readily discernible to the average person in any adjacent residential zone district providing that air handling equipment in proper working condition deemed to comply with this provision is located on a roof with intervening noise reduction baffles. Nothing herein shall be interpreted to relieve the property owner or operator of the need to comply with all noise regulations of the City.

**G. Auto Related: Vehicle Rental Establishments.**

1. The lot area used for parking display or storage shall be provided with a permanent, durable and dustless surface and shall be graded and drained so as to dispose of all surface water.
2. The area dedicated for parking and storage of vehicles shall be limited to a maximum of fifty (50) vehicles at any given time.



3. Accessory buildings and uses will not be permitted, including car washes, repair and maintenance facilities or other servicing of vehicles or car sales.

#### **H. Auto Related: Fuel Depot.**

1. Automated Dispense System with quantity restrictions.
2. Limited to privately owned commercial/industrial fleet sales.
3. Product sales restricted to only petroleum fuels and motor oils.
4. No washing, maintenance or service facilities.
5. On-site containment system around the fueling area.
6. Overfill and wash down procedures approved by the State Fire Marshal.
7. The applicant shall comply with Michigan Department of Environmental Quality (MDEQ) requirements.

#### **I. Outdoor Storage of Recreational Vehicles**

1. In the industrial zone districts recreational vehicle outdoor storage is only allowed as an accessory use to a mini storage facility.
2. The use shall be limited to the rear yard of the property and not to exceed 25% of the area of the lot.
3. The surface of the outside storage area for recreational vehicles must be paved with an asphalt, concrete or slag binder

#### **J. Child Care: Foster Family Group Home**

1. The use shall be registered with the City and shall continually have on file with the City documentation of a valid license as required by the state.
2. The applicant shall submit documentation of compliance with State Building and Fire Codes.
3. Non-residential parking setback and screening provisions shall apply.
4. The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the Residential District and neighborhood in which it is located, as determined by the Planning Commission.

- K. Deleted per City Ordinance No. 7-03.

#### **L. Child Care: Child Care Center**

1. The use shall be registered with the City and shall continually have on file with the City documentation of a valid license as required by the state.
2. The applicant shall submit documentation of compliance with State Building and Fire Codes.
3. Non-residential parking setback and screening provisions shall apply.
4. The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the Residential District in which it is located, as determined by the Planning Commission.
5. Documentation of sufficient indoor classroom, crib, play area meeting state requirements shall be provided. Documentation of approved areas, as licensed by the state, shall be provided.

6. There shall be sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fence shall be located in a front yard.
7. An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.
8. The lot shall be located so that at least one (1) side abuts an arterial or collector street and all access shall be from an arterial or collector street.
9. As an accessory use, the child care center shall be located within the same building as the primary use.
10. Dormitory facilities are not permitted.
11. The perimeter building and/or play area setback may be adjusted to take into account the existing or planned use of adjacent properties.

#### **M. Child Care: Child Caring Institution**

1. The use shall be registered with the City of Kentwood and shall continually have on file with the City documentation of a valid license as required by the state.
2. The applicant shall submit documentation of compliance with State Building and Fire Codes.
3. Non-residential parking setback and screening provisions shall apply.
4. Documentation of sufficient indoor classroom, crib, play area meeting state requirements shall be provided. Documentation of approved areas, as licensed by the state, shall be provided.
5. There shall be sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fence shall be located in a front yard.
6. An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.
7. The lot shall be located so that at least one (1) side abuts an arterial or collector street and all access shall be from an arterial or collector street.

#### **N. Places of Religious Worship**

1. Minimum lot width shall be one hundred fifty (150) feet.
2. The lot location shall have at least one (1) property line that abuts a collector or arterial street.

#### **O. Hotels and Motels.**

1. Where the front yard is used to provide access, a twenty-five (25) foot wide greenbelt shall be provided along the front property line, except for drive openings.
2. Each guest unit shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.
3. A minimum lot area of forty thousand (40,000) square feet is required together with a minimum lot width of one hundred and fifty (150) feet, plus there shall be an additional four hundred (400) square feet of lot area for each guest unit.
4. Where adjoining a residential use or Residential District, Buffer Zone "B" (see Chapter 19, Landscaping) is required. In addition the Planning Commission may require a solid wall or solid fence along the lot line having a maximum height of six (6) feet.

#### **P. Hospitals, Nursing Homes, Convalescent Homes and Assisted Living Group Facilities**

1. Minimum lot area shall be three (3) acres.
2. The lot location shall have at least one (1) property line abuts an arterial street as classified on the "Major Street Plan." The ingress and egress for off-street parking facilities shall be from the major thoroughfare.
3. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses by a structure or by a six (6) foot high vertical screen. Access to and from the ambulance and delivery area shall be directly from an arterial street.
4. A minimum of 200 square feet of greenspace shall be provided per bed.
5. No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent residential use.
6. No more than twenty-five per cent (25%) of the gross site area shall be occupied by buildings.
7. The principal use building must maintain a minimum twenty (20) foot side yard, and a minimum thirty-five (35) foot front yard and a minimum fifty (50) foot rear yard.
8. The non-residential parking setback and screening requirements of each district shall apply.

#### **Q. Housing for the Elderly, Independent Living Facilities**

1. Minimum lot size shall be two (2) acres.
2. A retail food store (existing or under construction) with a minimum area of ten thousand (10,000) square feet shall be located within a one thousand five hundred (1,500) foot radius of the proposed site.
3. If no retail food stores are available within the required distance, provisions shall be made for regular shuttle access to a retail food store.
4. Maximum height of building shall not exceed seventy-two (72) feet.
5. The maximum allowable density shall be forty-five (45) units per acre.
6. One (1) parking space per dwelling unit shall be required, of which twenty-five (25) per cent shall be designated for non-resident (visitor) parking.
7. All dwelling units in the building shall have a minimum of four hundred fifty (450) square feet per unit.
8. A minimum of two hundred (200) square feet of open space is required per bed.
9. A minimum of two hundred (200) square feet of indoor recreation space is required per bed.
10. Retail and service uses may be permitted on the site if accessory to the elderly housing use. All such uses shall be within the walls of the main structure. No freestanding signs for such uses shall be allowed.
11. Front and rear setbacks shall be equal to the height of the building. A side yard of at least twenty (20) feet is required on each side of any portion of the building.

#### **R. Kennels**

1. The minimum parcel size shall be three-quarters (3/4) of an acre
2. The maximum number of dogs or cats occupying the facility shall be one (1) dog or cat per sixty (60) square feet of building floor area.
3. Animals cared for on the premises shall be limited to dogs or cats.

4. Services provided on the premises shall be limited to grooming, training, exercising, socializing and overnight boarding of dogs or cats.
5. Accessory uses permitted on the premises may include the retail sale of products related to the operation, provided that the total floor area devoted to the display of retail merchandise shall be limited to ten percent (10%) of the total floor area occupied by the business, or five hundred (500) square feet, whichever is less.
6. All dogs in the care of the facility shall be kept within a completely enclosed building at all times, with the exception that dogs may be placed in an outdoor play area for limited periods of time, under personal supervision by staff of the facility
7. The location and size of an outdoor exercise area shall be at the full discretion of the planning commission. Outdoor exercise areas shall be located a minimum of two hundred (200) feet from the boundary of a residential zoning district, and shall be located on the site so as to minimize a direct line-of-site orientation to adjacent residential uses.
8. An outdoor exercise area shall be enclosed by a sight-obscuring fence designed and constructed to provide secure containment of dogs in care.
9. An outdoor exercise area shall be cleaned at least daily. Liquid animal waste shall be disposed of in accordance with best management practices.
10. The facility shall utilize impervious, washable materials for all wall finish materials a minimum of 48 inches from the floor (e.g., sealed masonry, ceramic tile, glassboard, or marlite).
11. Floor finish shall be sealed concrete or other approved impervious surface. Liquidtight curbing, at least six inches high, shall be installed along all walls for sanitary confinement and wash-down cleaning.
12. Floor drains shall be connected to the sanitary sewer system.
13. Refuse pick-up shall be a minimum of two (2) times a week, unless the zoning administrator determines additional disposal is required. Animal wastes shall be stored in enclosed containers of sufficient construction to eliminate odors.
14. Parking Operations Plan to account for all principle and accessory uses.
15. The applicant shall comply with applicable state and/or federal requirements associated with kennels and animal care.

#### **S. Funeral Homes and Crematoria.**

1. Minimum lot area shall be one (1) acre with a minimum width of one hundred and fifty (150) feet.
2. A well-designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall be in addition to required off-street parking area or its related maneuvering space.
3. A caretaker's residence may be provided within the principal building.
4. The proposed site shall front upon an arterial or collector street. All ingress and egress

shall be from this street.

**T. Open Air Business.**

1. Minimum lot area shall be one acre.
2. Minimum lot width shall be 200 feet.
3. A six-foot high vertical screen and/or a buffer zone may be required along the side and rear lot lines to enclose and screen the open air sales and/or storage area.
4. All open air businesses shall comply with all applicable health department regulations regarding sanitation and general health conditions.
5. The Planning Commission may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open air business use, require the applicant to furnish a performance guarantee satisfactory to and in an amount determined by the Planning Commission to be reasonably necessary to ensure compliance hereunder. In fixing the amount of the performance guarantee, the Planning Commission shall take into account the size and scope of the proposed open air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by court decree, and other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.
6. The lot areas used for parking, display or storage shall be provided with a bituminous or Portland cement binder so as to provide a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
7. Ingress and egress shall be provided as far as practicable from two intersecting streets and shall be at least 150 feet from an intersection.
8. All lighting shall be shielded from adjacent residential areas.
9. The height of all materials and equipment stored in an outdoor storage area shall not exceed the height of any landscape screening, wall or fence.
10. The storage of materials display areas is not permitted in any front yard and shall meet all the yard setback requirements applicable to any building in the district.
11. All loading activities and parking areas shall be provided on the same premises (off street).
12. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
13. In the C-3 Zone District the open air business approval is limited to January 1 through November 15 of the calendar year. The open air events are limited to farmers markets, Halloween themed costume and accessories, and the sale of new: cars; trucks; motorcycles; snowmobiles; all-terrain vehicles; recreational vehicles; boats; power water craft. A zoning permit for a period of not more than fourteen consecutive days must be secured from the Zoning Administrator for each individual open air sales event.

**U. Wireless Communication Towers.**

1. Towers shall be installed on a legal conforming lot for the zoning district in which it is located, either as a principal use, or as an accessory use related to the principal use.
2. For the purposes of this Section, the term fall zone shall mean the calculated manner and extent to which a tower structure is designed to fall. Towers, except existing structures, must be set back from all lot lines (and in the case of a park site from areas of unrestricted public use) at a distance equal to the fall zone for the tower proposed or fifty percent (50%) of the height of the tower (whichever is greater.) The fall zone shall be certified by a State of Michigan licensed and registered professional engineer.
3. The applicant shall demonstrate that the tower conforms to the city's wireless communication plan including the provision of all information that would normally be required by a qualified and licensed professional engineer to validate the need for the proposed facility at the specified height and location. The City shall have the right to retain independent technical consultants and experts that it deems reasonably necessary to properly evaluate applications for wireless communication towers and to charge the costs for services to the applicant.
4. A proposal for a new wireless communication support structure not specified in the city's wireless communication plan shall not be approved unless and until it is documented by a qualified and licensed professional engineer that the communications equipment planned for the proposed wireless communication support structure cannot be feasibly collocated on an existing structure or at a location designated in the Wireless Communications Plan due to at least one of the following reasons:
  - (a) The planned equipment would exceed the structural capacity of the existing or approved wireless communication support structure or building and the existing or approved wireless communication support structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment.
  - (b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the wireless communication support structure or other existing structure and the interference cannot be prevented by any other means.
  - (c) Existing or approved wireless communication support structures and buildings cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function.
  - (d) Other unforeseen reasons that make it infeasible to locate the planned communications equipment upon an existing wireless communication support structure or at a location designated in the Wireless Communications Plan as documented by a qualified and licensed professional engineer.
  - (e) The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the city taking into consideration the several standards contained within this subsection
5. The owner and operator of a tower shall agree to permit other communication service providers, including local governmental agencies, to use the tower, upon reasonable terms and conditions. As used herein, "reasonable terms and conditions" shall mean a rental rate consistent with the market for metropolitan Grand Rapids and without mandating the use of another entity's towers. This obligation shall not require the owner

- or operator to permit access where doing so will interfere with the owner or operator's ability to provide or receive signals.
6. The proposed tower will be structurally sound and constructed in accordance with all federal, state or local standards and otherwise capable of being used in accordance with the requirements of this section. The owner or operator shall inspect towers annually and the record of this annual inspection shall be submitted to the Zoning Administrator. In addition, an engineering inspection and certification will be required: when the tower is put into service; every five years thereafter; and whenever a structural change is made.
  7. In Residential Districts, the antenna tower height shall not exceed that minimally required to function in accordance with federal, state and local requirements. Any tower and/or antenna placement in a Residential District shall not be erected at a height to require lighting.
  8. Gerald R. Ford International Airport Zoning Administrator shall approve the tower site plan and proposed tower for compliance height and lighting requirements dictated by the Gerald R. Ford International Airport Zoning Ordinance and FAA standards.
  9. The applicant shall include with the application for special land use an analysis of the visual impact of the tower on the surrounding area. The analysis shall include point of view renderings of the tower in its proposed setting, with special attention given to adjacent residential uses, including any proposed landscaping. The tower and any ancillary buildings housing equipment needed for the operation of the tower shall be of a size, color and material that are aesthetically and architecturally compatible with the surrounding area. Landscape screening may be required by the Planning Commission to help screen the ancillary buildings from the surrounding uses, with special consideration for residential uses.
  10. A tower that remains unused for the original purpose and intent for a period of twelve (12) months (or longer if approved by the City Commission) shall be presumed to have been abandoned. Under such circumstances the tower must be removed within ninety (90) days of written notification by the Zoning Administrator.
  11. Only one (1) tower structure per OS District site is permitted.
  12. Towers erected in Nonresidential Districts shall be constructed to accommodate at least four (4) antennae platform levels. Co-location terms, including rates, for compatible providers shall be included in the application. Terms shall be consistent with the market for metropolitan Grand Rapids. In addition applicants shall submit a signed statement agreeing to permit co-location consistent with those rental rates.
  13. Towers shall not be erected on cemetery sites.
  14. Towers proposed on public park property are subject to the advisory review of the City's Parks and Recreation Commission. The Parks and Recreation Commission shall file a report and recommendation with the Planning Commission considering in part the evaluation of tower design relative to the maximization of open space preservation.
  15. A temporary antenna support facility may be used by a provider in any zoning district for the purpose of providing temporary wireless services for special short-term events such as a specific political event, sporting event, or entertainment event; to allow for modification, replacement, and/or repairs to a permanent facility; or as necessary to aid in post disaster relief efforts.
  16. One identification sign is required, measuring no more than thirty six (36) inches wide by twenty four (24) inches high, identifying the primary party responsible for the operation and maintenance of the facility, the address and telephone number of that party and, if appropriate, the FCC/FAA registration number of the structure shall be permanently attached to the fence, tower or wall of the ancillary building. The identity of the various carriers shall also be indicated on this sign. The only additional signs that may be permanently attached to the fence, tower or wall shall be security or safety signs. No

advertising signs are allowed.

17. Two equipment shelters will be allowed per site. Multiple shelters integrated into one shall be considered one (1) shelter. No one provider shall occupy more than two hundred fifty (250) square feet of interior floor space. Shelters may be required to be fenced. The shelter(s) shall be required to be of a design consistent with surrounding development. Landscaping shall be provided at the building, along the fencing and along the access road as approved by the Planning Commission.
18. A wireless communications tower shall not exceed a height of one hundred ninety-five (195) feet. Any tower and/or antenna placement adjacent to a residential zone that requires lighting shall be a continuous red beacon at night.

**V. Recreation: Amusement Parks.**

1. The minimum lot size shall be ten (10) acres.
2. The lot shall be located so that at least one (1) side abuts an arterial street and all access shall be from the arterial street.
3. The main and accessory buildings shall not be located nearer than three hundred (300) feet to any adjacent dwelling.
4. Maximum building coverage shall be twenty-five percent (25%).
5. Any amusement enterprises located within five hundred (500) feet of any adjacent dwelling shall close not later than 10:00 p.m.
6. The entire premises shall be surrounded by a six (6) foot cyclone fence at or near the boundary property lines.
7. No entrances or exits shall be from a collector or residential street.

**W. Recreation: Golf Courses, Country Clubs.**

1. Minimum lot size shall be forty (40) acres.
2. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property and street lines.
3. Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

**X. Recreation: Golf Driving Ranges, Miniature Golf Courses.**

1. All traffic ingress and egress shall be from an arterial or collector street.
2. Whenever any use that may be permitted in this subsection abuts property within a Residential District, a transition strip at least one hundred (100) feet in width shall be provided between all operations and structures and the residential property. Grass, plant materials, and structural screens of a type approved by the Planning Commission shall be placed within the transition strip.
3. A minimum yard of one hundred (100) feet shall separate all uses, operations and structures permitted herein, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.

**Y. Recreation: Recreation Facility, Indoor**

1. The principal and accessory uses and buildings shall be not be located within one-hundred (100) feet of any Residential District or use.
2. All uses shall be conducted completely within a fully enclosed building.



**Z. Recreation: Recreation Establishments, Outdoor**

1. Uses shall include, but need not be limited to, the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, animal racing, go-cart, automobile or motorcycle tracks, music concert pavilions and bandshells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.
2. The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the Planning Commission. The applicant shall provide documentation the site size is adequate using national facility standards.
3. The site shall be located on a street that is classified as an arterial.
4. No building or spectator seating facility shall be located within one hundred (100) feet of a property line.

**AA. Recycling Stations**

1. Paved loading and stacking spaces shall be provided for at least three (3) automobiles.
2. All storage of recycled materials shall be within appropriate containers, with access through doors on the sides of the container.
3. The Planning Commission may require a totally obscuring fence or wall around the perimeter of the recycling center.
4. The hours of operation and materials accepted shall be clearly posted.

**BB. Restaurants and Other Establishments with Drive-in or Drive-through Facilities (including retail and financial institutions)**

1. Point of drive-through transaction shall be setback fifty (50) feet from any adjacent public right-of-way line or property line.
2. Establishments constructed adjacent to other office and commercial developments shall have a direct vehicular access connection where possible.

**CC. Industrial Selling Retail**

1. Retail sales restricted to those goods manufactured, compounded, processed, packaged, treated or assembled on site from previously prepared materials.
2. Retail operation must be housed within the same building as the primary industrial use.
3. All retail activities must be entirely within the enclosed building. No outside storage or display.
4. Parking and circulation must not conflict with primary industrial use.
5. Freestanding and wall sign identification as set forth in Chapter 16 must be incorporated within primary industrial sign display.
6. The area devoted to retail sales shall not exceed the greater of five percent (5%) of the total floor area or 1,000 square feet.

**DD. Horse Riding Stables.**

1. For breeding, rearing and housing of horses, mules and similar domestic animals, the minimum lot size shall be ten (10) acres except that up to two (2) saddle horses or ponies may be housed and reared on lots of two (2) acres or more.
2. A building used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred (100) feet to any dwelling on adjacent property.
3. Animals shall be confined in a suitably fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises.
4. The facility shall be so constructed and maintained that odor, dust, noise and drainage shall not constitute a nuisance or hazard to adjoining premises.

**EE Zero Lot Line, Single Family Detached Dwellings.**

1. Dwellings must be generally compatible in size and design with neighboring properties if placed within plats existing at the time of the enactment of this provision.
2. A minimum side yard of twenty (20) feet shall be maintained between the main dwelling and side yard on the side not placed on the lot line (non-zero lot line side).
3. Zero lot line dwellings constructed on lots with adjoining side yards to non-zero lot line dwellings shall maintain at least a fifteen (15) foot distance between dwellings.
4. The side of the structure placed on, or near, the side lot line shall not have openings, doors or windows of any kind.

**FF. Commercial Enterprise Producing Merchandise on Premises**

1. No more than fifteen (15) persons are employed on the premises.
2. Production shall not be to the detriment to the adjacent occupied premises.
3. Entire product is sold at retail on the premises.

**GG. Office in Industrial**

1. Maximum building lot coverage of 35 percent.
2. Minimum landscaped lot coverage of 25 percent.
3. Finished facade on all sides.
4. Parking must be located in close proximity to building entrances.
5. Site layout must segregate truck traffic.
6. Minimum parking computations based on exclusive office use of entire building.

**HH. Indoor Vehicle Sales in Industrial**

1. All activities to occur within the enclosed building.
2. No open-air display or storage of inventory.
3. No vehicle repair or maintenance to occur on-site.
4. Vehicle display and/or storage area limited to 5,000 square feet.

**II. Service of Alcoholic Beverages**

1. Any new establishment, as well as any existing establishment seeking a license for the sale or consumption of beer, wine, or alcoholic beverages on-premises

shall require special land use approval and site plan review in accordance with this section.

2. Applicant shall provide a copy of any licensing materials submitted to the Liquor Control Commission.
3. Applicant shall provide a site plan illustrating the proposed location where the alcohol sales would occur, as well as all other locations where on-premises sales presently exist within a one thousand-foot radius of the closest lot lines of the subject site.
4. The proposed establishment must promote the city's economic development goals and objectives, and must be consistent with the city's master plan and zoning ordinance.
5. Given the character, location, development trends and other aspects of the area in which the proposed use or change in use is requested, the applicant shall demonstrate that the use will: rejuvenate an underutilized property or an identifiable area within the city; or provide a unique business model, service, product, or function; or add to the diversity of the to the city or to an identifiable area within the city; or that the addition of the use or proposed change in use will be otherwise a benefit or asset to the city or identifiable area.
6. The applicant must demonstrate that the use or change in use as constructed and operated is compatible with the area in which it will be located, and will not have appreciable negative secondary effects on the area, such as:
  - (a) Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb area residents.
  - (b) Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings.
  - (c) Excessive numbers of persons gathering outside the establishment.
  - (d) Peak hours of use that add to congestion or other negative effects in the neighborhood.
  - (e) Fighting, brawling, outside urination, or other behavior that can accompany intoxication.

## CHAPTER 16 SIGNS

### SECTION 16.01 INTENT AND PURPOSE

- A. This Chapter is intended to regulate the use, construction, reconstruction, placement and design of signs in order to protect the public health, safety, peace and general welfare. Specifically, this Chapter seeks to establish reasonable regulations regarding the size, type of construction and manner of anchoring signs and to regulate the time, place and manner of their display.
- B. This Chapter involves a determination by the City that the individual user's rights to convey a message must be balanced against the public's right to be free of signs which unreasonably compete, distract drivers and pedestrians, and produce confusion. In balancing the individual user's desire to attract attention with the public's right to be free of unreasonable distractions, it is recognized that sign regulations should afford businesses a reasonable opportunity to attract the public. It is also determined; however, oversized, projecting or crowded signs can lead to pedestrian and driver confusion and distraction, and endanger the public health, safety and welfare. To lessen such adverse consequences, reasonable limitations are appropriate with respect to the placement, construction, size, and design of signs particularly in relation to the location of buildings and the availability of other means of communication. In addition, new advanced sign display technologies may have adverse impacts that must be minimized by reasonable restrictions on size and permitted locations.
- C. The City further determines that overall regulations for signs, especially number, size and placement, are desirable in order to:
1. Prevent or limit traffic or pedestrian accidents, injuries, deaths, and property damages resulting from obstructed vision, distraction or confusion to the public or to emergency safety personnel;
  2. Minimize the risk of damage and injuries from signs that are dilapidated, wind blown, electric shock hazards, etc.;
  3. Achieve some uniformity and balance in the size, number and placement of signs;
  4. Enhance the aesthetics of the community;
  5. Prevent blight;
  6. Encourage equality among business and property;
  7. Otherwise protect the public health, safety, peace and general welfare; and
  8. Accommodate special circumstances or events that may create a need for portable signs for a limited and reasonable period of time.

### SECTION 16.02 DEFINITIONS

In addition to the definition of a sign in Chapter 2, the following definitions shall apply to specific types of signs.

- A. Balloon Sign-A portable sign that is inflated by air or any gas.
- B. Banner: A sign having characters, letters or illustrations applied to cloth, paper, flexible plastic, or fabric of any kind, with only non-rigid material as background
- C. Banner, Promotional: A banner that promotes an on-premises business, product or service.
- D. Banner, Shopping Center: A banner that uses any of a variety of images or colors of an ornamental nature with its advertisement function limited to no more than an emblem of the shopping center.
- E. Billboard: A sign that directs attention to commercial or noncommercial goods, services, uses/ideas not located on site.
- F. Commercial Sign: A sign advertising commerce, trade or location.
- G. Construction Sign: A sign that identifies the name, owners, financiers, contractors, architects, or engineers of a project under construction.
- H. Directional Sign: Any on-premises sign that includes information assisting the flow of pedestrian or vehicular traffic such as enter, exit and one-way.
- I. Flag, Public: A flag displaying the name, insignia, emblem, or logo of any nation, state, municipality, or non-commercial organization.
- J. Freestanding Sign: A sign supported by one (1) or more up-rights, poles or braces placed in or upon the ground surface and not attached to any building
- K. Identification Sign: A sign that identifies the business, owner or resident.
- L. Illuminated Sign: A sign illuminated by internal lighting or by reflected light from an external source.
- M. Incidental Signs: Signs which, in the opinion of the Zoning Administrator, are necessary to indicate building entrances and exits, safety precautions, including identifying logos without text, and other incidental language.
- N. Institutional Bulletin Board: A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and the announcement of its institutional services or activities.
- O. Legal Notices: Notices regarding hearings, legal rights, public sales or other matters which are required to be posted by a court or governmental agency or entity of competent jurisdiction or by an applicable statute, ordinance, rule or regulation.
- P. Marquee Sign: Identification sign attached to a marquee, canopy or awning projecting from and supported by the building.
- Q. Monument Sign: A sign where the base of the sign structure is on the ground or a maximum of twelve (12) inches above the adjacent grade.
- R. Noncommercial Sign: A sign not advertising commerce, trade or location.
- S. Nonconforming Sign: A sign lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the current sign regulations.
- T. Official Sign: Identification, informational, or directional sign erected, accredited, or required by the City and approved by the City Commission with recommendation from the Planning and Police Departments.
- U. On-Site Identification Sign: An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises or the idea or political candidates supported by the owner or occupant of the premises. It does not include any sign leased, rented or used by or to advertise the products, accommodations or activities not conducted or available on the premises.
- V. Plat Entry Sign: A sign or pair of signs placed at the primary entrance to a subdivision, containing only the name of the subdivision. This term also refers to signs at the primary entrance to a Manufactured Home Park.
- W. Reserved

- X. Regional Commercial Center Identification Sign: A sign to identify a regional commercial center in excess of five hundred thousand (500,000) square feet of gross leasable area.
- Y. Portable Sign: A sign not permanently anchored or secured to either a building or the ground, such as, but not limited to, "A" frame, "T" or inverted "T" shaped sign structures and signs on movable trailers. Promotional banners, balloon signs, or sign's objects or devices shall also be considered portable signs. Streamers and pennants are not considered portable signs.
- Z. Window Sign: Any sign placed inside or upon a window which is intended to be seen from the exterior.
- AA. Electronic Message Center: A sign or portion of a sign whose message content or display may be changed by means of electrical, electronic or computerized programming without physically altering the face of the surface of the sign.

BB. Tri-vision Billboard- The tri-vision sign is an off premise sign composed of a series of vertical or horizontal cylinders each of which has a triangular cross section. Each partial rotation of the group of triangular cylinders produces a different image. A single tri-vision sign may display no more than three images in total. Although the final composite image does not provide motion, there is movement due to the transition from one image to another as the cylinders rotate.

CC. Dynamic display – a type of sign that has or appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the real or apparent movement or change is in the display, the sign structure itself, or any other part of the sign. This includes a type of sign that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. A dynamic display sign also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digitalink," electronic message centers, or any other method or technology that allows the sign face to present different images or displays.

*DD. Flags, Commercial: A flag displaying the name, insignia, emblem or logo of the commercial entity located on the premises.*

## **SECTION 16.03 SIGNS PERMITTED OR PROHIBITED**

### **A. Nonconforming Signs**

1. Non-conforming signs may not be converted, altered, expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the normal useful life of the sign.
2. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty percent (50%) of the value of the sign on the date of loss.
3. Any sign which for a period of one year or more no longer advertises a bona fide business conducted or product sold shall be deemed abandoned and removed by the owner of the building, structure or property on which the sign is located.

### **B. Flagpoles and Flags**

1. Height: Flagpoles shall not exceed the maximum permitted building height for buildings within the zoning district in which the flagpole is located.
2. Number: *One (1) commercial identification flag and not more than three (3) noncommercial flags, exclusive of the display of one (1) United States flag shall be permitted on any lot. The commercial and non-commercial flags may not exceed the size of any United States flag if also displayed or thirty-two square feet, whichever is less.*

#### C. Official signs

1. Area: Official signs not exceeding seventy-five (75) square feet in area are allowed in all zoning districts and are permitted in addition to other on-site advertising provisions.
2. Location: Official signs placed within the public right-of-way, directly on the ground shall not exceed thirty (30) inches in height from the mean grade unless it can be shown not to interfere with vehicular, bike, or pedestrian clear vision.
3. Lighting: Official signs may be illuminated.

#### D. Noncommercial Signs

1. Location: Noncommercial signs are allowed in all zoning districts subject to the size and placement requirements set forth in the different districts.
2. Billboard: Noncommercial signs erected on billboards may be permitted as a principal use after approval as a Special Land Use in accordance with this Ordinance.
3. Duration: Noncommercial signs may remain until the signs are in disrepair and are deemed no longer to be in compliance with Section 16.06 of this ordinance.

#### E. Signs for PUD'S and Use Variances

1. PUDs: Signs for uses or buildings located in PUD's shall be subject to the sign limitations allowed for buildings or uses of a similar type built in the respective Zoning Districts, as determined by the Zoning Administrator.
2. Use Variances: Signs for use variances granted by the Zoning Board of Appeals shall be subject to the size limitations of the District in which the use is located.

#### F. Construction Signs: Construction signs are permitted within any zone district but shall not be erected until a building permit has been issued for the project that is the subject of the proposed sign and construction activity has begun, subject to the following restrictions:

1. Number: One (1) construction sign may be placed on the lot where the construction is taking place.
2. Size: A construction sign shall be no larger than one hundred (100) square feet in area.
3. Height: A construction sign shall not exceed eight (8) feet in height.
4. Location: Construction signs must be setback at least fifteen (15) feet from the front and side property lines.
5. Duration: Construction signs shall be displayed for not more than twelve (12) months, or until issuance of the initial Occupancy Permit, whichever shall occur first.

#### G. Incidental Signs: Incidental signs pertaining to any conforming accessory activity being conducted on the premises are permitted in any District.

#### H. Shopping Center Banner Signs:

1. Banners must be stationary, properly maintained and not allowed to become unsightly through disrepair or action of the elements.
2. Banner signs are restricted to vertical pole mountings.

#### I. Balloon Signs

1. A balloon sign shall not be more than thirty five (35) feet high from the point where the balloon rests on any surface if the balloon rests on a surface, or from the point of tie-down if it does not rest on a surface.
2. All balloon signs shall be securely anchored to the ground or to a building in accordance with the requirements of the Kentwood codes as amended. All anchoring devices shall be inspected and approved by the Kentwood Building Inspection Department. Balloon signs over fifteen (15) feet high shall be anchored with a minimum of six (6) ropes or similar tie-down devices. Additional ropes or tie-down devices may be required by the Building Inspector to ensure proper anchoring.
3. Any electrical motor, pump or similar device used to inflate the balloon sign shall be installed in accordance with the requirements of the Kentwood codes as amended.
4. A balloon sign shall be setback a minimum distance of one and one-half (1-1/2) times its height from all property lines.
5. A balloon sign placed on the ground shall not, in the opinion of the Zoning Administrator, interfere with on-site or off-site traffic circulation, utility lines, hamper visibility of drivers or obstruct fire lanes. The placement of a balloon sign on the ground shall not result in a reduction of the number of parking spaces required herein for that site on which the balloon sign is located.
6. A barricade shall be installed completely around a balloon sign to deter easy access. This barricade must be clearly visible and be rope, portable fence or other similar materials excluding barbed wire.
7. A balloon sign, if mounted on top of a building, shall not protrude over the edge of that building.
8. All balloon signs shall be equipped with a quick deflation system so that the balloon sign will deflate instantly if it breaks loose from its anchor. The Kentwood Building Inspections Department shall inspect the balloon sign to ensure that this system is installed properly.
9. All balloon signs shall be taken down if wind speeds exceed thirty (30) knots (35 mph). The installer of the sign shall be responsible for monitoring weather conditions.
10. Balloon signs are considered portable signs and shall comply with the Portable Sign regulations in each zoning district in which they are permitted, but shall not be permitted on a site for more than a total of thirty (30) days in any calendar year.
11. Balloons signs may be illuminated from the inside or by exterior lights placed to direct the glare away from adjacent roadways and properties. Balloon signs shall not have any flashing, colored or glaring lights.
12. A balloon sign installer shall carry at least one million dollars in liability insurance coverage and shall provide proof of this to the Zoning Administrator prior to the issuance of the sign permit.
13. Balloon signs shall be installed so as not to interfere with utility lines, flight paths or radio and television reception.

#### J. Billboards



1. Billboards are only allowed as the principal use of a lot meeting the standards of the relevant zoning district.
2. Billboards must be located at least two hundred (200) feet from any freeway right-of-way line and one hundred (100) feet from any other street right-of-way line.
3. A maximum sign area of up to 300 square feet is permitted for billboards.
4. Billboards must be continuously and properly maintained at all times. A billboard which is not maintained or utilized for a period of six months is deemed abandoned.
5. One billboard per lot may be approved except that no billboard shall be located within 600 feet (measured radially) of any other billboard, regardless of jurisdiction.
6. Except for time and temperature signs or dynamic display signs as otherwise regulated herein, all signs must be stationary and may not contain any visible moving parts, alternating or moving messages or have the appearance of having moving parts or messages. Under no circumstances may any type of sign contain a message or display that appears to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking lights or otherwise appears to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or make other comparable movements.
7. Billboards are limited to 25 feet in height.
8. No billboard may be installed or utilized within 1000 feet (measured radially) of a residential structure.
9. Dynamic display billboards are not permitted and existing billboards may not be converted or otherwise modified to become a dynamic display billboard.

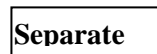
**SECTION 16.04 SIGN MEASUREMENTS**

A. Sign area shall be the entire area within a circle or four sided polygon enclosing the extreme limits of writing, representation, emblem, or any figure of similar character. This area shall also include any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which the sign is placed. The maximum width of necessary supports shall be two (2) feet.



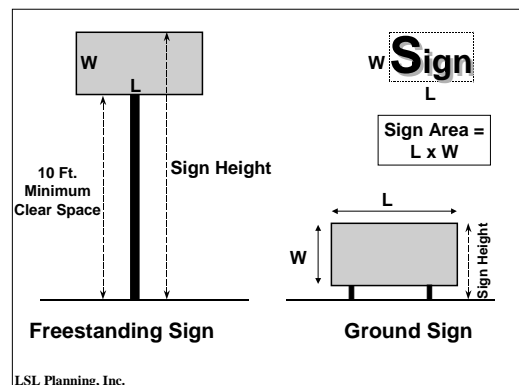
- B. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.
- C. In the case of a sphere, the total area of the sphere is divided by two (2) for purposes of determining the maximum permitted sign area.

D. Separated sign elements, not part of any frame, or separated by other material or color forming an integral part of the display that may be used to differentiate such sign from the background against which it is placed, shall have each element of the sign calculated separately and summed for the purposes of determining the total area. The signs elements shall not exceed the total sign display permitted by the District in which it is located.



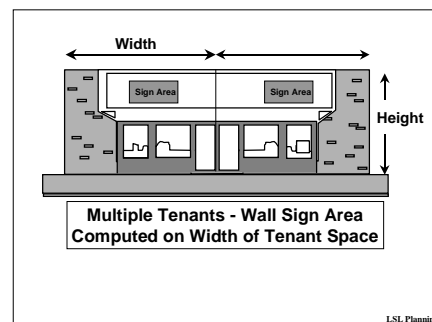
## E. Height

1. No sign shall exceed the maximum height of twenty-five (25) feet (except for balloon signs, wall signs, and billboards in the C-4 zone district along I-96 as provided in this Chapter).
2. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
3. Any freestanding sign, shall maintain a minimum clear space of ten (10) feet from the bottom of the sign to the ground.



## F. Sign area calculation for buildings with multiple tenants:

1. The sign areas for wall signs, marquee signs, projecting signs, and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant space, and computing sign requirements for that portion of the total wall.
2. For buildings with more than one (1) street frontage, the wall area related to the tenant space on the second street frontage shall be used to calculate the sign area for the second wall sign, awning sign, or projecting sign, where the signs are otherwise permitted.
3. Permitted wall signs shall be attached to the same wall used to determine its size.

**SECTION 16.05 GENERAL STANDARDS AND REQUIREMENTS**

## A. General

1. A sign not expressly permitted by this Ordinance is prohibited.
2. With the exception of billboards, official signs, and noncommercial signs, all signs shall pertain only to the business or activity conducted on the premises.
3. Signs are permitted according to the District in which they are located or intended to be located. Specific sign requirements for each zoning district may be found in the Development Requirements of each district.
4. Signs meeting the requirements of this Ordinance are allowed as a matter of right but shall be required to obtain a permit from the Zoning Administrator in accordance with the requirements of Section 16.06.
5. With the exception of official signs, directional signs, and plat entry signs placed within a boulevard, no sign shall be permitted within the public right-of-way or upon any utility pole. Signs must be placed at a location where the minimum lot width required by the zone district is attained. If any sign is placed on any public right-of-way including, but not limited to, the parkway, or on any other public property, the city shall have the right to

remove the sign immediately. Any sign removed by the city shall be claimed within ten days, otherwise the sign will be destroyed. If the owner or person responsible for the sign wishes it returned, a fee set by resolution of the City Commission shall be charged for each sign.

6. All wall signs shall be placed flat against the building and shall not project beyond a wall or architectural feature by more than one (1) foot.
7. A plat entry sign of up to twenty (20) square feet in area and up to thirty (30) inches in height from the mean grade is permitted within the boulevard of a collector street. Such boulevard signs shall be set back a minimum of seventeen (17) feet from an arterial street right-of-way. A sign permit and highway permit are required in order to place a plat entry sign within a boulevard. Plat entry signs placed within the boulevard and improperly maintained may be removed by the City.

#### **B. Movement**

Except for electronic message centers as otherwise permitted herein, and a minimum one minute interval between time and temperature changes, all signs must be stationary and may not contain any visible moving parts, alternating messages or moving messages or have the appearance of having moving parts or moving messages. The display may not and shall not appear to, flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights or otherwise appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or other comparable movements.

#### **C. Illumination and Depictions**

1. Except for electronic message centers there shall be no flashing, moving or intermittent illumination of any sign.
  2. If permitted, signs may be illuminated only by continuous indirect white light. Only the sign face shall be illuminated.
  3. The illumination of any sign shall not be detrimental or annoying to occupants of surrounding property as set forth in Chapter 20 nor constitute a safety hazard, as determined by the Zoning Administrator.
- I. No sign shall contain any photograph, silhouette, drawing or pictorial representation, or description of specified anatomical areas or specified sexual activities (as those terms are defined in Chapter 2).

#### **D. Electronic Message Centers**

1. The content of a dynamic display sign, of any type, may change no more than once every (1) one minute. The display or message must otherwise comply with section 16.05.B. and must have installed ambient light monitors which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with this section.

2. Maximum brightness levels for dynamic display signs shall not exceed .2 (two tenths) foot-candles over ambient light levels measured within 150 feet of the sign. To obtain a sign permit, certification must be provided to the City demonstrating that the sign has been pre-set to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be required by the City to ensure that the specified brightness levels are maintained at all times.

3. The dynamic display portion of an on premise sign shall not exceed sixty (60) percent of the total sign area or one hundred (100) square feet whichever is smaller

## **SECTION 16.06 PERMITS, CONSTRUCTION, AND MAINTENANCE**

### **A. Permits**

1. A sign permit shall be required for the erection, use, construction or alteration of any sign exceeding six (6) square feet. The Zoning Administrator shall issue a permit if the sign conforms to the requirements of this Chapter and the zoning district in which it is located.
2. Portable sign permits:
  - a. Sign permits are required for all portable signs regardless of size.
  - b. The portable sign permit will specifically state the date by which the sign must be removed based upon the applicant's representation as to the existence of a special circumstance or event.
  - c. If there has already been a portable sign on the premises, the sign must be removed on a date so that, except as is otherwise expressly provided in this Chapter, the total number of days portable signs are located on the premises within a calendar year does not exceed thirty (30) days.

**B. Construction:** The construction of any sign shall withstand all wind and vibration forces that can be normally expected to occur in the vicinity.

**C. Maintenance:** All signs shall be properly maintained and shall not be allowed to become unsightly or hazardous through disrepair or action of the elements. For purposes of this Chapter, properly maintained shall mean that no part of the sign or supporting structure is broken, punctured, or contains loose parts or elements, or has any other condition deemed by the Zoning Administrator to constitute a hazard or nuisance.

## **SECTION 16.07 SPECIAL EXCEPTIONS FOR SIGNS IN REGIONAL SHOPPING CENTERS IN C-3 DISTRICT**

- A. As a part of its approval of a site development plan for a regional shopping center in the C-3 District, the Planning Commission may approve special exceptions from the provisions for signs as otherwise provided in the C-3 District, in accordance with this section.
- B. Such special exceptions may include variations in the required size, placement, number and height of signs in commercial developments.
- C. Any such special exceptions shall comply with the following requirements:

1. The need or suitability of the special exception shall be based upon the nature, size, density, location or design of the commercial development.
2. The special exception shall result in an enhancement or improvement of a sign function or purpose, by reason of improved aesthetics, more convenient identification, improved pedestrian or vehicular safety or other sign improvement within the development.
3. The special exception shall not have a serious adverse effect upon other lands or the public streets or the use thereof.

## CHAPTER 17 OFF-STREET PARKING AND LOADING

### SECTION 17.01 SCOPE

In all Zoning Districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as prescribed in this Chapter. This space shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of spaces are provided elsewhere in conformance with this Ordinance.

### SECTION 17.02 LOCATION OF PARKING

- A. Off street parking and loading spaces are considered accessory uses and shall be located in accordance with the provisions of this Chapter.
- B. Unless otherwise permitted by this Ordinance, all parking spaces and structures serving the primary use of the parcel must be in the same zoning district as the primary use.
- C. **Shared Parking**
  - 1. In the case of mixed uses in the same building, the total requirements for off-street parking and loading shall be the sum of the requirements for the separate individual uses computed separately.
  - 2. Joint or collective provision of off-street parking for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately.
- D. **Deferred Parking**
  - 1. Where it is determined by the City that the parking requirements for a particular proposed use would be excessive a parking lot plan shall be prepared and approved designating portions of required parking spaces and paving reserved for future use. Likewise, a parking deferment may be imposed upon a finding that parking in excess of the standard parking requirements would be initially excessive.
  - 2. The approval shall require reserved areas to be covered with lawn and shall include conditions under which the reserved parking areas must be paved.
  - 3. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required by the Zoning Administrator, based on parking needs, and shall require the submission and approval of an amended site plan, as required by Chapter 14.
  - 4. The Zoning Administrator may require construction of additional parking within the deferred parking area if a change of use occurs for the building or property for which the deferred parking was approved.
- E. **Other Land Uses:** The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site. The consideration of convenience and accessibility shall include:

1. Parking spaces located within three hundred (300) feet of building entrances.
2. Access to parking does not involve crossing a public or private street.
3. Defined pedestrian route provided through the parking area.

### **SECTION 17.03 PARKING LOT PLANS**

A. The construction of any parking lot shall comply with the requirements of this Ordinance. Construction shall be completed and approved by the Staff Review Team before actual use of the property as a parking lot and before a Certificate of Occupancy is issued. Each parking space must meet the minimum area requirements and meet any other engineering standards as deemed necessary by the Planning Commission.

#### **B. Parking Lot Plans**

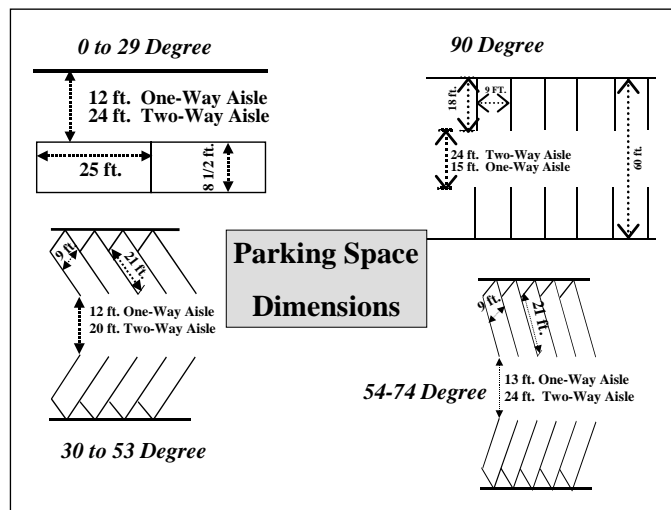
1. All parking lots exceeding ten percent (10%) coverage of any lot shall require a permit. The plans are to be prepared in a presentable form by person or persons competent in parking lot design.
2. Plans for the layout of the proposed parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than one (1) inch equals fifty (50) feet and indicating:
  - a. existing and proposed grades;
  - b. drainage, including pipe sizes,
  - c. dimensions of parking spaces (including barrier free), drives and aisles;
  - d. type and locations of curbing;
  - e. lighting, including fixture types and pole heights;
  - f. adjacent main buildings;
  - g. sidewalks;
  - h. landscaping (in accordance with the requirements of Chapter 19); and
  - i. surfacing and base materials to be used.
  - j. transit access and stop locations

### **SECTION 17.04 PARKING SPACES**

- A. The number of parking spaces required for individual uses are contained in the Development Requirements of the zoning district in which the use is located. Parking requirements for a use not mentioned within the zoning district shall be the same for that use which is most similar to the use not listed, as determined by the Zoning Administrator.
- B. Each parking space shall have a reasonably direct means of ingress and egress from an alley or a street.
- C. The minimum parking space dimensions for a layout not provided for in this Section shall be nine (9) feet in width, eighteen (18) feet in length, and one hundred sixty-two (162) square feet in area.
- D. For the purpose of this Chapter the average parking area consisting of a parking space and adjacent maneuvering aisle space, shall be deemed to be three hundred (300) square feet.
- E. Parking and maneuvering areas must be designed in accordance with the following schedule:

Parking Pattern (in degrees)	Maneuvering Lane Width (ft)		Parking Space Width <sup>(1)</sup> (ft)	Parking Space Length <sup>(2)</sup> (ft)	Total Width of Two Tiers of Spaces Plus Maneuvering Lane (ft)	
	1-way	2-way			1-way	2-way
0 to 29	11	18	8 ½	25	28	35
30 to 53	12	20	9	21	54	62
54 to 74	13	24	9	21	55	66
75 to 90	15	24	9	18	51	60

(1) measured perpendicular to the longitudinal space centerline.  
 (2) measured along the longitudinal space centerline.



**SECTION 17.05 UNITS OF MEASURE**

- A. **Fractional Requirements:** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half (1/2) may be disregarded and fractions of one-half (1/2) or more shall require one (1) parking space.
- B. For purposes of parking computations for nonresidential uses the following floor area definitions shall apply:
  - 1. Usable floor area (UFA) shall mean the floor area used for service to the public. It shall not include floor area used for storage or the processing and packaging of merchandise where it is carried on in a room in which service to the public is not involved.
  - 2. Gross floor area (GFA) shall include usable floor area and that devoted to storage, processing, packaging and utilities.
- C. In hospitals, bassinets shall not be counted as beds.



- D. Where benches, pews or other similar seating facilities are used as seats, every twenty-four (24) inches of these seating facilities shall be counted as one (1) seat.
- E. In the cases of mixed uses in the same building, the total requirements for off street parking and loading shall be the sum of the requirements for the separate individual uses computed separately.

## **SECTION 17.06 GENERAL REQUIREMENTS**

### **A. Construction Requirements**

1. All parking facilities, including driveways and maneuvering areas, required for uses located within each zoning district shall be hard-surfaced with a pavement having an asphalt or concrete binder, shall be graded and drained so as to dispose of surface water which might accumulate within or upon the paved area, and shall be completely constructed prior to a Certificate of Occupancy being issued.
2. No surface water from the parking area shall be permitted to drain onto adjoining property unless a watershed easement has been obtained.
3. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles.
4. Wheel stops shall be provided and so located as to prevent any vehicle from projecting over walkways or the lot or setback lines. All parking areas providing more than five (5) parking spaces shall be designed so as to not make it necessary for vehicles to back directly onto a street.

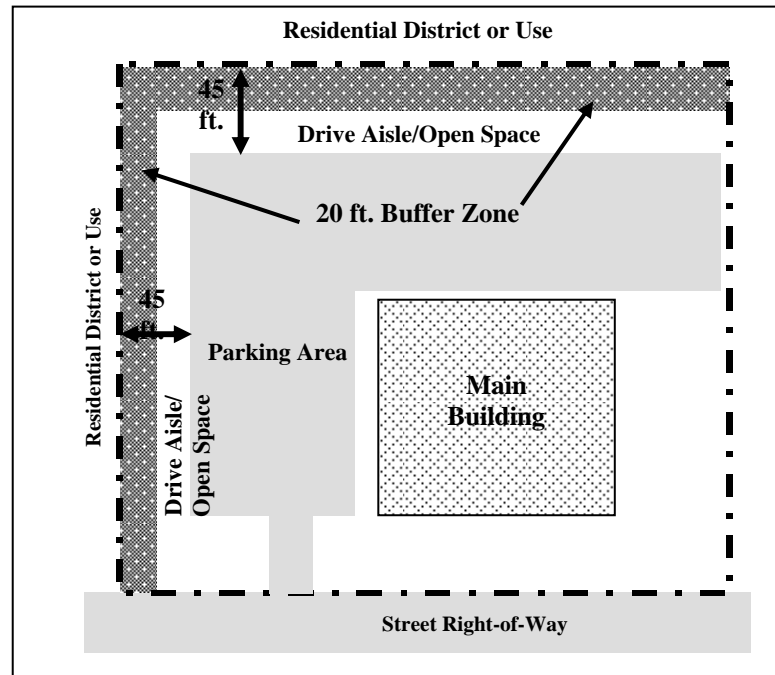
### **B. Illumination**

1. All illumination for or on parking lots shall be deflected away from adjacent residential areas and roadways and shall be installed in a manner to allow the reduction of the amount of light on other than normal parking hours each day.
2. The source of illumination in all parking lots abutting or within one hundred (100) feet of a Residential District or use shall not be more than twenty (20) feet above the parking lot surface.
3. Light fixtures shall be provided with light cut-off fixtures that direct light downward.
4. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
5. Lighting shall also comply with the requirements of Chapter 20.

### **C. Non-residential parking area abutting residential district or use:**

1. Except for the C-5 zone district, the respective side and rear yard setback in which the parking is located shall be a minimum of forty-five (45) feet of which twenty (20) feet nearest the respective property line is developed as a buffer zone. In the C-5 zone the respective side and rear yard setback in which parking is located shall be consist of a minimum of a 15 foot buffer zone C along the respective property line equipped with a six (6) foot high vertical screen.

2. The buffer zone shall extend the entire depth of the side of the lot in the case of the side yard parking adjoining residential use, or the width of the rear of the lot in the case of rear yard parking adjoining the residential use.
3. The required buffer zone shall incorporate a minimum six (6) foot high vertical screen except in required front yard areas or within seventeen (17) feet of a side lot line fronting a street



- D. Maintenance: All paved areas shall be continuously maintained including striping, labeling, patching and snow removal.

**SECTION 17.07 EXISTING OFF-STREET PARKING AT EFFECTIVE DATE OF ORDINANCE**

- A. Off-street parking existing at the effective date of this Ordinance serving an existing use shall not be reduced in size to less than that required under the terms of this Ordinance.
- B. Additional parking shall be provided and maintained in proper ratio to any increase in floor area or building use capacity.

**SECTION 17.08 PARKING RESTRICTIONS**

- A. After the effective date of this ordinance it shall be unlawful for the owner, tenant or lessee of any lot, parcel or tract of land in a residential district or in the residential area of any other district, to permit or allow the open storage or parking, either day or night, thereon of heavy equipment, semi-tractors and/or semi-trailers or other commercial vehicles with a gross vehicle weight rating of more than 10,000 pounds.

It is provided, however, that the owner, tenant or lessee of a farm may openly store the machinery and equipment used on his farm; and it is further provided that equipment necessary to be parked overnight on a lot, parcel or tract of land during construction work thereon shall be exempted from this restriction. The zoning administrator may issue up to a one week temporary special exception permit to park a semi-trailer in the parking lot of an institutional use located in a residential area.

- B. It shall be unlawful to use any of the off-street parking or loading area established to meet the requirements of this Ordinance for any purpose other than the parking of licensed vehicles or the loading or unloading of necessary service trucks.

**SECTION 17.09 OFF-STREET LOADING REQUIREMENTS**

- A. On the same premises with every building or part thereof, erected and occupied for commercial, industrial or other similar use involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading or unloading services in order to avoid undue interference with street or parking areas.
- B. Off-street loading space areas shall not be construed, as, or counted towards, the supplying of area required as off-street parking space area.
- C. The loading and unloading space, unless completely and adequately provided for within a building, shall be a minimum area of ten (10) feet by twenty-five (25) feet with fourteen (14) foot height clearance, and shall be provided according to the following schedule:

GFA (sq. ft)	Loading and Unloading Spaces Required by Square Footage
0 - 2,000	none
2,000 – 20,000	one (1) space
20,000 - 100,000	one (1) space plus one (1) space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000 - 500,000	five (5) spaces plus one (1) space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
over 500,000	fifteen (15) spaces plus one (1) space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

**D. Loading Deferment:**

1. Where an applicant demonstrates that the loading requirements for a particular proposed use would be excessive a parking lot plan can be approved designating portions of required loading spaces and paving reserved for future use. Likewise, a loading deferment may be imposed upon a finding that the standard loading requirements would be initially excessive.
2. The approval shall include conditions under which the reserved loading areas must be provided.
3. Alterations to the deferred loading area to add loading spaces may be initiated by the owner or required by the Zoning Administrator, based on loading needs, and shall require the submission and approval of an amended site plan, as required by Chapter 14.
4. The Zoning Administrator may require construction of additional loading within the deferred loading area if a change of use occurs for the building or property for which the

deferred loading was approved.

## **SECTION 17.10 ACCESS MANAGEMENT AND DRIVEWAY SPACING STANDARDS**

### **A. Purpose**

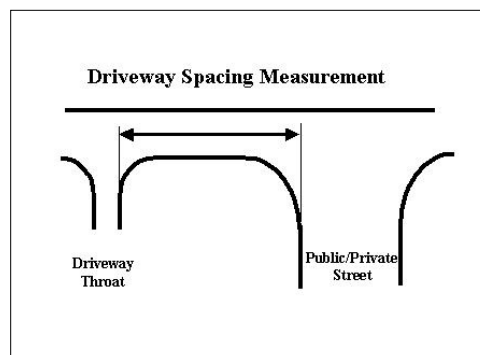
1. The purpose of this section is to establish standards for driveway spacing and the number of driveways along arterial roads for application during the site plan review process. The need for these standards is based on findings through several national studies (which studies are on file with the City) that the number of driveways has a direct relationship to the number of crashes and efficiency of traffic flow. Recommendations on access management have also been included in several studies and plans in which the City was a participant.
2. The standards of this section are intended to promote safe and efficient travel, reduce potential for vehicle crashes, minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas; protect the substantial public investment in the street system; improve accessibility to help maintain economic prosperity, and ensure reasonable access to land uses, through not always the most direct access.

### **B. Applicability**

1. These standards apply to site plans and subdivisions along arterial streets as defined in the Master Plan. Some of these streets are under the jurisdiction of the Kent County Road Commission or Michigan Department of Transportation (MDOT). Construction within the public right-of-way still must also meet the permit requirements of the road agency. Where any conflicts arise, the more stringent standard shall apply. Applicants should first obtain site plan approval prior to a request for an access permit from the road agency.
2. Major and Minor Arterials as classified in the City Master Plan include:
  - a. 28<sup>th</sup> Street
  - b. 29<sup>th</sup> Street
  - c. 32<sup>nd</sup> Street
  - d. 36<sup>th</sup> Street
  - e. 44<sup>th</sup> Street
  - f. 52<sup>nd</sup> Street
  - g. 60<sup>th</sup> Street
  - h. Breton Avenue
  - i. Burton Street
  - j. Division Avenue
  - k. East Beltline (M-37)
  - l. Eastern Avenue
  - m. East Paris Avenue
  - n. Kalamazoo Avenue
  - o. Patterson Street
  - p. Shaffer Avenue

## **SECTION 17.11 STANDARDS FOR ACCESS LOCATION, SPACING AND DESIGN**

- A. **General.** Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
- B. **Number.** The number of driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles. Typically one (1) access point may be provided per lot.
- C. **Spacing from Median Crossovers.** Driveways along arterials with a median shall be located to ensure proper distance for vehicles to weave between the median crossover and the driveway. The location shall be based on consideration of existing traffic conditions, expected number of movements associated with the driveway, types of vehicles (autos *versus* trucks), topographic constraints and similar operational factors. The City may seek recommendations from other agencies, as applicable, prior to site plan approval.
- D. **Offsets:** To reduce left-turn conflicts, new commercial/industrial driveways should be aligned with driveways or streets on the opposite side the roadway where possible. If alignment is not possible, driveways should be offset a minimum of two hundred fifty (250) feet (spacing measured between centerlines). Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.



E. **Spacing from intersections along arterial streets:**

1. Minimum spacing requirements between a proposed driveway and an intersection shall be established on a case-by-case basis during site plan review. Consideration will be given to: present traffic conditions; typical length of queuing (vehicles stopped waiting at the intersection) during peak times; and relationship to other access points provided that the spacing shall not be less than the distance listed below. Spacing at signalized intersections in particular may need to be greater than the minimum listed. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections
2. For sites with insufficient street frontage, construction of a driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection, or a service/frontage road may be required.

- F. **Spacing from intersections along non-arterial streets.** When a site has frontage along a non-arterial road, that access shall be a minimum of one hundred and fifty (150) feet from the intersection, provided a longer distance may be required based on traffic conditions at a particular intersection.

G. **Service Drives**

1. Access from a side street, connections between uses to create a shared driveway, a frontage road or a rear service drive connecting two (2) or more properties or uses may be required, in the following cases:
    - a. Where recommended in a Corridor Plan.
    - b. When the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.
    - c. The property frontage has limited sight distance.
    - d. The fire department recommends a second means of emergency access.
  2. Service roads shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings and may be placed in required yards. In considering the most appropriate alignment for a service road, setbacks of existing or proposed buildings and anticipated traffic flow for the site shall be considered. Each property owner shall be responsible for maintaining the service/frontage road and a shared access and maintenance agreement shall be submitted to the City recorded with the Kent County Register of Deeds. The burden for recording shall lie with the property owners.
- H. **Elevation.** Service drives shall have a minimum width of 24 feet and be designed to facilitate extensions or connectors in the future, where appropriate. The site plan shall indicate the proposed width and elevation of the service/frontage road at the property line. The Planning Department shall maintain a record of service road elevations so design grades can be coordinated for connections and extensions.
- I. **Temporary Access.** Temporary access points may be approved where a continuous service road is not yet available and a performance bond or escrow is created to assure elimination of temporary access when the service road is continued.
- J. **Driveway Width.** For high traffic generators, or for commercial/industrial driveways along roadways experiencing or expected to experience congestion, two (2) egress lanes may be required (one as a separate left turn lane).
- K. **Modification of standards for special situations.** During site plan review the standards of this Chapter may be modified upon consideration of the following without review by the Zoning Board of Appeals. The City may require submittal of a traffic impact study, and a concurring report from the City Engineer to demonstrate a public benefit if the modification is approved.
1. The standards of this section would prevent reasonable access to the site.
  2. Access via a shared driveway or service/frontage road is not possible due to the presence of existing buildings or topographic conditions.
  3. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall operations prior to project completion, or occupancy of the building.
  4. The use involves the redesign of an existing development or a new use, which will generate less traffic than the previous use.
  5. The modification shall be of the minimum amount necessary.

- L. **Closure of Preexisting Curb Cuts:** As part of a zoning review, the City shall order the closure of preexisting curb cuts where necessary to accomplish the purposes of this Chapter.

## CHAPTER 18 PRIVATE STREET REGULATIONS

### SECTION 18.01 INTENT AND PURPOSE

- A. The purpose of the Private Street Regulations is to ensure that private streets and driveways meet minimum drive and emergency access standards for developments within the City. Private streets may also help preserve safe and efficient traffic movement by providing reasonable access to public roadways. The easements in which private streets are located allow for the efficient location of utilities. This chapter does not apply to private streets within planned unit developments or open space zone districts; however, these requirements for private streets may be used as standards or guidelines in planned unit developments or open space zone districts. This Chapter shall not apply to private streets or driveways for mobile home parks, schools, hospitals, apartments, nursing homes or other group homes, maneuvering lanes within a group of apartment or industrial buildings, or other similar uses as determined by the Zoning Administrator provided that these uses have direct public street frontage, there is adequate access for emergency vehicles, and that the private street does not provide access to any abutting lot or parcel of land.

### SECTION 18.02 GENERAL PRIVATE STREET REGULATIONS

Private streets are considered to be permitted accessory uses within all zoning classifications. Where a private street is to be built, a private street permit is required to ensure that all lots have access to a private or public street. All buildings or uses must be located on a lot which has legal access to or abuts a public or private street. Private streets shall:

- A. Be approved by the Staff Review Team prior to the issuance of a building permit for a proposed structure to be served by the private street. The private streets shall be located within private street easements. The require easement width varies based on the uses that the private street serves. Standards for easement widths are outlined within Section 18.03.
- B. Be designed to provide sufficient frontage to all lots.
- C. Be paved with an asphalt or cement binder and shall be constructed to permit effective stormwater drainage so as to dispose of surface water which might accumulate upon the private street. No surface water from a private street shall be permitted to drain onto an adjoining property.
- D. Be able to support 20 tons on a single axle with dual wheels and standard road tires.
- E. Be named so it is not the same or similar to another street within the City. Where private streets intersect a public street, the signs shall meet the Kent County Road Commission standards as to design, location and maintenance.
- F. Maintain a height clearance of at least 14 feet.
- G. Not exceed a street grade of nine percent, except that a private street shall have a maximum grade of four percent for a minimum distance as approved by the City Engineer



from its intersection with a public right-of-way or another private street. Street curvature regulations shall be in accordance with the design specifications of the Kent County Road Commission or the City of Kentwood as amended from time to time.

- H. Be upgraded to appropriate standards consistent with these regulations where additional lots are allowed access to the private street, or where a private street is to become a public street. The private street shall be built to public construction standards to be accepted as public. The City reserves the right to reject a street as public if it so chooses. The upgrade of the street will be required from the drive access of the additional lot out to the public street. Exemptions from the upgrade requirement are as follows:
  - 1. Lots of record in existence as of January 1992;
  - 2. Lots altered subsequent to January 1992 due solely to governmental action; and
  - 3. Lots altered subsequent to January 1992 where the additional site(s) otherwise has alternate approved and recorded access to a public street.
  
- I. Include maintenance provisions to accommodate emergency vehicles and allow safe access of emergency vehicles to the site. The maintenance provisions shall include ,but not be limited to, removal of snow upon an accumulation of four or more inches, sealing and filling cracks or holes in the street as reasonably necessary, and the removal of vegetative overhang which might obstruct emergency vehicle access or constitute a safety hazard as well as an adequate means of ensuring that maintenance will occur.

**SECTION 18.03 SPECIFIC PRIVATE STREET DIMENSIONS**

- A. Private streets serving more than one lot must be paved and meet the following minimum requirements:

Residential

<u>Classification</u>	<u>Base Width</u>	<u>Pavement Width</u>	<u>Easement Width</u>	<u>Sidewalks Required</u>	<u>On-Street Parking</u>
Driveway (2-10 lots)	18'	16'	30'	None	None
Minor Private (11-15 lots)	19'	18'	36'	None	None
Major Private (16-46 lots)	25'	24'	50'	1 side	1 side
Subcollector Private (46 plus lots)	31'	30'	60'	2 sides	2 sides

Nonresidential

<u>Classification</u>	<u>Base Width</u>	<u>Pavement Width</u>	<u>Easement Width</u>	<u>Sidewalks Required</u>	<u>On Street Parking</u>
	31'	30'	60'	None	None

- B. The pavement width for nonresidential private streets shall include two feet of curb (valley gutter type) on each side of the street.
- C. The sidewalk within the public street right-of-way, where required, may be replaced by alternate sidewalks or walkways located throughout the development.
- D. Where a major private street or a subcollector private street intersect a public street, a 60-foot easement width shall be required for the private street for a distance of 100 feet from the public right-of-way. Within that expanded easement width, a major private street shall be required to have a pavement width of at least 30 feet and subcollector private street shall be required to have a pavement width of at least 40 feet. Landscape islands to assist in traffic separation are encouraged.

#### **SECTION 18.04 CUL-DE-SACS**

A private street that involves a dead end or cul-de-sac street shall have a maximum length of thirteen-hundred twenty (1320) feet if a public hydrant is available within 500 feet of any proposed building site. The maximum length shall be five hundred (500) feet in the absence of a public hydrant. Residential cul de sacs of major private streets and subcollector private streets shall have a paved circular terminal area of at least a 70 foot diameter. All nonresidential cul de sacs shall have a paved circular terminal area of at least a 100 foot diameter.

#### **SECTION 18.05 PROCEDURES**

- A. The plans for private street construction must be reviewed and approved by a staff review team consisting of representatives of the City's Fire Chief, Engineer, Zoning Administrator or their designees. The members of the staff review team shall submit, in writing, any and all conditions that would warrant approval of or, alternatively, reasons for denial of the private street. The conditions shall be those necessary to ensure that a private street will not adversely affect the provision of public services and facilities, the natural environment, adjacent uses of land or the community as a whole and which are otherwise consistent with the ordinances, standards and policies of the City. After consideration, the staff review team, by majority vote, shall either approve, with or without conditions, or deny the private street. Prior to obtaining a building permit for any proposed structure that does not have direct access to a public street or existing private street, a permit for the private driveway or street must be obtained from the staff review team. A permit is not required for a private driveway which serves only one lot.
- B. No private street shall be constructed or utilized until a permit for the private street has been obtained from the City. No private street permit shall be issued by the City until the private street (as well as all lots fronting on the private street) has been approved pursuant to this Chapter. No building permit shall be issued for any proposed structure that does not have direct access to a public street or existing installed private street until the new private street has obtained all required approvals and permits and has been fully installed.
- C. The application for a private driveway or private street permit includes the submission of three copies of the following:

1. A site plan sketch, showing all existing and future proposed parcel splits and proposed structures.
  2. Drawings showing proposed utilities, sidewalks, curb openings, pavement width, water and storm drainage facilities, topography and vegetation.
  - 3.. A fee shall be required as set by the City Commission for the review of private driveways and private streets. Fees will be revised from time to time as necessary to cover the costs associated with the review procedure.
  4. A recorded easement agreement, including location, access, and maintenance provisions for the private street. The maintenance provision shall require that the road be kept in a condition that will accommodate emergency vehicles and allow the safe access of emergency vehicles to the site.
- D. Prior to the issuance of the permit for the private street, the applicant must provide to Kentwood proof of other permits that are required from the State of Michigan and Kent County.

#### **SECTION 18.06 REVIEW STANDARDS**

In addition to the standards and requirements specified in this chapter, no private street shall be approved pursuant to section 18.05, unless the staff review team also finds that the private streets and lots fronting the private street meet all of the following conditions and requirements:

- A. The private street will be safe for traffic and pedestrians.
- B. The proposed development will not adversely affect adjacent uses of properties and shall be designed, constructed and maintained in a manner harmonious with the character of adjacent properties and the surrounding area.
- C. The private street will not place demands upon public services and facilities in excess of their current capacities.
- D. The private street will be designed to preserve environmental features, such as trees, natural areas, streams and flood plains.
- E. The private street will be harmonious and consistent with the intent of the City's zoning ordinance and master plan.
- F. The private street shall comply with all applicable stormwater ordinance and regulations.

## **CHAPTER 19 LANDSCAPING/SCREENING REGULATIONS**

### **SECTION 19.01 INTENT AND PURPOSE**

The intent of this Chapter is to promote the public health, safety and welfare by establishing minimum standards for the design, installation, and maintenance of landscape improvements. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character of the City. The standards of this section are intended to help achieve a number of functional and environmental objectives such as:

- A. Promote the implementation of the Master Plan.
- B. Define, articulate, and integrate outdoor spaces, architectural elements, and various site elements.
- C. Reduce the physical impact between adjacent land uses by requiring complementary landscape treatments and providing a transitional area adjacent to natural areas.
- D. Screen headlights to reduce glare and incidental pollution.
- E. Control soil erosion by slowing the effects of erosive winds and water.
- F. Respond to the varied and unique conditions throughout the City.
- G. Provide reasonable standards to bring developed sites, which existed prior to the adoption of these standards, into compliance with the requirements contained herein.
- H. Recognize and preserve the aesthetic value of natural areas such as woodlands, wetlands and floodplains within and adjacent to a development site.

### **SECTION 19.02 LANDSCAPE PLAN SPECIFICATIONS**

A separate detailed landscape plan shall be submitted as part of all site plan reviews. Planting plans shall be prepared by a licensed Landscape Architect. The landscape plan shall demonstrate that all requirements of this chapter are met and shall be prepared in accordance with the following:

- A. Illustrate location, spacing, species, and size of proposed plant material;
- B. Separately identify compliance with the minimum numeric requirements for greenbelts, buffer zones, parking lot trees, detention ponds, and other required interior landscaping. Required trees or materials can not be double counted;
- C. Provide, where required by the Planning Commission, typical cross sections to illustrate views from adjacent land uses, and the slope, height, and width of proposed berms or landscape elements;
- D. Identify trees and other landscape elements to be preserved;
- E. Delineate the location of tree protection fence and limits of grading at the perimeter of areas that are to be preserved. Tree preservation fencing shall be established at the drip line of the tree, or a detail of the fence provided;
- F. Provide significant construction details to resolve specific conditions such as limits of grading adjacent to areas with trees and vegetative cover to be preserved, tree wells to preserve existing trees or culverts to maintain natural drainage patterns;

- G. Provide details to ensure proper installation and establishment of proposed plant material;
- H. Identify grass areas and other methods of ground cover; and
- I. Identify a landscape maintenance program including a statement that all diseased, damaged or dead materials shall be replaced in accordance with standards of this ordinance.

### **SECTION 19.03 REQUIRED LANDSCAPING**

- A. **Greenbelt along Street Frontage:** Within any R-2, R-3, R-4, R-5 District, Commercial/Office Districts, Industrial Districts, and the OS District the following minimum greenbelt is required along each public street right-of-way or private road easement on which the site has frontage:
  - 1. Ten (10) foot wide greenbelt.
  - 2. One (1) canopy tree, rounded upward, for every forty (40) linear feet of frontage.
  - 3. Seven (7) shrubs for every forty (40) linear feet of frontage.
  - 4. The provision of a planting berm may be required at least three (3) feet in height in addition to the plant materials required along and outside the public right-of-way parallel to a major arterial street.
  - 5. The Planning Commission and planning staff may approve substitution of evergreen trees for up to fifty percent (50%) of the required trees.
- B. **Street Trees in Residential Projects:** Street trees are required within all residential projects in accordance with the following:
  - 1. One (1) canopy street tree shall be provided for every eighty (80) feet of lot frontage along a public or private street..
  - 2. Single and Two Family and Site Condominium Lots: Where possible, street trees shall be provided between the sidewalk and the curb, but at a minimum within the front yard on each lot.
  - 3. Multiple Family Developments: Where possible, street trees shall be provided within the front yard area of the units.
  - 4. Existing trees three (3) inch caliper or greater, preserved in good condition, may be allowed to be counted towards this requirement.
  - 5. Where the installation of street trees is deferred until after construction of housing units, the City shall require a performance guarantee for street tree planting.
  - 6. Where overhead power lines exist, the type and/or location of street trees shall be adjusted to avoid conflict as the trees mature.
- C. **Buffer Zones**
  - 1. A buffer is an area intended to provide visual barrier and noise abatement between specified land uses.
  - 2. The Planning Commission shall determine whether landscaping, a wall, berm, decorative fence or combination thereof is needed to attain the intended screening.
  - 3. The landscape buffer yard requirement is waived where adjacent commercial and/or office developments share a common drive or parking lot on the common lot line.
  - 4. Buffers shall be provided in accordance with the following requirements unless otherwise exempted within this section.

<b>TABLE 19.01 BUFFER ZONE REQUIREMENTS</b>					
<b>PROPOSED USE:</b>	<b>Adjacent to R-1 Districts</b>	<b>Adjacent to R-2 through R-5 Districts</b>	<b>Adjacent to C-2 and C-3 Districts</b>	<b>Adjacent to C-4 District</b>	<b>Adjacent to OS District</b>
Single Family Residential	None	None	None	None	None
Two Family Residential	None	None	None	None	None
Multiple Family Residential	B	C	C	C	C
Manufactured Housing Community	B	C	C	C	C
Community Commercial	B	C	C	C	C
Neighborhood Commercial	B	C	C	C	C
Regional Commercial	A	B	C	B	C
Office – Business	C	C	C	C	C
Industrial	A	A	B	B	A
Open Space, Public, Semi-Public	B	B	C	C	C

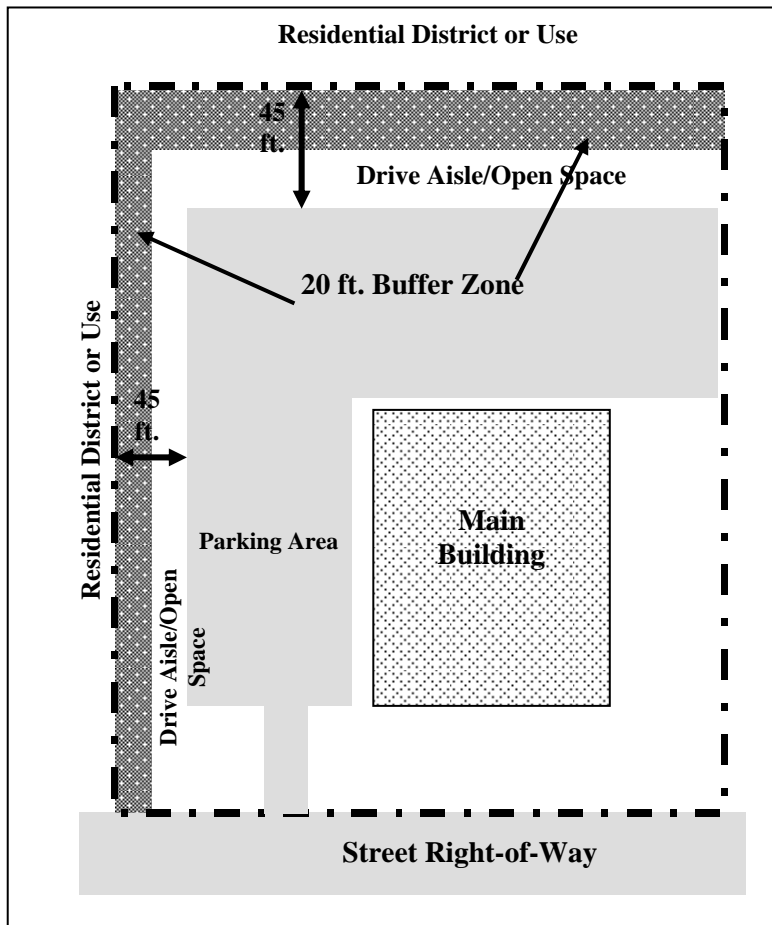
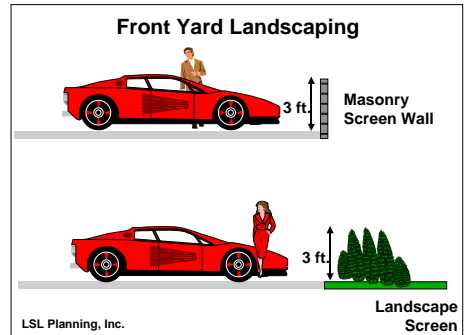
<b>TABLE 19.02 DESCRIPTION OF REQUIRED BUFFER ZONES</b>			
<b>Buffer Zone</b>	<b>Minimum Width</b>	<b>Screen</b>	<b>Minimum Plant Materials</b>
<b>A</b>	50 ft.	6 ft. high vertical screen or 4 ft. high berm	1 canopy tree, 3 evergreen trees and 3 shrubs per each forty (40) linear feet along the property line, rounded upward
<b>B</b>	20 ft.	None Required	1 canopy tree, 1 evergreen tree and 5 shrubs per each forty (40) linear feet along the property line, rounded upward
<b>C</b>	10 ft.	None Required	1 canopy or evergreen tree and 5 shrubs per each forty (40) linear feet along the property line, rounded upward

D. **Parking Area Landscaping:** All sites that provide parking shall comply with the following requirements, as applicable.

1. Off-street parking areas containing ten (10) or more parking spaces shall be provided with landscaping in accordance with the following table.

<b>TABLE 19.03 MINIMUM REQUIRED TREES IN THE PARKING AREA</b>	
10 - 100 spaces	1 Canopy tree and 100 sq. ft. of landscaped area per 10 spaces.
101 - 200 spaces	1 Canopy tree and 100 sq. ft. of landscaped area per 12 spaces.
Over 200 spaces	1 Canopy tree and 100 sq. ft. of landscaped area per 15 spaces.

2. A minimum of one-third (1/3) of the trees shall be placed on the interior of the parking area, defined as the area within eighteen (18) feet surrounding the parking lot.
3. Parking lot landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement.
4. Where off-street parking areas are located within the front yard, a hedgerow, three (3) foot tall masonry wall or berm shall be provided between the parking spaces and the public or private right-of-way. The hedgerow shall be planted with two (2) foot tall evergreen or deciduous shrubs, two and one-half (2 1/2) feet on center.
5. The respective side and rear yard setback for the off-street parking for non-residential uses common to an adjacent residential use or district shall be a minimum of forty-five (45) feet of which twenty (20) feet nearest the respective property line is developed as a buffer zone. No accessory buildings or storage is allowed in this 45 foot setback. Such buffer zone shall extend the entire depth of the side of the lot in the case of the side yard parking adjoining residential use, or the width of the rear of the lot in the case of rear yard parking adjoining the residential use. The required buffer zone shall incorporate a minimum six (6) foot high vertical screen.



- E. **Detention/Retention Pond Landscaping:** Ponds shall be designed to provide a natural appearance through the use of gradual side slopes, rock walls, and plant material. Detention and retention ponds shall be provided in accordance with the following standards:
1. Side slopes shall not exceed requirements that require the perimeter of the pond to be fenced.
  2. One (1) canopy or evergreen tree and nine (9) shrubs are required per fifty (50) feet of pond perimeter, as measured along the top of the bank elevation. The required landscaping shall be planted in a random pattern, not limited to the top of the pond bank.
  3. Where a natural landscape is found not to be particular or desirable, the Planning Commission may require some type of decorative fencing.
- F. **Dumpsters:** Dumpsters, including waste receptacles and compactors, shall be designed, constructed and maintained according to the following.
1. Dumpster location and details of construction shall be shown on site plans.
  2. A change in dumpster location or size shall require modification to the enclosure, as warranted by this subsection.
  3. Dumpsters shall be located in the rear yard or non-required side yard, unless otherwise approved by the Planning Commission and shall be as far as practical, and in no case be less than, twenty (20) feet from any adjacent residential district.
  4. Dumpsters shall be easily accessed by refuse vehicles without potential damage to automobiles parked in designated parking spaces.
  5. Dumpsters shall have an enclosing lid or cover.
  6. Dumpsters shall be located within an enclosure that meets the following design standards barring a security consideration raised by the Police Department and affirmed by the Staff Review Team:
    - (a) The enclosure shall be a minimum of twelve (12) feet by twelve (12) feet in size.
    - (b) The base of the enclosure shall be constructed of six (6) inches of reinforced concrete pavement that shall extend six (6) feet beyond the base or gate to support the front axle of a refuse vehicle.
    - (c) The enclosure shall be a minimum of three (3) sides with a gate on the fourth side.
    - (d) The minimum height of the enclosure walls shall be six (6) feet.
    - (e) The enclosure shall be constructed of brick or decorative concrete material that complements the material of the principal structure.
    - (f) A wooden enclosure may be used provided the lumber is treated to prevent decay or is determined to be durable and suitable for outdoor use. Suggested timber materials include Cedar, No. 2 Cedar rough sawn seasoned, Redwood, No. 2 Common Finish (S4S), Douglas Fir-larch or Southern Pine.
    - (g) Landscape plantings may be required, where appropriate, along the wall of the enclosure to better screen the dumpster and enhance the view of the site.
- G. **Accessory Site Components:** In addition to required screens or walls, necessary site elements such as air conditioner units, utility boxes, road medians, site entrances and other similar components shall be appropriately screened or landscaped with plant material.
- H. **Minimum Landscaping:** Seeding or sodding shall be the minimum acceptable landscaping of any lot or parcel of land within the city. This minimum landscaping shall be completed



within one (1) year of the completion of the construction project or occupancy, which occurs first, and shall be reasonably maintained and replaced thereafter.

- I. **Right of Way Landscaping:** The area between the street paving or curb line and the property line or sidewalk, with the exception of driveways and walkways, shall be used exclusively and maintained as landscaped area with grass, trees and other plants and materials as approved by the City.

#### **SECTION 19.04 REQUIRED LANDSCAPE GENERAL PROVISIONS**

- A. **Waiver from Landscaping and Screening Requirements:** Existing landscaping or screening intended to be preserved may be determined to provide adequate landscaping and screening. Dimensional conditions unique to the parcel may also be determined to prevent development of required buffer zones, off-street parking area landscaping, greenbelts or required buffer zones. If such determination is made, in whole or in part, the landscaping provisions of this Chapter may be waived. Criteria which shall be used when considering a waiver shall include, but shall not be limited to:
  1. Existing natural vegetation;
  2. Topography;
  3. Existing wetland, floodplain and poor soils areas;
  4. Existing and proposed building placement;
  5. Building heights;
  6. Adjacent land uses;
  7. Distance between land uses;
  8. Dimensional conditions unique to the parcel;
  9. Traffic sight distances;
  10. Traffic operational characteristics on and off site;
  11. Visual, noise and air pollution levels;
  12. Health, safety and welfare of the City;
- B. Unless approved as stipulated in Section 19.04(A) above, all landscape plans shall meet each required calculation individually and in no case shall any required plantings and planting areas be counted towards other landscape requirements.
- C. When units of measurements, utilized in determining the number of required plantings, result in a fractional planting, any fraction shall be rounded upwards and counted as one (1) additional planting.
- D. Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
- E. A raised standard or rolled concrete curb shall protect all landscaped areas.
- F. All landscaped areas shall be arranged to simulate a natural setting such as staggered rows or massings.
- G. Remaining lawn areas shall include only living materials with the exception of permitted driveways, sidewalks, signs, and utilities.

- H. All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six (6) months.
- I. The Planning Commission may require a performance guarantee in accordance with the requirements of Section 22.06 of sufficient amount to ensure the installation of all required landscaping.
- J. **Root Ball:** All deciduous trees and evergreens must have a heavy soil type root ball.
- K. **Slope Cover:** Slopes 3 on 1 or less can be grassed. Slopes greater than 3 on 1 should be planted with ground cover perennials or course grass.

**SECTION 19.05 MINIMUM LANDSCAPE MATERIAL STANDARDS**

- A. All plant material shall be hardy to Kent County, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.
- B. **Plant Sizes:** Minimum plant sizes at time of installation shall be according to the following:

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

- C. **Mixing of Species:** The overall landscape plan shall not contain more than twenty-five percent (25%) of any one (1) plant species.

- D. **Berm:** Where a berm is provided for the purposes of screening and buffering, it 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 (4) feet wide.
- E. **Wall:** Where a wall is provided for the purposes of screening and buffering, it shall have a maximum height of six (6) feet and shall be constructed of brick, stone or decorative masonry material.
  - 1. The colors and materials of the wall shall complement that of the main building or structure.
  - 2. A residential privacy fence may be approved in place of a solid wall if it is more compatible with the character of the area. The privacy fence must be six (6) feet tall, completely opaque and, if wooden, treated to prevent decay. Cyclone fencing with plastic covering is not permitted.
- F. **Suggested Plant Material:** Botanical species containing trees native to west Michigan are identified with an asterisk (\*).The use of trees native to the area, and mixture of trees from the same species association, is encouraged.
  - 1. **Canopy Trees.** Oaks\*, Hard Maples\*, Hackberry\*, Sycamore\*/Plane Tree, Birch\*, Ginko (male), Honeylocust\* (thornless varieties), Sweetgum, Hophornbeam\*, Linden\*, Ash\*, Hickory\* and Hornbeam\*.
  - 2. **Evergreen Trees.** Fir, Hemlock, Pine\* and Spruce.

3. **Narrow Evergreens.** Red Cedar, Arborvitae and Juniper.
4. **Ornamental Trees.** Serviceberry\*, Redbud\*, Dogwood\*, Hawthorn\*, Flowering Crab, Flowering Pear, Magnolia and Rose of Sharon.
5. **Large Shrubs.** Northern Bayberry, Dogwood\*, Cotoneaster, Forsythia, Mock-Orange, Sumac\*, Lilac, Viburnum\*, Witchhazel\*, Euonymus, Sargent Crab and Ninebark\*.
6. **Small Shrubs.** Bayberry, Quince, Cotoneaster, Euonymus\*, Forsythia, Hydrangea, Holly\*, Privet, Potentilla\*, Lilac, Viburnum\* and Weigela.
7. **Evergreen shrubs.** Juniper, Yew, Dwarf Mugo Pine, Euonymus varieties and Winter Creeper.

G. **Prohibited Species:** The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

<b>PROHIBITED SPECIES</b>	
<b>Common Name</b>	<b>Horticultural Name</b>
Box Elder	Acer Negundo
Ginkgo.....	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (with thorns)
Mulberry	Morus Species
Poplars.	Populus Species
Black Locust	Robinia Species
Willows.	Salix Species
American Elm	Ulmus Americana
Siberian Elm	Ulmus Pumila
Slippery Elm; Red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parvifola

H. **Planting Beds:** Clusters of plantings should be located in planting beds. Planting beds shall be edged with either plastic or metal edging in residential districts, and metal edging in all other zoning districts. Bark used as mulch shall be maintained at a minimum of two (2) inches deep.

- I. **Topsoil:** Top soil shall consist of a four (4) inch base for lawn areas and an eight (8) – twelve (12) inch base within planting beds.
- J. **Lawn Grasses:** Lawn grasses shall be planted in species normally grown as permanent lawns in Kent County. Grasses may be plugged, sprigged, seeded or sodded. Rolled sod, erosion reducing net or suitable mulch shall only be used in swales or other areas susceptible to erosion and shall be staked where necessary for stabilization. When complete sodding or seeding is not used, nursegrass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.

## CHAPTER 20 LIGHTING STANDARDS

### SECTION 20.01 INTENT & PURPOSE

The purpose of this Chapter is to protect the health, safety and welfare of the public by recognizing the need for buildings and sites to be illuminated for safety, security and visibility for pedestrians and motorists balanced against the often detrimental affects associated with the use of outdoor lighting. This Chapter provides standards for various forms of lighting that will: minimize light pollution; reduce the potential for off-site; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to sky glow; reduce light pollution and light trespass from light sources onto adjacent properties; enhance customer and employee safety; contribute to improving visibility by requiring illuminated areas to have uniform light; and curtail the degradation of the nighttime visual environment.

### SECTION 20.02 APPLICABILITY

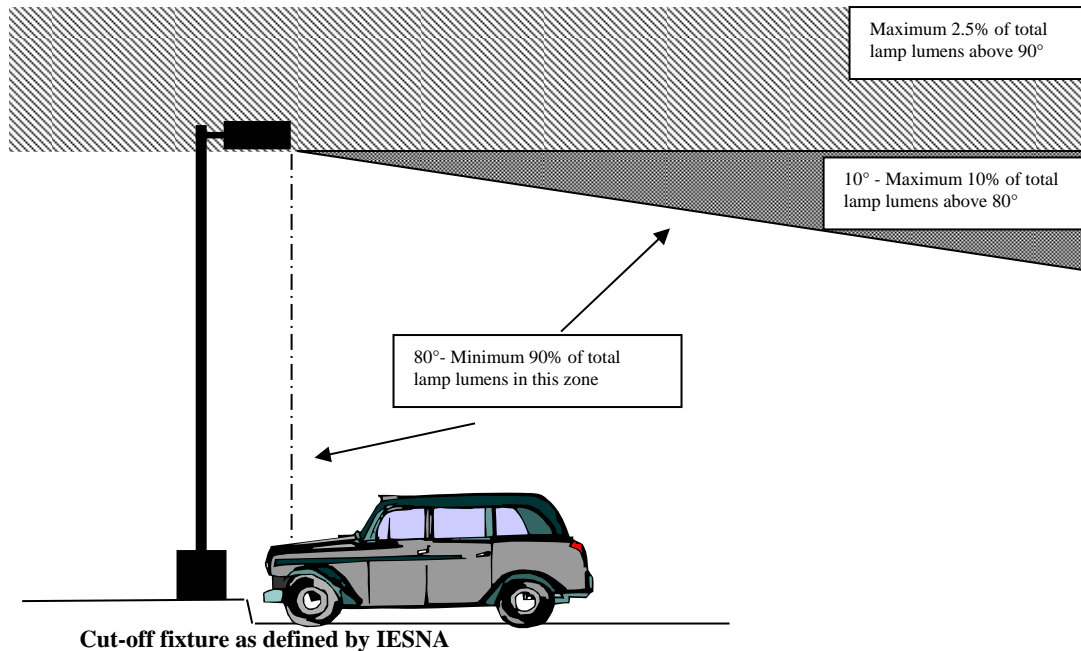
The standards in this Chapter shall apply to any light source visible beyond the property from which it is emanating. The Zoning Administrator may review any building or site to determine compliance with the requirements under this Chapter. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or illuminated signs, a Special Land Use approval, subdivision approval or site plan approval from the City, the applicant shall submit sufficient information to enable the Zoning Administrator or his/her designee and/or Planning Commission to determine whether the proposed lighting will comply with this Chapter.

### SECTION 20.03 LIGHTING DEFINITIONS

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Average Illumination:** The overall average of all points on the surface of the illuminated area including the brightest and dimmest points.
- B. **Canopy Structure:** Any overhead protective structure, which is constructed in a manner to allow pedestrians/vehicles to pass under.
- C. **Flood Light:** A fixture designed to "flood" a well-defined area with light.
- D. **Footcandle (fc):** A unit of illumination produced on a surface all points of which are one(1) foot from a uniform point source equivalent to one (1) candle in brightness of illumination.
- E. **Glare:** The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on factors such as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

- F. **Lamp:** The component of the luminaire that produces the actual light including luminous tube lighting.
- G. **Lamp Lumen Depreciation (LLD):** Factor (between 0.0 and 1.0) used to describe how the lamp output changes with time compared to the initial output. Depends principally on lamp type. Typical LLD factors for outdoor lighting types are as follows: metal halide: 0.84, compact fluorescent: 0.85, high pressure sodium: 0.91 and mercury vapor: 0.79.
- H. **Light Loss Factor (LLF):** Factor (between 0.0 and 1.0) describing light output of a luminaire after losses due to dirt accumulation (Luminaire Dirt Depreciation, LDD) and lamp lumen depreciation (LLD), relative to the output when the lamp and luminaire are new.  $LLF = LDD \times LLD$
- I. **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- J. **Light Pollution:** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.
- K. **Light Trespass.** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
- L. **Luminaire.** The complete lighting system including the lamp and light fixture.
- M. **Luminaire Dirt Depreciation(LDD):** Factor (between 0.0 and 1.0) used to describe how much light produced by the lamp is lost to dirt accumulation and other changes in the optical characteristics of the luminaire, relative to the value when the luminaire is new. Depends on the quality of the luminaire, materials used, maintenance, environment.
- N. **Mounting Height.** The vertical distance between the surface to be illuminated and the bottom of the light source.
- O. **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.
- P. **Shielded Fixture.** Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, i.e. a shoebox-type fixture or a cutoff fixture as defined by the Illuminating Engineering Society of North America. The fixtures almost always have a flat, horizontally oriented lens and opaque (usually metal) sides. A luminaire mounted in a recessed fashion under a canopy or other structure so that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Chapter.



- Q. **Spot Light:** A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.
- R. **Uniformity:** In outdoor lighting, uniformity is a measure indicating how evenly light is distributed across a surface. Typically the measure is expressed as a ratio of one value to another, such as average to minimum, or maximum to minimum. Using ratios, perfect uniformity would be 1:1.

#### SECTION 20.04 SUBMITTAL REQUIREMENTS

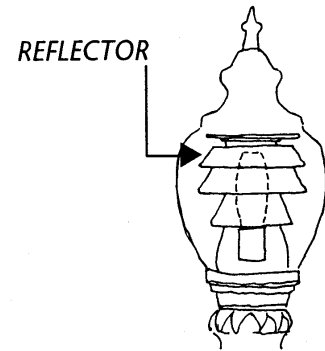
The following information must be included for all site plan submissions which include any new exterior lighting and where site plan approval is not required, some or all of the items may be required by the Zoning Administrator prior to lighting installation:

- Location of all outdoor lighting fixtures, including but not limited to freestanding pole fixtures, building-mounted and canopy light fixtures on the site plan and building elevations;
- Photometric grid overlaid on the proposed site plan indicating the light intensity throughout the site (in footcandles). Measurements must be at ground level and shown at 10' spacing.
- Manufacturer's specification sheets and details for the type of fixture being proposed including but not limited to the total lumen output, type of lamp, distribution type and method of shielding;
- Maximum footcandle calculation, minimum footcandle calculation, minimum to maximum and minimum to average uniformity ratios and light loss factor used. These statistics shall be provided for areas where vehicular and pedestrian movement is provided for and for other areas as necessary to show compliance with standards of Section 20.06;

- E. Use of fixture(s) proposed; and
- F. Any other information deemed necessary by the Zoning Administrator in accordance with the intent and purpose of this chapter.

### SECTION 20.05 GENERAL STANDARDS

- A. Unless otherwise permitted within Section 20.06 or 20.08, only shielded fixtures as defined in section 20.03 may be used. Any interior light fixtures that are deemed to be causing glare and therefore not meeting the purpose or intent of this ordinance shall be shielded to prevent glare at the property line.
- B. Decorative fixtures using lamps with low wattages do not have to be shielded; these include incandescent lamps of sixty (60) watts or less, glass tubes filled with neon, argon and krypton and any other light source of fifty (50) watts or less. Decorative luminaries above fifty (50) watts shall have internal and/or external reflectors that shield the light source.
- C. It is recognized that metal halide and fluorescent lamps are superior lights for color and object recognition when compared to other lamp types such as low and high pressure sodium or mercury vapor. Therefore, use of metal halide and fluorescent lamps is highly encouraged over low or high pressure sodium or mercury vapor lamps. It is also recognized that as the lighting industry develops, new lamp types are occasionally introduced that may have similar characteristics as the currently preferred types that may also be desirable for use in outdoor lighting.
- D. The intensity of light on a site shall not exceed three-tenths (0.3) foot candles at any property line that abuts a residential zoned property or five-tenths (0.5) foot candles for any other zoned property. To encourage energy conservation, it is recognized that some commercial, office and industrial sites may desire to share fixtures along property lines or allow light to trespass onto adjacent sites. Such light trespass shall be allowable if a letter of permission is provided by the property owner where the light trespass is occurring and if the footcandle intensities meet the intent and purpose of this ordinance.
- E. All exterior lighting shall be designed in a consistent and coordinated manner for the entire site.
- F. Indirect internal illumination of signs and canopies is permitted provided a maximum one hundred and twenty five (125) watt bulb is utilized and the transmittal surface is of a color and material that effectively shields lamps.



### SECTION 20.06 LIGHTING INTENSITY AND UNIFORMITY STANDARDS

The following lighting intensity and uniformity standards shall be used in designing an outdoor lighting plan as required within section 20.04.

Light Use <sup>1</sup>	Required Average to Minimum Uniformity Ratio <sup>2</sup>	Required Minimum Footcandle Reading <sup>2</sup>	Maximum Allowable Average Illumination <sup>2</sup>	Maximum Allowable Footcandle Reading <sup>2</sup>
<b>Outdoor Display</b>	4:1	-----	5.0 Footcandles	Front Row No More Than 20 Footcandles, Other Rows No More Than 10 Footcandles
28 <sup>th</sup> Street or Broadmoor Avenue				
All other Areas				Front Row No More Than 10 Footcandles, Other Rows No More Than 5 Footcandles
<b>Pump Islands of Gasoline Stations</b>	4:1	Between 1.0 and 5.0	-----	22.0 Footcandles
<b>Building Facades &amp; Externally Illuminated Signs<sup>3</sup></b>	-----	-----	-----	-----
Bright Surroundings and Light Surfaces			5	
Bright Surroundings and Medium Light Surfaces			7	
Bright Surroundings and Dark Surfaces			10	
Dark Surroundings and Light Surfaces			2	
Dark Surroundings and Medium Light Surfaces			3	
Dark Surroundings and Medium Dark Surfaces			4	
Dark Surroundings and Dark Surfaces			5	
<b>Building Entrances</b>	4:1	-----	5.0 Footcandles Active	-----
			1.0 Footcandles Inactive	
<b>Parking Lots<sup>4</sup></b>	4:1	Between 0.2 and 0.7	-----	-----
<b>Security Lighting</b>	-----	-----	1.5 Footcandles	-----
<b>Exterior Recreational Facilities</b>	See Subsection "A"			

Footnotes to Chart

1. The above statistics should only be applied to the area of each site devoted to the particular use. For example, a gas station/restaurant combination may have an area dedicated as a parking lot for the restaurant patrons and in addition have a pump island canopy. In this scenario two (2) sets of statistics would need to be generated; one (1) set for the parking lot and the other set for the canopy area.
2. Measurements for average to minimum uniformity ratio, required minimum footcandle reading, maximum allowable average illumination and maximum allowable footcandle reading shall be generated at the surface intended to be illuminated; e.g., pavement or area surface. These statistics shall be provided for areas where vehicular and pedestrian movement is provided for and other areas as necessary to show compliance with standards.
3. Building facades and signs shall not be illuminated if they are of glass, polished metal or other glossy surface including painted surfaces. Building facades shall also not be entirely illuminated, illumination shall be for architectural ornament and/or the illumination of small areas for visibility and security. For spotlight fixtures, no less than ninety percent (90%) of the light beam must be concentrated on the surface intended to be illuminated. For fixtures mounted directly to a wall surface or sign, external shields or dark colored non-reflective surface materials or other appropriate methods shall be used to minimize reflectance glare.
4. The maximum height of parking lot light fixtures shall be twenty (20) feet when within one hundred and fifty (150) feet of a residential zone or public or private roadway, fixture heights may be as high as twenty-five (25) feet on commercial, office and industrial sites when not within one hundred and fifty (150) feet of a residential zone or public or private roadway. For large developments such as a regional mall, the Zoning Administrator may approve fixtures mounted as high as thirty-five



(35) feet.

**A. Exterior Recreational Facilities**

For exterior recreational facilities, sufficient information must be submitted in addition to that required in Section 20.04 that demonstrates that the location, selection and aiming of all lighting fixtures will focus light on the playing areas, minimize glare and visibility from adjacent and nearby properties and roadways and minimize sky glow. A written explanation and statements shall be supplied explaining why locations, fixtures types, intensities, orientation of fixtures and other decisions were made. Lighting of sports facilities shall not be operated except during and turned off no later than forty five (45) minutes after the event is over.

**B. Uses Not Specifically Listed**

For uses not specifically listed within this subsection, but determined to be of a type, use and or intensity that may be detrimental to achieving the purpose of this ordinance, the Zoning Administrator, depending on the purpose of the lighting, shall classify lighting into one (1) of the categories contained in Section 20.06. An applicant may appeal an initial classification to the Zoning Administrator, in writing, detailing why more intense lighting or less lighting is necessary. The Zoning Administrator shall either approve or deny the appeal based on whether or not sufficient justification has been submitted and whether the proposal meets the intent of City ordinances. Final determinations of the Zoning Administrator may be appealed to the Zoning Board of Appeals.

**SECTION 20.07 PROHIBITED OUTDOOR LIGHTING**

- A. The use of laser light source, searchlights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
- B. Lighting shall not be of a flashing, moving or intermittent type.

**SECTION 20.08 EXEMPTIONS**

The following are exempt from the lighting requirements of this Chapter, provided that they have no glare or other detrimental effects on adjoining streets or property owners:

- A. Private swimming pools;
- B. Holiday decorations;
- C. Window displays
- D. Pedestrian walkway lighting;
- E. Residential lighting; and

- F. Street lights.

**SECTION 20.09 LAMP OR FIXTURE SUBSTITUTION**

Should any light fixture regulated under this Chapter, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Zoning Administrator for his approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

**SECTION 20.10 ADMINISTRATION**

- A. An outdoor lighting permit shall be issued on a form from the Planning Department if it is determined by the Planning Commission and/or staff that a proposal fulfills the requirements and intent and purpose of this ordinance. The permit shall list what is being approved and contain copies of relevant documents.
- B. The Zoning Administrator has the discretion to require the re-direction of existing light fixtures when it is determined that the fixture is creating off-site glare.

## CHAPTER 21 ZONING BOARD OF APPEALS

### SECTION 21.01 DUTIES

- A. There is hereby established a Zoning Board of Appeals, the membership, powers, duties of which are prescribed in Act No. 110 of the Public Acts of the State of Michigan for 2006, as amended.
- B. The Zoning Board of Appeals, in addition to the general powers and duties conferred upon it, by the Act, in specific cases and subject to appropriate conditions and safeguards shall have the following duties:
1. The Board shall have the power to interpret and determine the application of this Ordinance in harmony with its purposes and intent.
  2. Appeals:
    - a. The Board shall have the power to hear and decide appeals from any person or any governmental department affected or aggrieved, and review any order, requirement, decision or determination where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the Zoning Administrator or other administrative official or body charged with the enforcement of any ordinance adopted pursuant to the Zoning Act.
    - b. An appeal to the Board shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals after notice of appeal shall have been filed with him that by reason of fact stated in the certificate, a stay would cause imminent peril to life or property.
  3. The Board shall hear requests for variances from the requirements of this Ordinance where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance relating to the constructions, structural changes in equipment, or alterations of buildings or structures, or the use of land, buildings or structures.
  4. The Board shall also have any other duties that may be specifically conferred by this Ordinance.

### SECTION 21.02 COMPOSITION AND TERM OF OFFICE

- A. The Zoning Board of Appeals shall consist of 7 members. The City Commission shall choose all members from electors residing within the City, one of whom may be a member of the Planning Commission. The City Commission may appoint up to two alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case

until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals. The presence of a majority of the members shall constitute a quorum.

- B. The term of each member shall be for three (3) years, and the Board as presently constituted shall continue in the manner and for the terms heretofore established.

### **SECTION 21.03 VOTING REQUIREMENTS**

A majority of the membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of an applicant on any matter upon which they are required to pass under this Ordinance, or to effect a non-use variance.

### **SECTION 21.04 GRANTING OF VARIANCES**

- A. Subject to the provisions of this Chapter, the Board, after public hearing shall have the power to decide applications for variances filed as hereafter provided to ensure that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done. See Section 13.07 relative to: the application and hearing process; the effect of decisions; resubmittal restrictions; and review standards. As provided for in Section 125.3604 subsection 604(11) of Public Act 110 of 2006, as amended, the Zoning Board of Appeals does not have the authority to grant a use variance.
- B. **Non-use Variance:** A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
1. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
    - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
    - b. By reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
    - c. 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.
  2. The condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for these conditions or situations.
  3. The 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. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
  4. The variance will not be detrimental to adjacent property and the surrounding neighborhood.

5. The variance will not impair the intent and purpose of this Ordinance.
6. The immediate practical difficulty causing the need for the variance request was not created by the applicant.

#### **SECTION 21.05      CONDITIONS OF APPROVAL**

In authorizing a variance or other approval permitted by this Ordinance, the Board may, in addition to the specific conditions of approval called for in this Ordinance, attach other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest or as otherwise permitted by law.

## CHAPTER 22 ADMINISTRATION AND ENFORCEMENT

### SECTION 22.01 INTERPRETATION

- A. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience or general welfare.
- B. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.
- C. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

### SECTION 22.02 ZONING ADMINISTRATOR; UNDESIGNATED USES

- A. It is hereby provided that the provisions of this ordinance shall be administered and enforced by the zoning administrator and designees of the same. The zoning administrator shall, among other duties, interpret this ordinance, and issue all permits and notice of violations, except building permits, provided for in this ordinance.
- B. Any use, use of land, activity, structure, or development activity not expressly allowed by this ordinance is prohibited, unless the zoning administrator finds that the use is substantially similar in character to a use or item listed in this ordinance. An individual may apply to the Planning Commission for consideration of an amendment to this ordinance to include a proposed use in one or more of the zoning districts of this ordinance, either as a permitted use or a special land use. At their option and discretion, the Planning Commission and City Commission may consider an amendment to this ordinance, but are not required to do so.

### SECTION 22.03 FEES

- A. Except as may be provided for otherwise in this Ordinance, the City Commission shall determine and set fees to be collected for all applications for zoning approvals. These fees shall be collected prior to issuance of any permit or certificate, and other official actions required by this Ordinance.
- B. The fee schedule shall be that adopted by resolution of the City Commission as amended from time to time.



**SECTION 22.04 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**

No building permit or certificate of occupancy shall be issued by the City except in compliance with all codes and ordinances including this Ordinance. No building permit shall be required for one-story detached accessory structures if the floor area does not exceed one hundred twenty (120) square feet in area.

**SECTION 22.05 TIME LIMITS FOR PLANNING COMMISSION AND CITY COMMISSION APPROVALS**

The following time limits for acting on proposed projects by the City and/or Planning Commission must be observed unless waived by or a request for an adjournment is received from the applicant in writing. Projects will be considered approved if the City fails to act within the prescribed time limits unless the failure is beyond the reasonable ability of the City/Planning Commission to control. Projects approved as a result of a failure to act must still comply with any applicable provisions of the Zoning Ordinance or any other applicable ordinance.

- A. Rezoning, Planned Unit Development, Site Condominium Project
  - 1. Planning Commission: ninety (90) days from the setting of a public hearing by the Planning Commission.
  - 2. City Commission: one hundred and twenty (120) days from the setting of a public hearing by the Planning Commission.
- B. Special Land Use, Site Plan Review: Ninety (90) days from the setting of a public hearing by the Planning Commission.

**SECTION 22.06 PERFORMANCE GUARANTEES**

- A. As a condition of approval of a site plan review, special land use, or variance, the City Commission, Planning Commission, Zoning Administrator, or the Zoning Board of Appeals, may require a performance guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development.
- B. The features or components, hereafter referred to as "improvements," may include, but shall not be limited to, survey monuments and irons, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, paving, driveways, utilities, and similar items.
- C. Performance guarantees shall be processed in the following manner:
  - 1. Prior to the issuance of a Certificate of Occupancy, the applicant or their agent shall submit an itemized estimate of the cost of the required improvements that are subject to the performance guarantee, which shall then be reviewed by the Building Inspector. The amount of the performance guarantee shall be one hundred percent (100%) of the cost of purchasing of materials and installation of the required improvements, plus the cost of necessary engineering and inspection costs and a reasonable amount for contingencies.



2. The required performance guarantee shall be payable to the City and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the City.
3. Upon receipt of the required performance guarantee, the Building Inspector shall issue a building permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the City.
4. The Building Inspector, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
5. When all of the required improvements have been completed, the obligor shall send written notice to the Building Inspector of completion of the improvements. Thereupon, the Building Inspector shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections.
6. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
7. The Building Inspector shall maintain a record of required performance guarantees.
8. In lieu of providing performance guarantees, the City and the applicant for a development proposal may agree to enter into a development agreement that would be recorded with the Register of Deeds.

## **SECTION 22.07 VIOLATIONS AND PENALTIES**

A. Unless a section of this ordinance specifically provides otherwise, any person, firm, corporation, trust, partnership or other legal entity which violates the zoning ordinance or violates any provision or condition imposed by the Planning Commission, City Commission, or zoning board of appeals in pursuance of any ordinance provision or assigned condition, shall be responsible for a municipal civil infraction and shall be subject to fines, costs and orders as provided by law.

B. Each day a violation occurs or continues shall constitute a separate offense, and shall make the violator liable for the imposition of a fine and other penalties for each day of violation.

C. The owner and co-owner of any building, structure or premises which is in violation of this ordinance shall be responsible for a municipal civil infraction and shall be subject to the fines, costs and orders as provided by law.

D. Any building or structure which is erected, altered or converted, or any use of any premises or land which is begun or changed subsequent to the effective date of this ordinance that is in violation of any of this ordinance is declared to be a public nuisance per se, and may be abated by order of a court of competent jurisdiction.

E. Any person who violates any provision of Section 15.04.I or 16.05.D. is responsible for a civil infraction and shall be fined not less than \$2,500.00 for each violation. Any person who, after having been determined to be responsible for a violation of this article or the act, commits and is found responsible for a subsequent violation within a two-year period, shall be fined double the amount assessed for the immediate preceding violation.

F. The rights and remedies provided are cumulative and are in addition to any other remedies provided by law.

G. Nothing herein shall be interpreted to limit the authority of the City to revoke an approval previously granted for a violation of this ordinance, which right is expressly reserved.

F.

**SECTION 22.08      VALIDITY SEVERABILITY**

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part other than the part declared to be invalid.

**SECTION 22.09      REPEAL OF PRIOR ORDINANCE NO. 15-88**

The City of Kentwood, Kent County, Michigan, does hereby repeal in its entirety that certain Zoning Ordinance approved and adopted for the City of Kentwood, Kent County, Michigan on December 20, 1988, as amended. Nothing in this Ordinance, however, shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of the Zoning Ordinance in effect at the time of the effective date of this Ordinance.

**SECTION 22.10      EFFECTIVE DATE**

This Ordinance shall take effect on the seventh (7th) day following publication.

The foregoing ordinance was offered by Commissioner Brinks, supported by Commissioner Clanton, the vote being as follows:

YEAS: All  
NAYS: None  
ABSENT: None

ORDINANCE DECLARED ADOPTED.

Mary Bremer  
Deputy City Clerk

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Kentwood City Commission held April 16, 2002.

Mary Bremer  
Deputy City Clerk