

# City of Grandville Zoning Ordinance

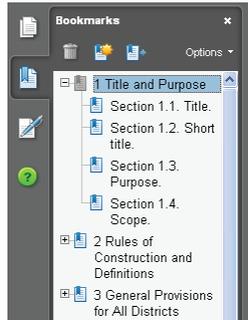


**Adopted: March 22, 2010**  
**Effective: April 1, 2010**

# How to use this iZone Interactive Zoning Ordinance

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The navigation buttons at the bottom of each page direct you Back to the Previous View, beginning of the Article, Table of Contents, and Definitions.

Single and Two Family Residential Conventional Zoning Districts

**6**

I General Provisions

II Zoning Districts

III Dev't Provisions

IV Admin. Provisions

Requirement	R1-A	R1-B	R1-C	R2-A	R2-B	Additional Requirements
<b>Accessory Uses</b>						
Accessory buildings or uses that are customarily incidental to any of the allowed principal uses	P	P	P	P	P	--
Adult foster care family homes	P	P	P	P	P	--
Family daycare homes	P	P	P	P	P	--
Home occupations	P	P	P	P	P	<i>Section 12.11</i>
Swimming pool	P	P	P	P	P	--
Wind energy conversion systems (WECS) 50 ft. high or less/greater than 50 feet high	P/SLU	P/SLU	P/SLU	P/SLU	P/SLU	<i>Section 12.29</i>
<b>Residential Uses</b>						
Single family detached dwellings	P	P	P	P	P	<i>Section 12.25</i>
Two-family dwellings	SLU	SLU	NP	P	P	<i>Section 12.26</i>
<b>Institutional and Non-residential Uses</b>						
Adult foster care small group homes	SLU	SLU	SLU	SLU	SLU	<i>Section 12.2</i>
Cemeteries	SLU	SLU	SLU	SLU	SLU	<i>Section 12.6</i>
Group child daycare homes	SLU	SLU	SLU	SLU	SLU	<i>Section 12.9</i>
Higher education institutions	SLU	SLU	SLU	SLU	SLU	<i>Section 12.10</i>
Office and studio uses in residential structures	SLU	SLU	SLU	SLU	SLU	<i>Section 12.17</i>
Places of worship	SLU	SLU	SLU	SLU	SLU	<i>Section 12.18</i>
Private or parochial schools	SLU	SLU	SLU	SLU	SLU	--
Public and private parks, playgrounds and community centers	SLU	SLU	SLU	SLU	SLU	<i>Section 12.19</i>
Public libraries and museums	SLU	SLU	SLU	SLU	SLU	--
Utility and public service facilities and uses	SLU	SLU	SLU	SLU	SLU	--
Wireless telecommunication facilities	P/SLU	P/SLU	P/SLU	P/SLU	P/SLU	<i>Section 12.30</i>

City of Grandville Zoning Ordinance

**6-3**

Locate your navigation tools under Tools/Customize Toolbar/Page Navigation Toolbar.

References to Articles, Sections, Tables and Figures are italicized to indicate the hyperlink. After you have read the referenced section, you can click on the Previous View button to return to the page you were reading.

The tabs on the side of the page take you to the start of each part, which are colorized when you are in that part and greyed out when you are in another part.

## Table of Contents

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# Article 0



## City of Grandville Zoning Ordinance

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## Part I General Provisions

### Article 1 Title and Purpose

Section 1.1.	Title. ....	1-2
Section 1.2.	Short title. ....	1-2
Section 1.3.	Purpose. ....	1-2
Section 1.4.	Scope. ....	1-2

### Article 2 Rules of Construction and Definitions

Section 2.1.	Rules of construction. ....	2-2
Section 2.2.	Definitions: A – B. ....	2-2
Section 2.3.	Definitions: C – D. ....	2-3
Section 2.4.	Definitions: E – F. ....	2-5
Section 2.5.	Definitions: G – H. ....	2-6
Section 2.6.	Definitions: I – J. ....	2-7
Section 2.7.	Definitions: K – L. ....	2-7
Section 2.8.	Definitions: M – N. ....	2-9
Section 2.9.	Definitions: O – P. ....	2-10
Section 2.10.	Definitions: Q – R. ....	2-11
Section 2.11.	Definitions: S – T. ....	2-12
Section 2.12.	Definitions: U – V. ....	2-13
Section 2.13.	Definitions: W – Z. ....	2-14

### Article 3 General Provisions for All Districts

Section 3.1.	Zoning affects every structure and use. ....	3-2
Section 3.2.	Restoring unsafe buildings. ....	3-2
Section 3.3.	Building permits. ....	3-2
Section 3.4.	Street access. ....	3-2
Section 3.5.	Access prohibited. ....	3-2
Section 3.6.	Required area or space. ....	3-2
Section 3.7.	Existing platted lots. ....	3-2
Section 3.8.	Height exceptions. ....	3-3
Section 3.9.	Building grades. ....	3-3
Section 3.10.	Principal use. ....	3-3
Section 3.11.	Yards; permitted encroachments. ....	3-3
Section 3.12.	Essential services. ....	3-4
Section 3.13.	Temporary permits. ....	3-4
Section 3.14.	Garage sales and estate sales. ....	3-5

Section 3.15.	Dwelling on rear lots. ....	3-5
Section 3.16.	Walls and fences. ....	3-5
Section 3.17.	Sewer and water. ....	3-5
Section 3.18.	Traffic visibility across corner lots. ....	3-6
Section 3.19.	Soil removal. ....	3-6
Section 3.20.	Satellite dish antennas. ....	3-6
Section 3.21.	Site alteration before approval. ....	3-7
Section 3.22.	Waste receptacles. ....	3-7
Section 3.23.	Private roads and drives. ....	3-7
Section 3.24.	Accessory buildings and uses. ....	3-7
Section 3.25.	Private swimming pools. ....	3-8
Section 3.26.	Transition zoning. ....	3-8
Section 3.27.	Conversions. ....	3-9
Section 3.28.	Sales of motorized vehicles. ....	3-9
Section 3.29.	Nonconforming Lots, Uses and Structures. ....	3-9

### Article 4 Floodplain Regulations

Section 4.1.	Purpose and intent. ....	4-2
Section 4.2.	Definitions. ....	4-2
Section 4.3.	Permitted uses in the flood fringe areas. ....	4-2
Section 4.4.	Permitted Uses--Floodway areas. ....	4-4
Section 4.5.	Special land uses and standards. ....	4-4
Section 4.6.	Variances. ....	4-5
Section 4.7.	Disclaimer of liability. ....	4-6
Section 4.8.	Duties of city manager or designee. ....	4-6

## Part II Zoning Districts

### Article 5 Summary of Zoning Requirements

Section 5.1.	Zone districts. ....	5-2
Section 5.2.	Map. ....	5-2
Section 5.3.	Lot divided by zone line. ....	5-2
Section 5.4.	Uses not listed. ....	5-2

### Article 6 Single and Two Family Residential Conventional Zoning Districts

Section 6.1.	Purpose and Intent. ....	6-2
Section 6.2.	Table of Uses. ....	6-2
Section 6.3.	Development Requirements. ....	6-4

**Article 7 Multiple Family Residential Conventional Zoning Districts**

Section 7.1. Purpose and Intent..... 7-2

Section 7.2. Table of Uses ..... 7-2

Section 7.3. Development Requirements..... 7-4

Section 7.4. District Specific Requirements..... 7-7

**Article 8 Office and Commercial Conventional Zoning Districts**

Section 8.1. Purpose and Intent..... 8-2

Section 8.2. Table of Uses. .... 8-3

Section 8.3. General Development Requirements ..... 8-6

Section 8.4. District-Specific Requirements ..... 8-11

**Article 9 Industrial Conventional Zoning Districts**

Section 9.1. Purpose and Intent..... 9-2

Section 9.2. Table of Uses ..... 9-2

Section 9.3. General Development Requirements ..... 9-4

**Article 10 Form-Based Code Districts**

Section 10.1. Purpose and Intent..... 10-2

Section 10.2. Form-based districts ..... 10-2

Section 10.3. Application of Regulations ..... 10-2

Section 10.4. Use Regulations ..... 10-2

Section 10.5. District Requirements..... 10-5

Section 10.6. Variances and Deviations ..... 10-18

Section 10.7. Sign Requirements ..... 10-19

Section 10.8. Procedures..... 10-21

Section 10.9. Nonconformities in the form-based districts..... 10-22

**Article 11 Planned Unit Development Districts**

Section 11.1. Intent and purpose..... 11-2

Section 11.2. Rezoning to PUD ..... 11-2

Section 11.3. Existing PUDs..... 11-2

Section 11.4. PUD types..... 11-2

Section 11.5. Qualifying conditions ..... 11-3

Section 11.6. Requirements applying to all PUD types. .... 11-3

Section 11.7. Residential planned unit development (RPUD).. 11-5

Section 11.8. Mixed Use PUD (MPUD) ..... 11-6

Section 11.9. Commercial/Industrial PUD (C/IPUD) ..... 11-7

Section 11.10. PUD rezoning process ..... 11-8

Section 11.11. Pre-application conference. .... 11-8

Section 11.12. Preliminary plan. .... 11-8

Section 11.13. Final PUD..... 11-10

Section 11.14. PUD standards of review ..... 11-12

Section 11.15. Effect of approval. .... 11-12

Section 11.16. Changes to an approved PUD. .... 11-12

Section 11.17. Appeals of PUD decisions ..... 11-13

**Part III Development Provisions**

**Article 12 Use Restrictions**

Section 12.1. Specific use requirements ..... 12-2

Section 12.2. Adult foster care small group homes. .... 12-2

Section 12.3. Automobile service stations and vehicle repair, minor..... 12-2

Section 12.4. Automobile, boat, motorcycle, recreational vehicle, and truck dealerships..... 12-3

Section 12.5. Child care centers..... 12-3

Section 12.6. Cemeteries..... 12-4

Section 12.7. Designed industrial parks or developments. .... 12-4

Section 12.8. Drive up and drive through facilities accessory to a use, excluding those serving restaurants .... 12-4

Section 12.9. Group child daycare homes ..... 12-5

Section 12.10. Higher education institutions ..... 12-5

Section 12.11. Home occupations. .... 12-5

Section 12.12. Hospitals, 24 hour urgent care centers & rehabilitation centers ..... 12-6

Section 12.13. Hotels, limited service..... 12-6

Section 12.14. Indoor recreation/health and fitness centers..... 12-7

Section 12.15. Mineral extraction..... 12-7

Section 12.16. Nursing homes or group adult foster care facilities ..... 12-8

Section 12.17. Office and studio uses in residential structures. . 12-8

Section 12.18. Places of Worship ..... 12-9

Section 12.19. Public and private parks, playgrounds and community centers ..... 12-10

Section 12.20. Restaurants, casual, with drive in or drive through facilities ..... 12-10

Section 12.21. Restaurants, casual (C-5 District)..... 12-10

Section 12.22. Retail establishments in buildings greater than 25,000 square feet (C-1 District)..... 12-11

Section 12.23. Senior Housing ..... 12-12

Section 12.24. Sexually oriented businesses ..... 12-12

Section 12.25. Single family dwellings outside of manufactured home parks..... 12-12

Section 12.26. Two-family dwelling units (R1-A and R1-B districts)..... 12-13

Section 12.27. Vehicle repair, minor ..... 12-14

Section 12.28. Vehicle wash establishments ..... 12-14

Section 12.29. Wind energy conversion systems ..... 12-15

Section 12.30. Wireless telecommunications towers and antennas. .... 12-17

**Article 13 Special Land Uses**

Section 13.1. Intent and purpose. .... 13-2

Section 13.2. Scope. .... 13-2

Section 13.3. Application and public hearing..... 13-2

Section 13.4. General standards for approval of special land uses. .... 13-2

Section 13.5. Conditions of approval. .... 13-3

Section 13.6. Special land use approvals and issuance of permits..... 13-3

Section 13.7. Performance guarantees. .... 13-4

Section 13.8. Revocation of permit..... 13-4

Section 13.9. Appeals. .... 13-5

**Article 14 Site Plan Review**

Section 14.1. Purpose and scope. .... 14-2

Section 14.2. Application procedures..... 14-2

Section 14.3. Information required for site plans..... 14-3

Section 14.4. Site plan review process..... 14-5

Section 14.5. Standards of review..... 14-5

Section 14.6. Site plan approvals. .... 14-6

Section 14.7. Conditions of approval. .... 14-7

Section 14.8. Site plan modifications. .... 14-7

Section 14.9. Performance guarantees. .... 14-8

Section 14.10. Enforcement. .... 14-8

**Article 15 Parking**

Section 15.1. Purpose and scope. .... 15-2

Section 15.2. Applicability of parking requirements. .... 15-2

Section 15.3. Parking lot plans..... 15-2

Section 15.4. Off-street parking lot design..... 15-2

Section 15.5. General off-street parking requirements. .... 15-5

Section 15.6. Residential Districts ..... 15-6

Section 15.7. Transition zone parking. .... 15-8

Section 15.8. Schedules of off-street parking requirements. .... 15-8

Section 15.9. Off-street loading. .... 15-8

**Article 16 Landscaping and Exterior Lighting**

Section 16.1. Purpose and scope. .... 16-2

Section 16.2. General landscaping provisions..... 16-2

Section 16.3. Landscape Plans..... 16-3

Section 16.4. Landscaping in required setbacks. .... 16-4

Section 16.5. Parking lot landscaping. .... 16-4

Section 16.6. Bufferyards. .... 16-5

Section 16.7. Exterior lighting requirements..... 16-7

**Article 17 Signs**

Section 17.1. Intent and purpose..... 17-2

Section 17.2. Applicability..... 17-2

Section 17.3. Definitions. .... 17-2

Section 17.4. Signs Exempt From Permit. .... 17-6

Section 17.5. Signs prohibited under this article..... 17-7

Section 17.6. General regulations..... 17-7

Section 17.7. Specific sign requirements..... 17-9

Section 17.8. Signs within the public right-of-way..... 17-11

Section 17.9. Signs allowed on private property. .... 17-11

Section 17.10. Sign requirements in the commercial shopping center district (C-4). .... 17-17

Section 17.11. Sign permits required. .... 17-18

Section 17.12. Sign permit procedures..... 17-18

Section 17.13. Nonconforming signs. .... 17-18

Section 17.14. Violations..... 17-19

**Part IV Administrative Provisions**

**Article 18 Zoning Board of Appeals**

Section 18.1. Creation and membership. .... 18-2
Section 18.2. Officers..... 18-2
Section 18.3. Rules of procedure. .... 18-2
Section 18.4. Powers and Duties..... 18-3
Section 18.5. Procedure. .... 18-8
Section 18.6. Decision of the board..... 18-9
Section 18.7. Stay of proceedings. .... 18-9
Section 18.8. Hearings. .... 18-9

**Article 19 Amendments**

Section 19.1. Initiation of rezoning and zoning ordinance text amendments. .... 19-2
Section 19.2. Application procedure. .... 19-2
Section 19.3. Rezoning and zoning ordinance text amendment procedure. .... 19-3
Section 19.4. Criteria for amendment of the official zoning map (rezoning) .... 19-3
Section 19.5. Amendments required to conform to court decree. .... 19-4
Section 19.6. Conditional zoning agreement. .... 19-4

**Article 20 Administration and Enforcement**

Section 20.1. Building permit required..... 20-2
Section 20.2. Administrative officials. .... 20-2
Section 20.3. Permits. .... 20-2
Section 20.4. Occupancy. .... 20-2
Section 20.5. Violations and penalty. .... 20-2
Section 20.6. Enforcement. .... 20-3

**List of Tables**

Table 3.30 Major Nonconforming Uses ..... 3-10
Table 5.1 Zoning Districts ..... 5-2
Table 6.2 Table of Uses, Single and Two Family Residential Conventional Zoning Districts ..... 6-3
Table 6.3.A. Application and Review Requirements, Single and Two Family Residential Zoning Districts ..... 6-4

Table 6.3.B. Single and Two Family Residential Zoning District Regulations ..... 6-4
Table 6.3.C. Parking Requirements, Single and Two Family Residential Zoning Districts..... 6-5
Table 7.2 Table of Uses, Multiple Family Residential Conventional Zoning Districts ..... 7-3
Table 7.3.A. Application and Review Requirements, Single and Two Family Residential Zoning Districts ..... 7-4
Table 7.3.B. Single and Two Family Residential Zoning District Regulations ..... 7-4
Table 7.3.D. Parking Requirements, Multiple Family Residential Zoning Districts ..... 7-6
Table 8.2 Table of Uses, Office and Commercial Districts..... 8-3
Table 8.3.A. Application and Review Requirements, Single and Two Family Residential Zoning Districts ..... 8-6
Table 8.3.B. Single and Two Family Residential Zoning District Regulations ..... 8-7
Table 8.3.C. Parking Requirements, Office and Commercial Zoning Districts ..... 8-8
Table 9.2 Table of Uses, Industrial Zoning Districts ..... 9-2
Table 9.3.A. Application and Review Requirements, Single and Two Family Residential Zoning Districts ..... 9-5
Table 9.3.B. Industrial Zoning District Regulations ..... 9-5
Table 9.3.C. Parking Requirements: Industrial Zoning Districts. 9-6
Table 10.4 Permitted and Special Land Uses by District..... 10-3
Table 10.5.B.3.3 Parking Requirements ..... 10-16
Table 10.6 Variances and Deviations ..... 10-18
Table 10.7 Sign Requirements for the CBD District ..... 10-19
Table 11.1 PUD Open Space Requirements ..... 11-4
Table 11.2 MPUD Allowed Mix of Uses ..... 11-6
Table 11.9 C/IPUD Allowed Mix of Uses ..... 11-7
Table 12.30.F Requirements for Wireless Communication Facilities..... 12-22
Table 12.30.H.5.a Separation distances from off-site uses ..... 12-26
Table 12.30.H.5.b: Separation distances between towers ..... 12-27
Table 15.4 Off-Street Parking Dimensional Requirements .... 15-3
Table 16.2.I Minimum Plant Sizes at Installation ..... 16-3
Table 16.2.L Undesirable Plant Material ..... 16-3
Table 17.4 Signs Exempt from Permit..... 17-6

Table of Contents

---

Table 17.5 Prohibited Signs ..... 17-7  
Table 17.9.A Incidental Sign Requirements ..... 17-12  
Table 17.9.B Sign Requirements by Zoning District ..... 17-13

Title and Purpose

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Article  
1



City of Grandville Zoning Ordinance

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**Section 1.1. Title.**

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

**Section 1.2. Short title.**

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This ordinance shall be known as "The Zoning Ordinance of 2010" and may be cited as such.

**Section 1.3. Purpose.**

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

The provisions of this title are intended, among other things, to protect the lands, water, and other natural resources of the community by encouraging uses that are best suited to the capabilities and characteristics of those resources and limiting their improper use; to promote orderly development in accordance with the city's master plan, as amended; to facilitate economical municipal water and sewer services, adequate traffic capacity, recreational areas, schools, and other public requirements; to provide adequate light, air, and healthful conditions in residential, commercial, and industrial

areas; to promote convenient and safe access; to protect against fire and other dangers; to avoid undue concentrations of people by regulating the height and bulk of buildings; to establish and require adequate yards, courts, and other open spaces; to regulate and restrict the location of all uses, trades, industries, and buildings in relation to safe traffic and pedestrian movement; and to achieve stability in the expenditure of funds for public improvements and services.

**Section 1.4. Scope.**

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

## Rules of Construction and Definitions

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# Article 2



### Section 2.1. Rules of construction.

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

### Section 2.2. Definitions: A – B

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

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

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

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

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

**Automobile salvage.** The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, or wrecked vehicles or their parts.

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

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

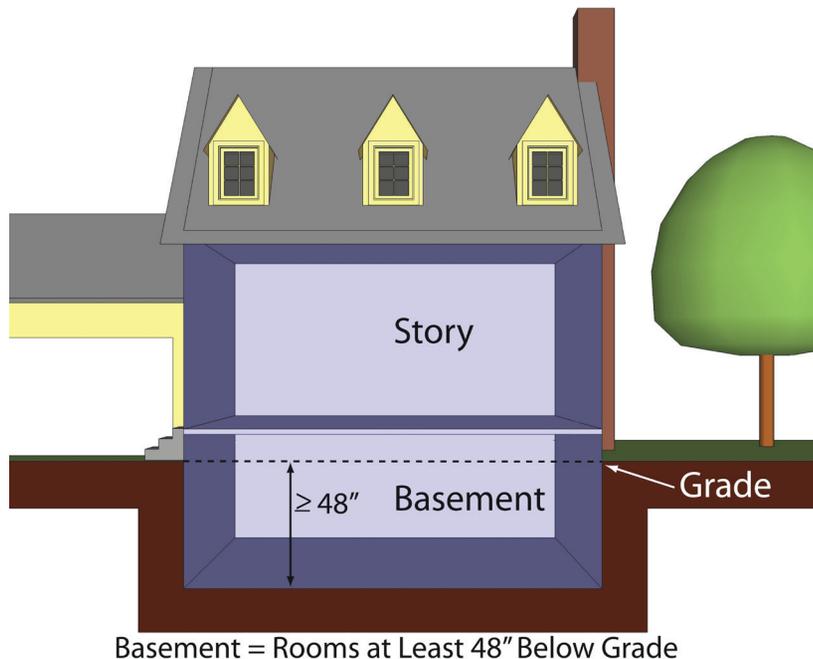


Figure 1: Basement

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

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

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

**Board.** Whenever the word "board" is used, it refers to the zoning board of appeals.

**Build-to line.** See *Required building line*.

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

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

**Building transparency.** The ability to clearly see into a building.

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

### Section 2.3. Definitions: C – D

#### Child Care and Daycare Definitions:

- A. **Child care center.** A facility other than a private residence that receives one or more preschool or school age children for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children. It includes a facility that provides care for more than four weeks during a calendar year, regardless of the number of hours of care per day. A child care center includes public and private preschools, day nurseries, nursery schools, parent cooperative preschools, drop-in centers, and daycare centers.

- B. **Family daycare home.** A private residence that receives one, but less than seven minor children, not including children related by blood, marriage, or adoption to an adult residing in the residence, for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children. It includes a facility that provides care for more than four weeks during a calendar year, regardless of the number of hours of care per day.
- C. **Group daycare home.** A private residence that receives more than six but not more than 12 minor children, not including children related by blood, marriage, or adoption to an adult residing in the residence, for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children. It includes a facility that provides care for more than four weeks during a calendar year, regardless of the number of hours of care per day.

**Cluster subdivision development.** A residential development in which a combination of lots and permanent open spaces are pooled to meet the provisions of the zone district.

**Collector streets.** (See: *Streets, collector*)

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

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

### **Commercial zoning district:**

- A. **Form-based commercial zoning district:** the CBD Central Business Form-based District.
- B. **Conventional commercial zoning districts:** those zoning districts with an "OS" prefix; the OS-1 Office/Service District and the OS-2 Regional Office/Service District; and those districts with a "C" prefix; the C-1 Neighborhood Business District, C-3 Commercial Highway District, C-4, Commercial Shopping Center District, C-5 Commercial Interchange District.

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

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

**Decorative wall.** A masonry wall constructed of materials such as brick, stone, or an architectural grade of concrete that reflects or complements the architectural materials on the same or adjoining properties.

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

**Dwelling.** (See: *Dwelling unit*)

**Dwelling unit.** A building, or any part of one, having cooking and sanitary facilities, designed or used exclusively for residential occupancy by one family, but not including hotels,

motels, trailer coaches, or other recreational vehicles, tents, or portable buildings.

**Dwelling unit, single family.** A building designed for and occupied by one family, or a building occupied exclusively by one family.

## Section 2.4. Definitions: E – F

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

**Façade.** The vertical surface of a building that is located along a frontage line. The elevation of a façade is the vertical surface area.

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

**Family.** One or more persons each related to the other by blood, marriage, or adoption, living in a dwelling as a single housekeeping unit; or a group of not more than three unrelated individuals living together in a dwelling as a single housekeeping unit. A family shall also be deemed to include domestic servants, gratuitous guests, and not more than three foster children whose room and board is paid for by a recognized child care agency or organization. This definition shall not include any fraternity, sorority, club, hotel, or other group of persons whose association is temporary or

commercial in nature.

**Family daycare home.** (See: *Child Care and Daycare Definitions: Family Daycare home*)

**Filling station.** (See: *Automobile Service station*)

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

**Floor area definitions** (see *Figure 2*)

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

sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

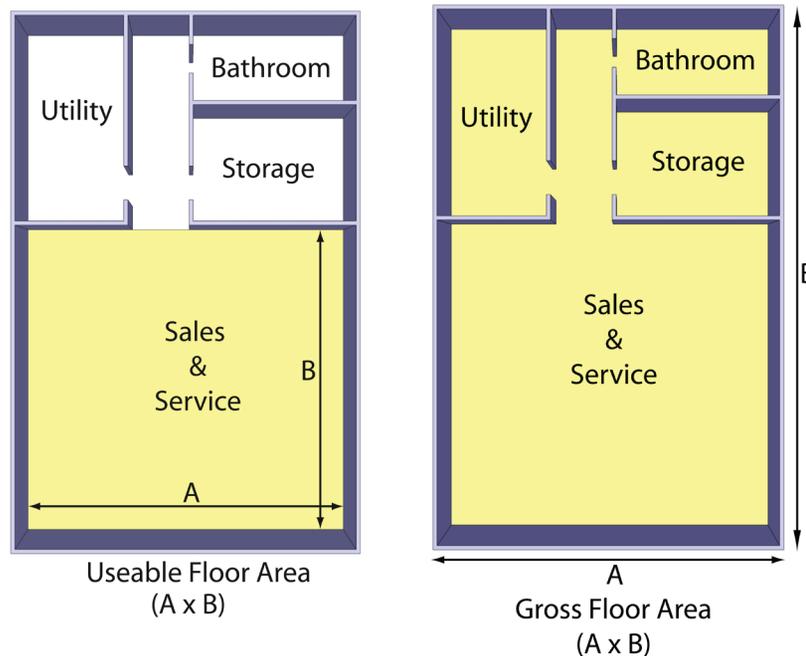


Figure 2: Floor Area

**Form-based zoning.** A method of regulating development to achieve a specific urban form. Form-based codes create a predictable public realm primarily by controlling physical form, with a lesser focus on land use. Form-based codes address the relationship between building façades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in the form-based zoning chapters, presented in both diagrams and words, designate the appropriate form and scale (and therefore, character) of development, rather than

mainly through distinctions in land-use types. The form-based zoning districts are intended to achieve a community vision to preserve, enhance or transform specified areas of the city.

**Form-based zone districts.** The CBD Downtown and PB Prairie/Barrett zoning districts.

**Foster Care definitions:**

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

**Freeway.** A limited access, divided interstate highway.

**Front yard.** (See: *Yard, front*)

**Section 2.5. Definitions: G – H**

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

**Garage, public.** A garage other than a residential garage.

**Garage, residential.** A garage accessory to a dwelling that is

under the same ownership as the principal dwelling.

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

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

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

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

**Industrial zoning district.** Those zone districts with an "I" prefix; the I-1 Restricted Industrial District and the I-2 General Industrial District.

## Section 2.6. Definitions: I – J

**Institutional use.** (See: *Public use*)

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

## Section 2.7. Definitions: K – L

**Kenel.** Any lot or premises used to board, breed, sell, train, or treat more than three dogs, cats or other domestic pets who are more than six months old, and that are licensed and

operated in conformity with the Animal Control Ordinance of the city of Grandville, as amended.

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

**Local streets.** (See: *Streets, local*)

**Lot definitions** (see *Figure 3*)

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

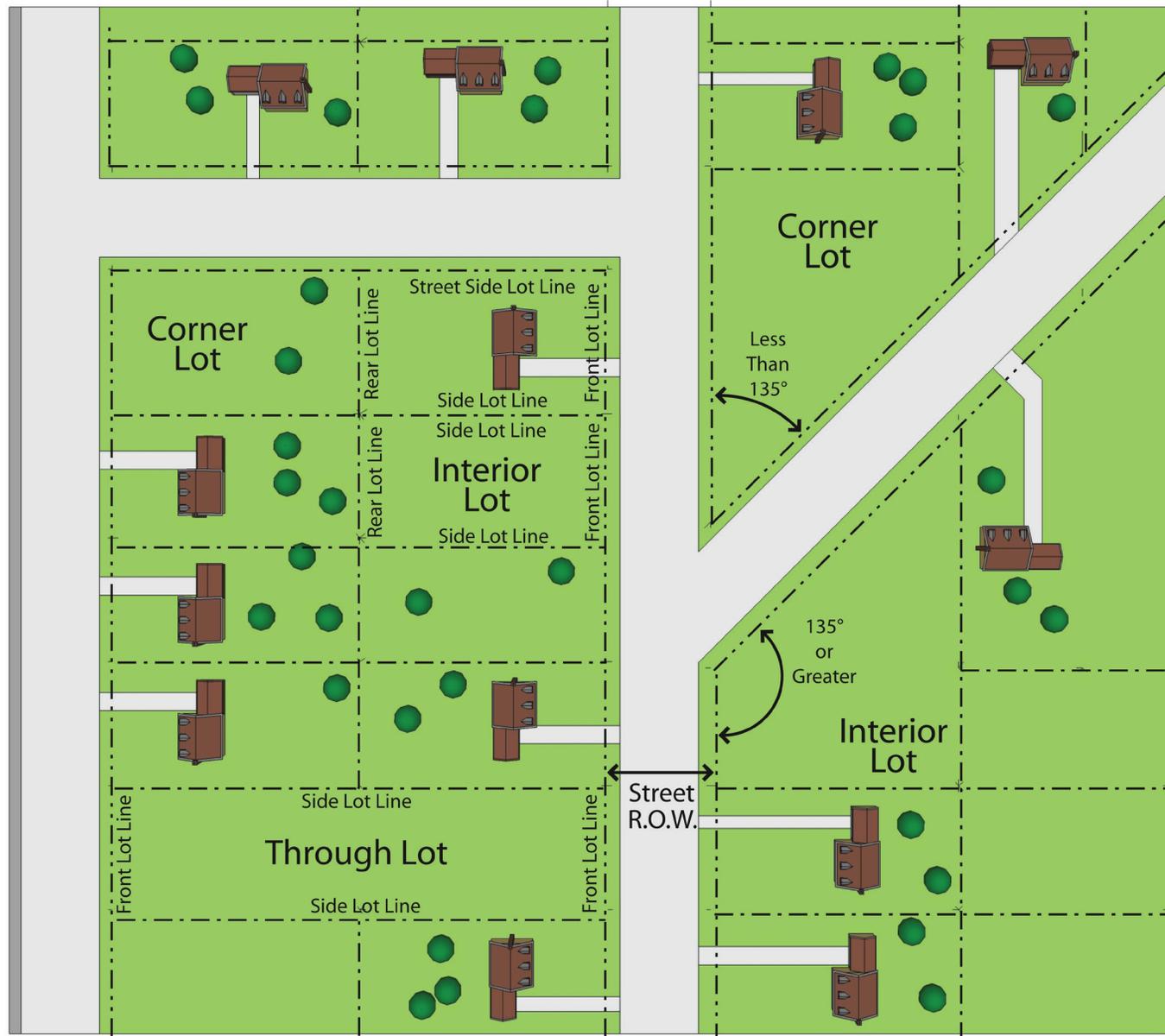


Figure 3: Lots and Lot Lines

- F. **Lot, interior.** Any lot other than a corner lot.
- G. **Lot, through.** An interior lot having frontage on more than one street.
- H. **Lot width.** The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines.

#### **Lot Lines definitions** (See Figure 3)

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

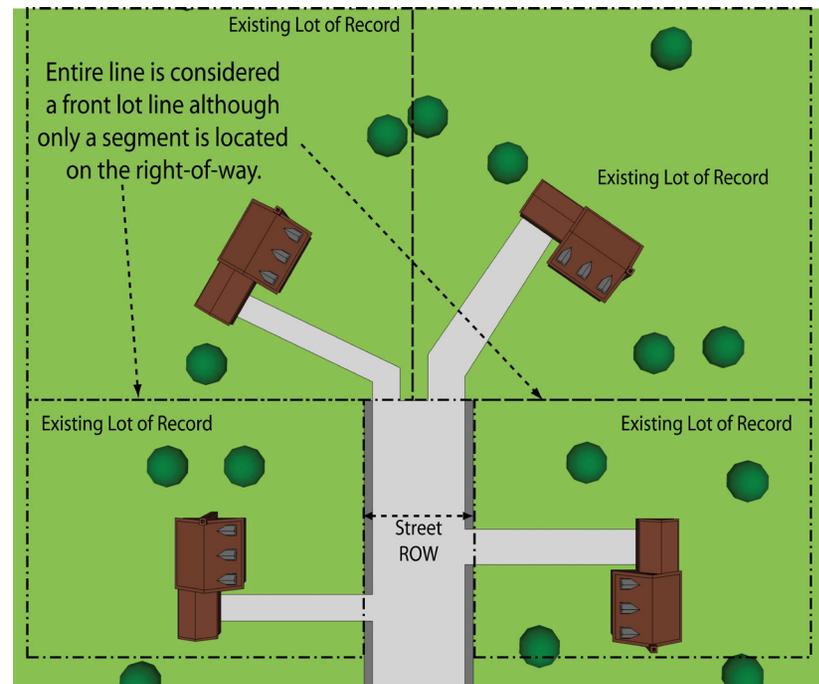


Figure 4: Front Lot Line where ROW is only a short segment

### **Section 2.8. Definitions: M – N**

**Major vehicle repair.** (See: *Vehicle repair, major*)

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

**Minor vehicle repair.** (See: *Vehicle repair, minor*)

**Modular home.** Factory-fabricated, transportable building units designed to be incorporated with similar units at a building

site, placed upon a permanent foundation, and joined to make a single residential structure.

**Motel.** (See *Hotel*.)

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

**Multiple family zone district.** Those zoning districts with an "R-3" prefix; the R3-A and R-3B zoning districts. The RMH Residential Manufactured Home District shall also be considered a multiple family zone district.

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

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

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

### Section 2.9. Definitions: O – P

**One-family dwelling unit.** (See: *Dwelling unit, single family*)

**Office/Service zone district.** Those zoning districts with an "OS" prefix; the OS-1 and OS-2 districts.

**One-family residence.** (See: *Dwelling unit, single family*)

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

**Parking area.** An open area other than a street, access

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

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

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

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

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

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

**Porch, unenclosed.** A horizontal surface consisting of a deck, slab or other similar construction attached to a main building and designed for outdoor seating or as a means of entry to the building. The deck, slab or similar construction shall be unenclosed and uncovered.

**Principal building.** The primary building containing the principal use.

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

**Public garage.** (See: *Garage, public*)

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

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

## Section 2.10. Definitions: Q – R

**Rear yard.** (See: *Yard, rear*)

**Recreational vehicle.** Any type of vehicle used primarily for recreation. Examples include but are not limited to travel trailers, motor homes, boats, snowmobiles, etc. as well as any trailer used to transport them. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.

**Required building line.** The required location for the setback of a building (a requirement, not a permissive minimum as in a setback). The required building line runs parallel to the front property line and is established to create an even building façade line on a street. Also referred to as “build-to line.”

**Residential garage.** (See: *Garage, residential*)

**Residential zone district:**

A. **Form-based residential zone district:** the PB Prairie/

Barrett Form-based District.

B. **Conventional residential zone districts:** R-1A, R-1B, and R-1C Single Family districts; R-2A and R-2B Two-Family districts; R-3A and R-3B Multiple Family districts, and RMH Residential Manufactured Housing Community District.

**Restaurant definitions:**

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

C. **Restaurant, standard.** A restaurant having the following primary characteristics:

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

### Section 2.11. Definitions: S – T

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

**Setback lines.** The minimum horizontal distances measured from front, side, and rear lot lines which describe an area beyond which the main walls of a principal building may not extend. (see *Figure 4*)

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

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

**Side yard.** (See: *Yard, side*)

**Single family zone district.** Those zoning districts with an "R-1" prefix; the R1-A, R1-B and R1-C districts.

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

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

**Site development plan.** (See: *Site plan*)

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

- A. The dimensions of and intended and/or existing use of a parcel or lot;

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

**Standard restaurant.** (See: *Restaurant, standard*)

**Special land use.** A use or structure that, because of its unique characteristics, requires individual review and approval by the planning commission to ensure compatibility with the character of the surrounding area, the adjacent uses of land, the natural environment, the capacities of public services and facilities, and the public health, safety, and general welfare. Special land uses may be permitted only in those zone districts as expressly provided by this ordinance. (See *Article 13*)

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

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

**Street orientation.** The direction of the architectural front façade of a building in relation to the street.

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

**Streets.** Public or private rights-of-way that afford traffic circulation and primary vehicular access to abutting properties,

including avenues, highways, boulevards, courts, lanes, drives, or other thoroughfares, but not including alleys or driveways to buildings.

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

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

**Streets, principal arterial.** As designated by the Grandville master plan, a roadway facility which serves longer trips within an urban area, sometimes extending beyond municipal boundaries to connect to adjacent population centers or larger arterials.

**Streets, minor arterial.** As designated by the Grandville master plan, a roadway that provides connection between intra-urban land uses and serves slightly shorter trips than major arterial streets.

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

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

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

**Through-block connection.** A paved pathway dedicated to pedestrians and separated from vehicles that extend entirely through a block from a street to a parallel street or alley.

**Transparency.** The ability to see through with clarity. An opening in the building wall allowing light and views between

interior and exterior, measured as glass area for buildings and as open area for parking structures.

**Two family zone district.** Those zoning districts with an "R2" prefix; the R2-A and R2-B zoning districts.

## Section 2.12. Definitions: U – V

**Vehicle repair, major.** General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame or fender straightening or repair; painting and engine steam cleaning.

**Vehicle repair, minor.** Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding one-ton capacity, but not including any operation specified in the definition for "vehicle repair, major."

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

**Vision glass.** A type of glass with a high degree of transparency and which does not have dark tinting or highly reflective coatings or applied film. The intent is to be able to see into the interior space throughout the day and night.

## Section 2.13. Definitions: W – Z

**Wind energy conversion system (WECS).** A combination of:

- A. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power; and
- B. a shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving

- a generator, alternator, or other electricity-producing device; and
- C. the generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy, generally housed in a nacelle; and
  - D. the tower, pylon, building mount or other structure upon which any, all, or some combination of the above are mounted; and
  - E. other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.
  - F. A WECS may have a horizontal axis, with a rotor that spins perpendicular to the ground, or a vertical axis, with a rotor that spins parallel to the ground.
  - G. WECS Height: The distance measured between the ground (at normal grade) and the highest point of a WECS (for a horizontal axis WECS, the measurement shall be to the tip of the rotor blade when the blade is in the full vertical position).
  - H. On-site Service WECS : A single WECS placed upon a lot or parcel with the primary intent to service the energy needs of only the structures and uses on the same lot or parcel.
- other than an accessory building and the rear lot line.
- C. **Yard, required.** Reference to a specific required yard shall mean the minimum required yard as specified by this ordinance.
  - D. **Yard, side.** An open unoccupied space, unless occupied by a permitted use, lying between the nearest wall of the building and the side lot line and extending from the front yard to the rear yard.
  - E. **Yard, street side.** On a corner lot, an open unoccupied space, unless occupied by a permitted use, extending across the full depth of the lot and lying between the street side lot line and the nearest line of the building wall or porch.

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

**Yard definitions** (see *Figure 5*):

- A. **Yard, front.** An open unoccupied space, unless occupied by a permitted use, extending across the full width of the lot and lying between the front lot line and the nearest line of the building wall or porch.
- B. **Yard, rear.** A space unoccupied, except by a permitted accessory building or use, extending across the full width of the lot and lying between the rear wall of any building,

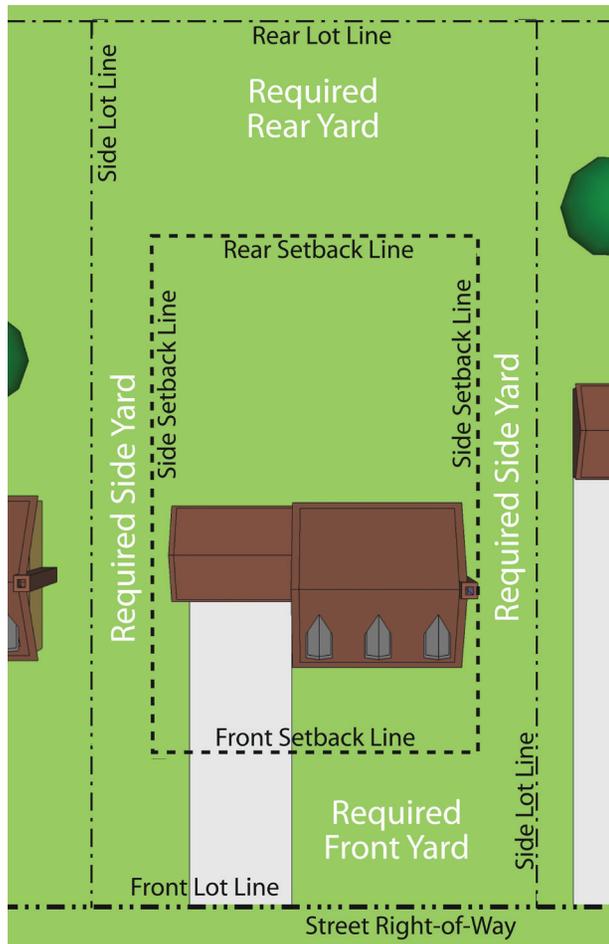


Figure 5: Yards

## General Provisions for All Districts

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# Article 3



## City of Grandville Zoning Ordinance

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### **Section 3.1. Zoning affects every structure and use.**

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

### **Section 3.2. Restoring unsafe buildings.**

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

### **Section 3.3. Building permits.**

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

### **Section 3.4. Street access.**

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

### **Section 3.5. Access prohibited.**

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

### **Section 3.6. Required area or space.**

Except for any permitted exceptions stated in this ordinance,

or upon a variance being approved after a hearing before the zoning board of appeals in accordance with article 18, a lot or lots in common ownership, a yard, parking area, or other such space, shall not be divided, altered, or reduced to make its area or dimensions less than the minimums required under this ordinance.

### **Section 3.7. Existing platted lots.**

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

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

of the zone, a building permit may be issued by the city manager or designee for a permitted use.

- D. Lots of record within form-based districts shall be subject to the lot area, width and setback requirements outlined within the district.

### **Section 3.8. Height exceptions.**

- A. For all conventional zone districts, height limits may be exceeded by the following structures, provided that the required yards for such structures shall be increased by one foot for each foot the structure exceeds the height limits:
1. Parapet walls
  2. Chimneys
  3. Silos and farm barns
  4. Roof-mounted television and radio antennas
  5. Monuments
  6. Cupolas, spires, or other ornamental projections
  7. Water and fire towers.
  8. Photovoltaic panels
- B. In the form-based districts, only those height exceptions as allowed in article 10 shall be permitted.
- C. In the industrial districts, elevator buildings and bulkheads, chimneys, cooling and fire towers, roof storage tanks, or other similar and necessary appurtenances may exceed the height limits provided they are located at least the same distance as their height from any adjoining property line.

### **Section 3.9. Building grades.**

For buildings surrounded by a required yard space, a sloping grade shall be maintained and adequate drainage provided

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

### **Section 3.10. Principal use.**

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

### **Section 3.11. Yards; permitted encroachments.**

- A. **Required yards.** Except as provided in this ordinance, all lots shall have a front yard, a rear yard, and side yards. All front yards must face upon a dedicated public street or a private street approved by the city council.
- B. **Open, unoccupied spaces.** Required open, unoccupied space shall not be occupied by any use or structure other than the following: landscaping, driveways, sidewalks, walls, fences, flagpoles, lamp posts, lighting standards, signs, play structures and mailboxes. All such installations shall conform to the regulations of the zone district in which they are located.
- C. **Permitted Encroachments.**
1. In conventional zone districts, architectural features, such as eaves, awnings, chimneys, and overhangs, may project into a required yard for a distance not to exceed 3 feet. In form-based districts, encroachments shall be as permitted in *Article 10*.

2. In conventional zone districts, steps or an unroofed porch or deck are permitted to project to a maximum of five feet into a required front or rear yard. In form-based districts, encroachments shall be as permitted in *Article 10*.
3. Notwithstanding the above, the city manager or designee may approve a ramp for handicapped access to a residence to encroach into a required yard in any district, provided that the encroachment is the least necessary to allow access according to applicable state and/or federal requirements, but in no case more than eight feet.

### **Section 3.12. Essential services.**

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

### **Section 3.13. Temporary permits.**

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

- A. **Trailers or mobile homes.** An individual trailer or mobile home may be used for up to 90 days as a temporary living or working quarters while a dwelling or structure is being constructed on the same premises. Prior to any such use, a temporary permit shall be issued by the city manager or designee and shall clearly state that the permit is for a nonrenewable period of not more than 90 days.
- B. **Supplies.** The storage of building supplies and machinery, temporary storage buildings, and the assembly of materials, in connection with a construction project on the same property, may be authorized by temporary permit

of the city manager or designee for a period of up to 12 months.

- C. **Seasonal or temporary activities.** The city manager or designee may authorize a permit for a seasonal temporary activity for an individual premises or business as specified below:

1. *Activities:*

- a. Temporary outdoor sales for a maximum time period of 14 days in any calendar year.
- b. Temporary outdoor recreational or related activities, such as auctions, carnivals, festivals, and similar, for a maximum of 14 days in any 12 month period.
- c. Seasonal outdoor sales of agricultural produce or Christmas trees that are produced or grown on the same property are not limited to any time period if the sales are conducted by the property owner. These sales are limited to a maximum time period of 45 days in any calendar year.

2. *Application.* A site plan for the proposed activity may be required if the city manager or designee determines it necessary to adequately review the application and ensure that the use will be conducted in a manner consistent with the requirements of this section.

3. *Standards.* A proposed seasonal or temporary activity shall meet the following general requirements:
  - a. Site suitability, including size, drainage, and flood hazard;
  - b. Adequate public services and facilities, including sanitary services, emergency service and the like;
  - c. Compliance with all local codes;
  - d. Adequate street access and off-street parking; and

- e. A finding that there will no adverse impacts on the general health, safety, or welfare of community or adjacent uses.
  - 4. *Conditions.* Reasonable conditions may be imposed when approving a seasonal or temporary activity, including, but not limited to: property or liability insurance, location, size, height, screening, parking, traffic access, hours of operation, noise, odor, sanitation, refuse disposal, lighting and electrical systems, signs, final site clean-up or any other physical or operational aspects of the proposed activity.
  - 5. *Guarantees.* Performance guarantees to assure compliance with the requirements of this section or any imposed conditions may be required at the time a permit is approved.
  - 6. *Revocation.* The city manager or designee may revoke a permit for a seasonal or temporary activity if the applicant fails to comply with any or all of the requirements of this section or any conditions of approval.
  - 7. *Appeals.* An aggrieved person, by an action of the city manager or designee in granting, denying, or revoking a permit for a seasonal or temporary activity, may file an appeal with the zoning board of appeals in accordance with *Article 18*.
- D. **Project office.** The city manager or designee may authorize a temporary certificate of occupancy for a period up to one year for a dwelling in a development project to be used as a sales management office for the sale of dwellings within the project. A temporary identification sign of not more than 40 square feet may also be authorized in the rear half of the required front yard for a period not to exceed one year.

### **Section 3.14. Garage sales and estate sales.**

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

### **Section 3.15. Dwelling on rear lots.**

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

### **Section 3.16. Walls and fences.**

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

### **Section 3.17. Sewer and water.**

A building permit shall not be issued for a building designed for human occupation unless public sewer and water have

been provided. If public sewer and/or water are not available, water and/or sewage disposal plans and necessary soil data shall be presented to the city manager or designee and a building permit shall not be approved until the proposed plans meet state and municipal standards.

### Section 3.18. Traffic visibility across corner lots.

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

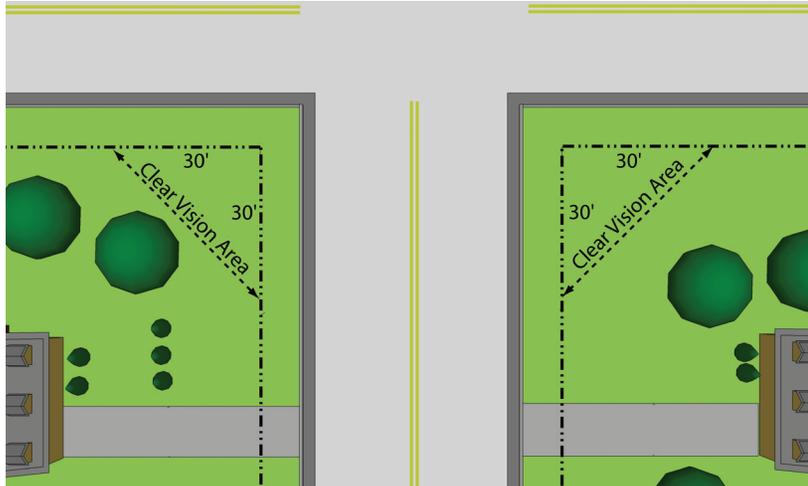


Figure 6: Traffic visibility at corners

### Section 3.19. Soil removal.

Top soil shall not be stripped, excavated, or otherwise removed from any premises except when done in conjunction with construction or grading operations, or when authorized as part of gravel or other mineral extraction, or as an agricultural activity. All plans to prepare, grade, construct, or fill any

subdivision, or any lot or parcel, and which removes natural ground cover materials shall conform to applicable soil erosion and sedimentation control regulations.

### Section 3.20. Satellite dish antennas.

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

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

secure the dish antenna during high winds.

### **Section 3.21. Site alteration before approval.**

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

### **Section 3.22. Waste receptacles.**

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

### **Section 3.23. Private roads and drives.**

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

### **Section 3.24. Accessory buildings and uses.**

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

#### **A. General accessory buildings and use regulations.**

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

#### **B. Placement and size of accessory buildings in residential districts.**

1. One single-story garage, attached or otherwise, that does not exceed 40 feet in a horizontal dimension and is not larger than 1,080 square feet on the ground floor is permitted per dwelling unit in the R1-A, R1-B, R1-C, R2-A, and R-2B zone districts. All garages shall have floors made of concrete or similar solid, durable material.
2. A second garage, not larger than 864 square feet and not less than five feet from any property line, is permitted in the districts cited above, subject to the requirements of this section for the first garage. However, the subject lot must be at least 60,000 square feet, the garage must be detached and located in the rear yard, and the exterior appearance of the garage must be consistent with the character of the residential structure. Evidence of consistency may include, but is not limited to, color, roof slope and material, siding, trim, doors and windows.

3. Permitted detached residential garages shall not be erected in a required front yard, shall not exceed 14 feet in height, as measured from average height of the highest roof surface to average grade, and side wall height shall not exceed nine and one-half feet. Further, they shall be located at least eight feet from a dwelling, six feet from any other structure on the premises, and three feet from a side or rear lot line.
  4. One accessory storage building, not larger than 144 square feet and not having a horizontal dimension greater than 14 feet shall also be permitted in the R1-A, R1-B, R1-C, R2-A, and R-2B districts. It shall not be erected in a required front yard, exceed 12 feet in height as measured from roof peak to average grade, and shall be located at least eight feet from a dwelling, six feet from another structure on the premises, and three feet from a side or rear lot line.
- C. **Non-residential uses:** Accessory structures serving non-residential uses shall meet the setback requirements applying to the main building and shall not be located in the front yard. However, a detached accessory structure with a floor area no greater than 144 square feet may be located within a rear yard with a side and/or rear setback of three feet, provided that it is at least six feet from any other structure.

### Section 3.25. Private swimming pools.

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

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

### Section 3.26. Transition zoning.

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

- A. The first residentially zoned lot having a side yard adjacent to, or across the street or alley from, an office/service, commercial, or industrial district may be utilized in accordance with the next least restrictive residential zone district.
- B. The first 150 feet of a residentially zoned lot, or lots in common ownership with a side yard similarly adjoining an office/service, commercial, or industrial district may be used for off-street parking, as regulated in *Article 15*, an office for doctors, dentists, architects, engineers, or attorneys, or an insurance, institutional, or real estate office. Other semi-commercial uses that are of a similar character are permitted, subject to approval of the city manager or designee. All nonresidential uses must meet the following conditions:
  1. Off-street parking, adequate to meet the needs of the specific use, shall be provided in accordance with the parking space requirements of the zone district and the general parking requirements in *Article 15*.
  2. Building side yards shall meet the side yard requirements for the zone district in which the lot is

located.

3. The exterior of a building, whether new or a conversion, shall have a residential appearance.
  4. Signs must comply with the requirements of the district in which the use is located.
- C. This subsection shall not apply to the transition between a form-based district and another district.

### **Section 3.27. Conversions.**

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

### **Section 3.28. Sales of motorized vehicles.**

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

### **Section 3.29. Nonconforming Lots, Uses and Structures**

#### **A. Purpose and scope.**

This section permits the lawful use of land or a structure to continue as the use or structure existed at the time of the enactment of this ordinance or any amendment thereto, although the use or structure may not conform with the provisions of this ordinance. However, it is recognized that nonconforming uses and structures may adversely affect the value of nearby property and orderly development within the

city, or may otherwise be inconsistent with the purposes and intent of the ordinance and with the public health, safety, and general welfare. Accordingly, the gradual removal and elimination of nonconforming uses and structures is desirable.

Nonconforming uses and structures may be continued, resumed, restored, reconstructed, extended, enlarged, or substituted only as provided by this section.

#### **B. Form-based Districts.**

In the form-based districts, these requirements shall be in addition to the requirements of *Section 10.9*. Where the requirements of this section conflict with the requirements of *Section 10.8*, the requirements of *Section 10.9* shall prevail.

#### **C. Definitions.**

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

**Nonconforming use.** A use of land or a structure which was lawful prior to the effective date of this ordinance, or of any amendment to this ordinance, but which is no longer a permissible use under the terms of this ordinance as enacted or amended.

**Nonconforming structure.** A structure that was lawful prior to the effective date of this ordinance, or of any amendment to this ordinance, but which, under the terms of this ordinance as enacted or amended, is no longer a conforming structure because of requirements regarding the height, yards, size, area, coverage, or other characteristics of the structure or its location on the property in question.

**Major nonconforming use.** A major nonconforming use is any nonconforming use of the type as provided in *Table 3.30* for the district in which it is listed.

**Minor nonconforming use.** A minor nonconforming use is any nonconforming use which is not a major nonconforming use.

District	Major Nonconforming Uses
R1-A, R1-B and R1-C	Multi-family residential; business, industrial, or storage uses; home occupation uses not in compliance with <i>Section 12.11</i> ; and recreational vehicle storage (for rent or lease)
R2-A, R2-B, R3-A, R3-B	Business, industrial, or storage uses.
OS-1, OS-2, C-1, and C-2	All residential uses; auto, boat, trailer sales or service; billboards; and truck and distribution centers.
C-3	All residential uses; manufacturing uses; and used vehicle sales which have not received special land use approval
C-4 and C-5	All residential uses; and manufacturing uses.
I-1 and I-2	All residential uses; junk yards; bulk storage tanks or farms; and retail sales, unless specifically permitted

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

E. **Nonconforming uses.**

1. Regulations applicable to all nonconforming uses, major or minor. A nonconforming use, major or minor, may be continued, so long as it remains otherwise lawful, subject to the following:
  - a. *Enlargement.* A nonconforming use shall not be enlarged, expanded, extended, or increased to

occupy a greater area of land or structure than was occupied on the effective date of adoption or amendment of this ordinance.

- b. *Relocation.* A nonconforming use may be conducted only on the portion of the lot or parcel occupied by the use on the date of adoption or amendment of this ordinance and shall not be moved or relocated, in whole or in part, to any other portion of the lot or parcel, or to any other location, unless the use would then conform with the requirements of this ordinance.
- c. *Increase in scope or intensity.* Except as otherwise expressly permitted by this section, a nonconforming use shall not be increased in scope or intensity by changing the hours of operation, the number of employees, the type or nature of activities conducted on the property, or any other aspect of the nonconforming use, so as to increase to any degree the intensity of the use which existed at the date of adoption or amendment of this ordinance.
- d. *Abandonment of use.* When a nonconforming use is discontinued or abandoned for six (6) consecutive months, the structure or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exist, and which shall be deemed to constitute intent on the part of the property owner to abandon the nonconforming use:
  - (1) Utilities, such as water, gas and electricity to the property, have been disconnected.

- (2) The property, buildings, or grounds have fallen into disrepair.
- (3) Signs or other indications of the existence of the nonconforming use have been abandoned, neglected or removed.
- (4) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use.
- (5) Other actions, which in the opinion of the city manager or designee, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

At the end of the 6-month period, the nonconforming use shall not be re-established or recommenced, and any future use of the property shall fully conform with the provisions of this ordinance.

- e. *Anti-backsliding.* Any nonconforming use that is changed, in whole or in part, for any reason to a conforming use, or to a more conforming use, shall to that extent thereafter continue to be used for a conforming use, or more conforming use, and shall not revert to its prior nonconforming status, or to a less conforming use.
2. Major nonconforming uses. A major nonconforming use may be continued, so long as it remains otherwise lawful. A major nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which the property is located.
3. Minor nonconforming uses. A minor nonconforming use may be continued, so long as it remains otherwise lawful. A minor nonconforming use shall not be changed to another nonconforming use without the

prior approval of the zoning board of appeals. The board may grant the approval only if it finds:

- a. That the proposed nonconforming use will be more conforming, or will otherwise have a less deleterious effect on neighboring properties than the existing nonconforming use;
- b. that no structural alterations are necessary to accomplish the proposed change in use.
- c. In no event shall a minor nonconforming use be changed to a less conforming use. In permitting a change, the zoning board of appeals may require appropriate conditions and safeguards consistent with the purposes and intent of this ordinance. A changed use, as approved by the zoning board of appeals under this section, shall continue to be considered a nonconforming use for purposes of this ordinance.

#### F. **Nonconforming structures.**

A nonconforming structure may be continued, so long as it remains otherwise lawful, subject to the following provisions:

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

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

- a. There is a reasonable need for the requested change;

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

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

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

**G. Re-establishment of a nonconforming use or structure after damage, destruction, or removal.**

- 1. A nonconforming use shall not be continued, re-established or recommenced after damage, destruction, or removal of the structure in which the nonconforming use is conducted, whether or not it is a nonconforming structure, if the estimated expense of repair or reconstruction of the structure, at the time of

the damage, destruction, or removal, exceeds the state equalized value of the use or structure, exclusive of the value of the land.

- 2. A nonconforming structure shall not be continued, re-established, or reconstructed in its nonconforming condition after damage, destruction, or removal of the structure, if the estimated expense of repair or reconstruction of the structure, at the time of the damage, destruction, or removal, exceeds the state-equalized value of the use or structure, exclusive of the value of the land.
- 3. If a structure occupied by a nonconforming use, or a nonconforming structure, is damaged, destroyed, or removed to the extent that the estimated expense of repair or reconstruction of the structure exceeds the state equalized value of the use or structure (exclusive of the value of the land) as provided by subsections *E.1* and *E.2* above, as applicable, the right to continue the nonconforming use or structure shall immediately terminate and the property shall thereafter be used or occupied only in full compliance with the use and site development regulations provided by this ordinance.
- 4. Subsections *E.1* through *E.3* above do not apply to residential uses and residentially used structures in areas that have zoning designations other than residential.

**H. Repairs and maintenance.**

Ordinary repairs and normal maintenance may be performed on any structure devoted, in whole or in part, to a nonconforming use, or on any nonconforming structure, including repair or replacement of nonbearing walls or partitions, fixtures, wiring, or plumbing, provided that the expense of such repairs and maintenance do not exceed, during any 12 consecutive month period, 50 percent of the

state-equalized value of the use or structure, exclusive of the value of the land.

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

**I. Prior commencement of construction.**

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

For purposes of this section, the commencement of actual construction means work of a substantial character by way of preparation for an actual use of the premises. The actual use must be apparent and manifested by a tangible change in the land, as opposed to merely intended or contemplated work by the property owner. In this regard, preliminary operations, such as the ordering of plans, surveying the land, grading the land, clearing of trees and debris, and the removal of old buildings, are insufficient. The test in each case is not how much money may have

been spent in reliance upon prior zoning regulations, but, rather, whether there has been any tangible change in the land itself by excavation and construction, such as the placing of construction materials in permanent position and fastened in a permanent manner.

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

**J. Change of ownership or occupation.**

The ownership, occupation, or management of an existing nonconforming use or nonconforming structure may be changed, but the use or structure shall not be enlarged, expanded, extended, increased, relocated, or changed as otherwise prohibited by this article.

**K. Elimination of nonconforming use or structure.**

The city of Grandville may acquire by purchase, condemnation, or other means, private property, or an interest in private property, for the removal of any nonconforming use or structure, in accordance with the Zoning Act and all other applicable state and federal laws.

## Floodplain Regulations

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# Article 4



### Section 4.1. Purpose and intent.

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

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

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

### Section 4.2. Definitions.

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

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

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

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

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

### Section 4.3. Permitted uses in the flood fringe areas.

- A. Development that is a permitted use in the underlying zoning districts shall be permitted in flood fringe areas provided the following conditions are met:
1. New construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated to or above the base flood level.
  2. New construction and substantial improvements of nonresidential structures shall either:
    - a. Have the lowest floor, including basement, elevated to or above the base flood level; or

- b. Be constructed such that below the base flood level, together with attendant utility and sanitary facilities, the structure is water tight with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subpart are satisfied, and that the floodproofing methods are adequate to withstand flood depths, pressures, velocities, impacts and uplift forces, and other factors associated with a base flood in the location of the structure. Certification shall be submitted to the city manager or designee along with the application for building permit and shall indicate the elevation to which the structure is floodproofed.
3. All manufactured homes that are placed within flood fringe areas after the effective date of this ordinance, or which are substantially improved thereafter, shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties in accord with the following specifications:
  - a. Over-the-top ties shall be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, except that on manufactured homes of less than 50 feet in length, one tie per side shall be required.
  - b. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, except that on manufactured homes of less than 50 feet in length, four ties per side shall be required.
  - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
- d. All additions to a manufactured home shall be similarly anchored.
4. Manufactured homes that are placed within flood fringe areas outside of existing manufactured home parks and manufactured home subdivisions after the effective date of this ordinance, or manufactured homes so located that are substantially improved thereafter, shall comply with the following standards:
  - a. Manufactured homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level.
  - b. Surface waters shall be adequately drained away from all structures and access for a manufactured home hauler shall be provided.
  - c. In the instance of elevation on pilings, lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten feet apart; and reinforcement shall be provided for piers more than six feet above ground level.
5. Manufactured homes placed within flood fringe areas in existing manufactured home parks or manufactured home subdivisions after the effective date of this ordinance, or manufactured homes so located that are substantially improved thereafter, shall comply with the standards set forth in subparagraphs 4.3.A.4.a through c, above, whenever any repair, reconstruction, or improvement of streets, utilities, and pads in the park or subdivision equals or exceeds 50 percent of the value of the streets, utilities, and pads before repair.
6. All new construction and substantive improvements shall provide safe access to the structure for ordinary

and emergency vehicles.

7. All new construction and substantial improvements shall:
    - a. Be constructed with materials and utility equipment that is resistant to flood damage; and
    - b. Be constructed by methods and practices that minimize flood damage.
  8. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
  9. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems, and discharges from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
  10. All public utilities and facilities shall be classified, constructed, and located to minimize or eliminate flood damage.
  11. Adequate drainage shall be provided to reduce exposure to flood hazards.
  12. Available flood hazard data from Federal, State, or other sources shall be reasonably utilized in meeting the standards of this article. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.
- B. The city manager or designee shall review development proposals to determine compliance with the standards in this article.

#### **Section 4.4. Permitted Uses--Floodway areas.**

- A. The following uses have low flood damage potential because of their open space nature; and to the extent that they are permitted uses in the underlying zoning districts, said uses are permitted in floodway areas:
1. Agricultural uses, such as general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, sod farming, and wild crop harvesting;
  2. Industrial and commercial loading areas, parking areas, and storage yards for equipment or machinery which can be easily moved or is not subject to flood damage;
  3. Recreational uses, such as parks, swimming areas, golf courses, driving ranges, picnic areas, wildlife and nature preserves, fish hatcheries, fishing areas, camping areas, and hiking areas;
  4. Utility facilities, such as dams, transmission lines, pipelines, and water monitoring devices;
  5. Water related uses, such as docks, piers, wharves, bridges, culverts, and river crossings of transmission lines, subject to approval of the Michigan Department of Natural Resources; and
  6. Residential support uses, such as lawns, gardens, parking areas, and play areas.
- B. No structures shall be built in the floodway areas.

#### **Section 4.5. Special land uses and standards.**

- A. The following additional uses for the floodway areas may be authorized (after site plan and special land use review and approval) by the planning commission, to the extent they are permitted uses in the underlying zoning districts:
1. Accessory uses to any permitted use listed above, such as off-street parking, streets, roads, bridges, outdoor

play equipment, streets, boat hoists, utility lines, bleachers, bank protection structures, signs, fences, and similar outdoor equipment and appurtenances, may be authorized, provided each of the following requirements are met:

- a. The use would not cause an increase in water surface elevation, obstruct flow, or reduce the impoundment capacity of the floodplain.
  - b. All equipment shall be anchored to prevent flotation and lateral movement.
  - c. Compliance with these requirements is certified by a registered engineer.
2. Transient amusement events may be permitted.
  3. Extraction uses, such as sand, gravel, or other mining operations may be permitted.
- B. In addition to the considerations specified in *Article 13, Special Land Uses*, and *Article 14, Site Plan Review*, the planning commission when evaluating a proposed special land use, may consider such other factors as, in its opinion, are relevant to the purposes of public protection and shall seek the assistance and advise of such persons or departments as are qualified or required to provide pertinent advice.

#### **Section 4.6. Variances.**

- A. The zoning board of appeals shall hear and decide requests for variances from the requirements of this article, and appeals when it is alleged there is an error in any requirement, decision, or determination made by the city manager or designee, or planning commission with regard to this article. In lieu of the provisions of sections *18.4.F* and *18.4.G*, of this ordinance, as applicable, the board, in passing upon such applications and appeals shall

consider all technical evaluations, all relevant factors, and all standards specified in this and other articles of this ordinance, and:

1. The danger that materials may be swept into other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and

bridges.

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

#### **Section 4.7. Disclaimer of liability.**

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

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

#### **Section 4.8. Duties of city manager or designee.**

- A. With regard to the National Flood Insurance Program, and the regulation of development within the flood fringe and floodway areas as prescribed in this article, the duties of the city manager or designee shall include, but are not limited to:
1. Notification to adjacent communities and the Department of Natural Resources of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal

Insurance Administration;

2. Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood fringe areas, and in the case of floodproofed structures, the elevation to which the structures was floodproofed; and
  3. Recording of all certificates of floodproofing, and written notification to all applicants to whom variances are granted in any flood fringe or floodway area, indicating the terms of the variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
- B. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the city manager or designee and shall be open for public inspection.

## Summary of Zoning Requirements

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# Article 5



City of Grandville Zoning Ordinance

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### Section 5.1. Zone districts.

Grandville is divided into 18 classes of districts, as listed in Table 5.1:

<b>Table 5.1 Zoning Districts</b>
<b>Conventional Districts:</b>
<i>Residential</i>
R1-A One Family Residential
R1-B One Family Residential
R1-C One Family Residential
R2-A Two Family Residential
R2-B Two Family Residential
R3-A Moderate Density Residential
R3-B Apartment Residential
RMH Manufactured Home Park Residential
<i>Office/Service and Commercial</i>
OS-1 Office/Service
OS-2 Regional Office/Service
C-1 Commercial Neighborhood Business
C-3 Commercial Highway
C-4 Commercial Shopping Center
C-5 Commercial Freeway Interchange
<i>Industrial</i>
I-1 Restricted Industrial
I-2 Industrial
<b>Form-based Districts:</b>
CBD Central Business Form-based District
PB Prairie/Barrett Form-based District

### Section 5.2. Map.

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

### Section 5.3. Lot divided by zone line.

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

### Section 5.4. Uses not listed.

- A. Where a proposed use of land or a building is not specified by this ordinance, the city manager or designee shall determine if the use is similar to a permitted or special land use authorized in the district in which the land or building is located. If the use is found to be similar, it may then be established according to the requirements and procedures outlined in this Ordinance for the similar use. The city manager or designee shall notify the planning commission of this action, who shall then determine if this Ordinance should be amended to include the use.
- B. Alternatively, the city manager or designee may refer the determination to the planning commission.
- C. The determination of the city manager or designee, or the planning commission, as applicable, may be appealed to the zoning board of appeals.

# Single and Two Family Residential Conventional Zoning Districts

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# Article 6



City of Grandville Zoning Ordinance

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### Section 6.1. Purpose and Intent.

- A. **R1-A, R1-B and R1-C Single Family Residential Districts.** The single family conventional zoning districts contain a predominance of detached dwellings on individual lots or parcels, each housing only one family. These districts preserve single family residential areas and promote and encourage a suitable and safe environment for single family residential living. Uses that are accessory or ancillary to one-family dwellings, such as home occupations and storage buildings are also permitted, subject to the requirements contained in this ordinance.
- B. **R2-A Two Family Residential District.** The R2-A district includes portions of Grandville’s original plats and neighborhoods that are located north of Prairie Street and allows a mix of one and two-family residences in certain older, established areas. Two-family dwellings in this district are typically the result of converted, older single family homes.
- C. **R2-B Two Family Residential District.** The R2-B district achieves the same character, stability, and quality residential environment as that for single family districts, but at a slightly higher population density. The R2-B district accommodates one or two-family dwellings in a newer area of Grandville, generally south of Buck Creek. The R2-B district has a limited application, serving primarily as a transitional zoning district between single family residential and more intensive use districts.

### Section 6.2. Table of Uses.

The following abbreviations apply to the Table of Uses for the Single Family Residential Districts:

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

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

<b>Requirement</b>	<b>R1-A</b>	<b>R1-B</b>	<b>R1-C</b>	<b>R2-A</b>	<b>R2-B</b>	<b>Additional Requirements</b>
<b>Accessory Uses</b>						
Accessory buildings or uses that are customarily incidental to any of the allowed principal uses	P	P	P	P	P	--
Adult foster care family homes	P	P	P	P	P	--
Family daycare homes	P	P	P	P	P	--
Home occupations	P	P	P	P	P	<i>Section 12.11</i>
Swimming pools	P	P	P	P	P	--
Wind energy conversion systems (WECS) 50 ft. high or less/ greater than 50 feet high	P/SLU	P/SLU	P/SLU	P/SLU	P/SLU	<i>Section 12.29</i>
<b>Residential Uses</b>						
Single family detached dwellings	P	P	P	P	P	<i>Section 12.25</i>
Two-family dwellings	SLU	SLU	NP	P	P	<i>Section 12.26</i>
<b>Institutional and Non-residential Uses</b>						
Adult foster care small group homes	SLU	SLU	SLU	SLU	SLU	<i>Section 12.2</i>
Cemeteries	SLU	SLU	SLU	SLU	SLU	<i>Section 12.6</i>
Group child daycare homes	SLU	SLU	SLU	SLU	SLU	<i>Section 12.9</i>
Higher education institutions	SLU	SLU	SLU	SLU	SLU	<i>Section 12.10</i>
Office and studio uses in residential structures	SLU	SLU	SLU	SLU	SLU	<i>Section 12.17</i>
Places of worship	SLU	SLU	SLU	SLU	SLU	<i>Section 12.18</i>
Public, private, or parochial schools	SLU	SLU	SLU	SLU	SLU	--
Public and private parks, playgrounds and community centers	SLU	SLU	SLU	SLU	SLU	<i>Section 12.19</i>
Public libraries and museums	SLU	SLU	SLU	SLU	SLU	--
Public utility buildings and substations	SLU	SLU	SLU	SLU	SLU	--
Wireless telecommunication facilities	P/SLU	P/SLU	P/SLU	P/SLU	P/SLU	<i>Section 12.30</i>

### Section 6.3. Development Requirements.

#### A. Application and Review Requirements

The following chart outlines application and review requirements for the Single and Two Family Residential Districts. An application shall not be acted on unless it is in compliance with all of the following requirements, unless specifically waived by the city manager or designee.

Requirements		Submission Deadline
Site Plan Review ( <i>Article 14</i> ) Required for nonresidential uses only	Completed application form	45 days prior to the scheduled planning commission meeting
	Application fee/escrow fee	
	Proof of ownership or interest in property	
	Legal description of property	
	Narrative addressing Review Standards of <i>Section 14.5</i>	
	Complete preliminary or final site plans in accordance with <i>Section 14.3</i>	
Special Land Uses ( <i>Article 13</i> )	Same as Site Plan Review	
	Narrative addressing Review Standards of <i>Section 13.4</i> and applicable Use Restrictions in <i>Article 12</i>	

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

Requirements		R1-A	R1-B	R1-C	R2-A	R2-B
Minimum Lot Size	Area (sq. ft.)	11,200	9,100	7,500	13,000	6,000
	Width in feet	80	70	60	100	none
Maximum Building Height	In stories	2.5	2.5	2.5	2.5	2.5
	In feet	35	35	35	35	35
Minimum Front Yard Setback <sup>(1) (2) (3)</sup>		30	30	30	30	25
Minimum Side Yard Setback <sup>(3)</sup>	One side	8	7	5	9	5
	Total	20	18	13	22	13
	Corner side	30	30	30	20	20
Minimum Rear Yard Setback <sup>(3)</sup>		25	25	25	25	25

Table 6.3.B. Single and Two Family Residential Zoning District Regulations						
Requirements		R1-A	R1-B	R1-C	R2-A	R2-B
Minimum Living Area per unit in square feet	One family	1,100	1,000	900	600	600
	Two family					700

**Notes to Table 6.3.B:**

- (1) Buildings shall not be closer than 70 feet to the center line of a principal arterial street, as designated on the city master plan, or closer than 80 feet to the center line of 28th Street. A building or sign structure shall not be erected within 150 feet of the intersecting center lines of principal arterial streets, as designated in the city master plan. Where these requirements conflict with the setback requirements of this article, the more restrictive one shall apply.
- (2) Front yard setback: For one and two-family dwellings, if 40 percent or more of the frontage on one side of a street between two intersecting streets has been developed with residences, the front yard setback for the lot to be developed shall be the average front yard setback for the nearest homes on either side of the lot. A new house shall not have a front yard setback of less than 20 feet.
- (3) Additional setback requirements for corner lots and lots abutting corner lots: Where a corner lot adjoins the side yard of an adjacent lot or lots, no part of a building within 25 feet of the common lot line shall be nearer the street than the required front yard setback for the adjacent lot.

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

1. Parking Space Requirements Table. The following abbreviations apply to Table 6.3.C:

UFA: usable floor area

GFA: gross floor area

Table 6.3.C Parking Requirements, Single and Two Family Residential Zoning Districts	
Use	Parking Spaces Per Unit of Measurement
<i>Residential</i>	
Single family detached dwellings	2 per each dwelling unit
Two family dwellings	2 per each dwelling unit
<i>Institutional and Nonresidential Uses</i>	
Adult foster care small group homes	2 spaces to serve the resident family, plus 1 space per each employee
Auditoriums and places of public assembly, as included in uses allowed in the Single and Two Family Residential districts	Fixed seats: 1 per each 4 seats, plus 1 per each 2 employees  Without fixed seats: 1 per each 3 persons allowed within the maximum occupancy load as determined by local building or fire codes, plus 1 per each 2 employees

**Table 6.3.C Parking Requirements, Single and Two Family Residential Zoning Districts**

Use	Parking Spaces Per Unit of Measurement
Cemeteries	2 spaces plus 1 space for each 400 sq. ft. of UFA for office spaces, plus that required for a caretaker's residence
Group daycare homes	2 spaces to serve the resident family, plus 1 space per each employee
Higher education institutions	1 space per every 3 students or the amount required for auditorium or place of assembly, whichever is greater.
Places of worship	1 per each 3 seats, based upon maximum seating capacity in the main room of worship
Private or parochial schools	1 per each teacher and administrator, plus 1 per each 10 students, based on maximum occupancy, plus the requirements of the auditorium or gymnasium
Public and private parks playgrounds and community centers	10 per each athletic field plus 1 per each 10 sq. ft. of indoor or outdoor play area
Public libraries and museums	1 per each 400 square feet of GFA
Utility and public service facilities and uses	1 per 500 sq. ft. GFA

2. Parking and storage of commercial vehicles and recreational vehicles shall conform to the requirements of *Section 15.6*.

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

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

# Multiple Family Residential Conventional Zoning Districts

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# Article 7



City of Grandville Zoning Ordinance

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### Section 7.1. Purpose and Intent.

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

### Section 7.2. Table of Uses

The following abbreviations apply to the Table of Uses for the Multiple Family Residential zoning districts:

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

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

Use	R-3A	R3-B	RMH	Additional Requirements
<b>Accessory Uses</b>				
Accessory buildings or uses that are customarily incidental to any of the allowed principal uses	P	P	P	--
Adult foster care family homes	P	P	P	--
Family daycare homes	P	P	P	--
Home occupations	P	P	P	<i>Section 12.11</i>
Swimming pools	P	P	P	--
Manufactured home park office	NP	NP	P	--
Utility building for laundry and storage space serving manufactured home park residents	NP	NP	P	--
Wind energy conversion systems (WECS) 50 ft. high or less/greater than 50 feet high	P/SLU	P/SLU	P/SLU	<i>Section 12.29</i>
<b>Residential Uses</b>				
Single family attached dwellings	P	P	NP	<i>Section 12.25</i>
Two-family dwellings	P	P	NP	<i>Section 12.26</i>
Manufactured home parks	NP	NP	P <sup>(1)</sup>	
Multiple family dwellings	P	P	NP	
Senior housing	P	P	NP	
<b>Institutional and Non-residential Uses</b>				
Adult foster care small group home	SLU	SLU	NP	<i>Section 12.2</i>
Child care center	SLU	SLU	SLU	<i>Section 12.5</i>
Group child day care home	SLU	SLU	NP	<i>Section 12.9</i>
Public and private parks, playgrounds and community centers	P	P	P	
<b>Other</b>				
Wireless telecommunication facilities	P/SLU	P/SLU	P/SLU	<i>Section 12.30</i>

**Notes to Table 7.2:**

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

**Section 7.3. Development Requirements**

**A. Application and Review Requirements**

The following chart outlines application and review requirements for the Multiple Family Residential districts. An application shall not be acted on unless it is in compliance with all of the following requirements, unless specifically waived by the city manager or designee.

Table 7.3.A. Application and Review Requirements, Single and Two Family Residential Zoning Districts		
Requirements		Submission Deadline
Site Plan Review ( <i>Article 14</i> ) Required for nonresidential uses only	Completed application form	45 days prior to the scheduled planning commission meeting
	Application fee/escrow fee	
	Proof of ownership or interest in property	
	Legal description of property	
	Narrative addressing Review Standards of <i>Section 14.5</i>	
	Complete preliminary or final site plans in accordance with <i>Section 14.3</i>	
Special Land Uses ( <i>Article 13</i> )	Same as Site Plan Review	45 days prior to the scheduled planning commission meeting
	Narrative addressing Review Standards of <i>Section 13.4</i> and applicable Use Restrictions in <i>Article 12</i>	

**B. Lot, Yard and Building Requirements, R3-A and R3-B districts**

Table 7.3.B. Single and Two Family Residential Zoning District Regulations							
Requirements			R3-A		R3-B		
			SF Detached 2 Family	Multiple Family	SF Detached 2 Family	3-4 Units	5 or More Units
Minimum Lot Size (sq. ft.)	Area	Site	30,000	60,000	N/A		
		Per Unit	5,500	5,500	7,500	3,000	3,000
Minimum lot width in feet			100	200	100	200	200

Requirements		R3-A		R3-B		
		SF Detached 2 Family	Multiple Family	SF Detached 2 Family	3-4 Units	5 or More Units
Maximum Building Height	In stories	2.5	2.5	2.5	2.5	2.5
	In feet	35	35	35	35	35
Minimum Front Yard Setback <sup>(2)</sup> <sup>(3)</sup>		(1)	(1)	25	25	25
Minimum Side Yard Setback <sup>(2)</sup>	One side	7	15	7	15	30
	Total	13	30	18	30	60
	Corner side	20	20	20	20	30
Minimum Rear Yard Setback <sup>(2)</sup>		30	30	30	30	30
Minimum separation between buildings		25	25	N/A	25	<sup>(4)</sup> <sup>(5)</sup>
Maximum number of units per building		2	8	N/A	12 <sup>(6)</sup>	12 <sup>(6)</sup>
Minimum Living Area per unit in square feet		900	700	1,200 (sgl.) 700 (two)	700	700

**Notes to Table 7.3.B:**

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

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

**D. Parking Requirements**

General parking requirements are listed in *Article 15*. The following specific requirements shall apply to the Multiple Family Residential zoning districts:

1. Parking Space Requirements Table.

<b>Table 7.3.D Parking Requirements, Multiple Family Residential Zoning Districts</b>	
<b>Use</b>	<b>Parking Spaces Per Unit of Measurement</b>
<i>Residential</i>	
Single family detached dwellings	2 per each dwelling unit
Two family dwellings	2 per each dwelling unit
Multiple family dwellings	2 per dwelling unit <sup>(1)</sup> , plus .25 spaces per unit for guest parking
Senior housing	.5 spaces per dwelling unit, plus 1 per each employee
Manufactured housing parks	As required by the provisions of the Michigan Manufactured Housing Commission
<i>Institutional and Nonresidential Uses</i>	
Adult foster care small group home, group daycare home, child care center	Adult foster care: 0.25 per bed plus 1 per employee, Group daycare home or child care center: 1 per employee plus 1 per each 10 persons based on licensed capacity,

**Notes to Table 7.3.D:**

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

2. Parking and storage of commercial vehicles and recreational vehicles shall conform to the requirements of *Section 15.6*.

**E. Accessory Structures.** All accessory structures shall meet the requirements of *Section 3.24*.

**F. Building Access.**

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

**G. Signs.** All signs in the Multiple Family Residential zoning districts shall conform to the requirements of *Article 17*.

**H. Landscaping.** Developments with more than two two-family lots and all multiple family and attached single family developments

shall be landscaped according to the requirements of *Article 16*.

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

#### **Section 7.4. District Specific Requirements.**

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- A. **RMH District.** A manufactured housing park in the RMH District shall have direct access to a regional or principal arterial street, as shown on the city

## Office and Commercial Conventional Zoning Districts

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# Article 8



City of Grandville Zoning Ordinance

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## Section 8.1. Purpose and Intent

- A. **OS-1 Office/Service District.** The OS-1 Office/Service District accommodates a variety of business, professional, executive, and administrative office uses, sports or club buildings, and related activities, as well as a limited range of personal services. Uses in this district are to be located in close proximity to major streets and by virtue of their relatively low level of intensity, unobtrusive hours of operation, and architecture, they may often serve as a transition between more intensive uses and residential uses.
- B. **OS-2 Regional Office/Service District.** The OS-2 Regional Office/Service District provides a limited range of office and service activities along and near Rivertown Parkway. The district encourages office and certain service uses, but discourages general commercial activities. Permitted uses are appropriate to allow a transition between residentially planned areas and the traffic and higher intensity uses along the Rivertown corridor. The regulations in this article ensure development will occur in a planned, coordinated fashion with regard to infrastructure and site use so as to protect the public health, safety, and general welfare; promote economic stability and growth; prevent the encroachment of uses incompatible with the character of the district; and promote the efficient movement of traffic.
- C. **C-1 Commercial Neighborhood Business District.** C-1 Commercial Neighborhood Business District accommodates neighborhood shopping and personal service opportunities in close proximity to residential areas. The uses permitted in this district satisfy the need for nondurable convenience goods or personal services as demonstrated by the residential population in the immediate area. By encouraging the consolidation of neighborhood shopping and personal service uses in a limited number of locations strip commercial development, and the related impacts on traffic flow and resulting congestion, are avoided.
- D. **C-3 Commercial Highway District.** The C-3 Commercial Highway District serves the highway merchandising and servicing needs of Grandville and the surrounding area. These districts are found on regional and principal arterial streets, such as 28th Street and Chicago Drive.
- E. **C-4 Commercial Shopping Center District.** The C-4 Commercial Shopping Center District accommodates planned regional commercial centers that by virtue of their size service not only the city, but also the surrounding market. Such commercial centers are characterized by a single major structure, along with an integrated or planned cluster of retail establishments served by a common parking area. This article facilitate shopping center development in a planned, orderly fashion, so as to protect the public health, safety, and general welfare, especially relative to vehicular and pedestrian traffic.
- F. **C-5 Commercial Freeway Interchange District.** The C-5 Commercial Freeway Interchange District accommodates a variety of uses that are appropriate to freeway interchange locations. Related regulations protect against uncontrolled development and optimize nonresidential land uses. All of this is accomplished while the immediate environment, both existing and proposed, is protected. The district also promotes rational urban design that provides community facilities or infrastructure, employment and retail opportunities, and services to the traveling public in a convenient and attractive manner and encourages creative and imaginative land use and design in a unique setting.

## Section 8.2. Table of Uses.

The following abbreviations apply to the Table of Uses for the Office and Commercial zoning districts:

P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.

SLU: Special Land Use Permit: Listed uses may be permitted by obtaining Special Land Use approval, subject to the standards and procedures cited in *Article 13* and applicable use restrictions in *Article 12*.

NP: Not permitted.

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

<b>Table 8.2</b>							
<b>Table of Uses, Office and Commercial Districts</b>							
<b>Use</b>	<b>OS-1</b>	<b>OS-2</b>	<b>C-1</b>	<b>C-3</b>	<b>C-4</b>	<b>C-5</b>	<b>Additional Requirements</b>
<b>Accessory Uses</b>							
Accessory buildings or uses that are customarily incidental to any of the allowed principal uses	P	P	P	P	P	P	--
Processing, packaging, assembly and indoor storage of goods, incidental to the principal use	NP	NP	NP	P	NP	P	--
Retail and service components that are accessory to a principal use, such as eyeglass sales, pharmacies, and similar	SLU	SLU	P	P	P	P	--
Drive up or drive through facilities accessory to any use, excluding those serving restaurants	NP	SLU	NP	SLU	SLU	SLU	<i>Section 12.8</i>
Wind energy conversion systems (WECS) 50 ft. high or less/greater than 50 feet high	P/SLU	P/SLU	P/SLU	P/SLU	P/SLU	P/SLU	<i>Section 12.29</i>
<b>Office and Service Uses</b>							
Banks and other financial services	NP	P	P	P	P	P	--
Business services	P	P	P	P	P	NP	--
Laundromats	NP	P	P	P	NP	P	--
Medical, dental and similar offices providing care on an outpatient basis	P	P	P	P	NP	P	--
Medical, dental and optical laboratories	P	P	NP	NP	NP	NP	--

<b>Table 8.2</b>							
<b>Table of Uses, Office and Commercial Districts</b>							
<b>Use</b>	<b>OS-1</b>	<b>OS-2</b>	<b>C-1</b>	<b>C-3</b>	<b>C-4</b>	<b>C-5</b>	<b>Additional Requirements</b>
Personal service establishments	P	P	P	P	P	P	--
Photographic and artistic studios	P	NP	P	P	P	NP	--
Professional offices	P	P	P	P	NP	P	--
<b>Retail Uses</b>							
Regional shopping centers, not less than 300,000 square feet gross leasable area	NP	NP	NP	NP	P	NP	--
Retail establishments: drugstores, hardware, novelties and gifts, books and music, video recording rental and sales, and similar stores	NP	NP	P <sup>(1)</sup> SLU <sup>(2)</sup>	P	P	SLU	<i>Section 12.22</i>
Retail food establishments: stores and markets selling groceries, baked goods, produce, dairy, meats and similar	NP	NP	P <sup>(1)</sup> SLU <sup>(2)</sup>	P	P	P	<i>Section 12.22</i>
<b>Restaurants, Entertainment, and Hospitality</b>							
Banquet facilities	NP	SLU	NP	P	P	NP	--
Hotels and motels	NP	NP	NP	P	NP	P	--
Hotels, limited service	NP	SLU	NP	P	NP	NP	<i>Section 12.13</i>
Indoor recreation centers, health or fitness centers and sports training centers	P	P	P	P	P	P	<i>Section 12.14</i>
Licensed amusement and recreation establishments	NP	NP	NP	P	P	NP	--
Restaurants, casual	NP	NP	P	P	P	P	<i>Section 12.21</i>
Restaurants, casual, with drive in or drive through facilities	NP	NP	SLU	SLU	NP	SLU	<i>Section 12.20</i>
Restaurants, standard	NP	SLU	SLU	P	P	SLU	--
Theaters	NP	NP	NP	P	P	NP	--
<b>Automotive Related Uses</b>							
Automobile service stations	NP	NP	NP	P	NP	SLU	<i>Section 12.3</i>
Vehicle wash establishments	NP	NP	NP	P	NP	SLU	<i>Section 12.28</i>

<b>Use</b>	<b>OS-1</b>	<b>OS-2</b>	<b>C-1</b>	<b>C-3</b>	<b>C-4</b>	<b>C-5</b>	<b>Additional Requirements</b>
Automobile, boat, motorcycle, recreational vehicle, and truck dealerships	NP	NP	NP	SLU	NP	SLU	<i>Section 12.4</i>
Vehicle repair, minor	NP	NP	NP	P	NP	SLU	<i>Section 12.3</i>
<b>Other Uses</b>							
Child care centers	P	P	P	P	NP	P	<i>Section 12.5</i>
Commercial schools, including art, beauty, music, dance and trade schools	P	P	P	P	NP	NP	--
Contractor or decorator showroom	NP	NP	NP	P	NP	NP	--
Funeral homes	SLU	P	SLU	P	NP	NP	--
Hospitals, 24 hour urgent care centers & rehabilitation centers	SLU	P	SLU	NP	NP	NP	<i>Section 12.12</i>
Laboratories and technology centers	NP	NP	NP	NP	NP	SLU	--
Off-premise signs as a principal use	NP	NP	NP	NP	NP	P	<i>Section 17.7.D</i>
Printing and publishing establishments	SLU	NP	NP	P	NP	NP	--
Processing, packaging, treatment or assembly of products not manufactured on the site	NP	NP	NP	NP	NP	SLU	--
Public or municipal buildings	P	P	P	P	P	P	--
Public utility buildings and substations	P	NP	P	P	NP	NP	--
Nursing homes or group adult foster care facilities	NP	P	NP	NP	NP	NP	<i>Section 12.16</i>
Wireless telecommunication facilities	P/SLU	P/SLU	P/SLU	P/SLU	P/SLU	P/SLU	<i>Section 12.30</i>
Wholesale distribution uses	NP	NP	NP	P	NP	SLU	--

**Notes to Table 8.2:**

(1) Permitted by right in buildings of less than 25,000 square feet of gross floor area (GFA).

(2) Allowed only as a special land use in buildings 25,000 square feet or greater GFA, but no more than 60,000 square feet GFA. See *Section 12.22*.

### Section 8.3. General Development Requirements

#### A. Application and Review Requirements

The following chart outlines application and review requirements for the Office and Commercial zoning districts. An application shall not be acted on unless it is in compliance with all of the following requirements, unless specifically waived by the city manager or designee.

<b>Table 8.3.A. Application and Review Requirements, Single and Two Family Residential Zoning Districts</b>		
	<b>Requirements</b>	<b>Submission Deadline</b>
Site Plan Review ( <i>Article 14</i> ) Required for nonresidential uses only	Completed application form	45 days prior to the scheduled planning commission meeting
	Application fee/escrow fee	
	Proof of ownership or interest in property	
	Legal description of property	
	Narrative addressing Review Standards of <i>Section 14.5</i>	
Complete preliminary or final site plans in accordance with <i>Section 14.3</i>		
Special Land Uses ( <i>Article 13</i> )	Same as Site Plan Review	45 days prior to the scheduled planning commission meeting
	Narrative addressing Review Standards of <i>Section 13.4</i> and applicable Use Restrictions in <i>Article 12</i>	

**B. General Site Development Requirements.** See *Section 8.4*, below, for requirements specific to individual zoning districts.

<b>Requirements</b>	<b>OS-1</b>	<b>OS-2</b>	<b>C-1</b>	<b>C-3</b>	<b>C-4</b>	<b>C-5</b>	
Minimum lot area in sq. ft.	12,500	30,000	15,000	12,500	Project: 40 acres	1 acre	
Minimum lot width in feet	100	125	100	100	660	150	
Maximum building height in feet	35	35	35	35	50	35	
Minimum Front Yard Setback <sup>(1) (2)</sup>	40	40	40	30	200 ft. <sup>(3)</sup>	40	
Minimum Side Yard Setback	One side	30	30	30		10	25
	Total	60	60	60		20	50
	Corner side	40	40	40		30	40
	Adjacent to a residential district	30	30	50		10	25
Minimum Rear Yard Setback <sup>(4)</sup>	30	30	25	16		40	
Minimum rear yard setback adjacent to a residential district	30	30	50	16	40		
Maximum lot coverage (percent)	30	N/A	N/A	N/A	N/A	N/A	
District Specific Requirements: See section:	N/A	8.4.A.	N/A	N/A	8.4.B.	8.4.C	

**Notes to Table 8.3.B:**

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

C. **Parking Requirements.** General parking requirements are listed in *Article 15*. The following abbreviations apply to *Table 8.3.C*:

UFA: usable floor area

GFA: gross floor area

GLA: gross leasable area

<b>Table 8.3.C Parking Requirements, Office and Commercial Zoning Districts</b>	
Use	Parking Spaces Per Unit of Measurement
<i>Accessory Uses</i>	
Retail and service uses that are accessory to a principal use, such as eyeglass sales, pharmacies, and similar	4 per 1,000 sq. ft. GFA
<i>Office and Service Uses</i>	
Banks, business and financial services	5 per 1,000 square feet GFA, plus 4 waiting spaces for each drive-through window or ATM machine
Laundromats	3 for drop off areas, plus 1 per each 3 washing machines
Medical, dental and optical laboratories	4 per 1,000 sq. ft. GFA
Personal service establishments	1 per 300 sq. ft. GFA, plus 1 per employee
Photographic and artistic studios	1 per 300 sq. ft. GFA
Professional offices, medical and dental offices	4 per 1,000 sq. ft. GFA, professional offices 6 per 1,000 sq. ft. GFA, medical/dental
<i>Retail Uses</i>	
Regional shopping centers, not less than 300,000 square feet gross leasable area	4.5 per 1,000 sq. ft. GFA
Retail establishments: drugstores, hardware, novelties and gifts, books and music, video recording rental and sales, and similar stores	Less than 25,000 sq. ft. GFA: 4 per 1,000 sq. ft. GFA 25,000 sq. ft. or greater: 5 per 1,000 sq. ft. GFA
Retail food establishments: stores and markets selling groceries, baked goods, produce, dairy, meats and similar	Less than 25,000 sq. ft. GFA: 5 per 1,000 sq. ft. UFA 25,000 sq. ft. or greater: 5 per 1,000 sq. ft. GFA
<i>Restaurants, Entertainment and Hospitality</i>	
Banquet facilities	1.5 per each 3 seats

<b>Table 8.3.C Parking Requirements, Office and Commercial Zoning Districts</b>	
<b>Use</b>	<b>Parking Spaces Per Unit of Measurement</b>
Standard and Casual restaurants	1.5 per each 3 seats, plus 10 waiting spaces for allowed drive-through uses
Hotels and motels, including limited service hotels	1 per unit, plus 1 per employee, plus additional spaces for accessory uses provided at 50% of the requirement as listed
Indoor recreation centers, health or fitness centers and sports training centers	5 per 1,000 sq. ft. GFA, plus 1 per employee
Licensed amusement and recreation establishments	10 per 1,000 sq. ft. UFA
Theaters	1 per each 4 seats, plus 1 per each 2 employees
<i>Automotive Related Uses</i>	
Automatic or self service vehicle wash facilities	1 per each employee, plus 10 waiting spaces and 2 drying spaces at each automatic service bay, and plus 3 waiting spaces at each self-service bay
Automobile repair and service stations	1 per each service bay, plus 1 per each employee, plus 1 per each 200 sq. ft UFA of retail area
New and used automobile, motorcycle recreational vehicle and trailer sales	1 per each 300 sq. ft. GFA of showroom, plus 1 per employee, plus required spaces for related uses
<i>Other Uses</i>	
Child care centers	1 per employee, plus 1 per each 10 children based on licensed capacity of the facility
Commercial schools, including art, beauty, music, dance and trade schools	1 per 2 students (based on design cap)
Contractor or decorator showroom	1 per each 800 sq. ft. UFA
Funeral homes	1 per each 50 sq. ft. of assembly area
Hospitals or medical centers	1 per each 2 beds, plus 1 per employee, including doctors employed off-site)
Printing and publishing establishments	2 per 1,000 sq. ft. GFA
Public or municipal buildings	1 per 200 sq. ft. GFA associated with office use, plus 1 per 3 seats for assembly halls or areas

**Table 8.3.C Parking Requirements, Office and Commercial Zoning Districts**

Use	Parking Spaces Per Unit of Measurement
Public utility buildings and substations	1 per 500 sq. ft. GFA
Nursing homes or group adult foster care facilities	1 per each 2 beds, plus 1 per employee
Outdoor sales and display of goods	1 per 800 sq. ft. of sales or display area

**Table 8.3.C Parking Requirements, Office and Commercial Zoning Districts**

Use	Parking Spaces Per Unit of Measurement
Wholesale distribution uses	1 per each 1,500 sq. ft. GFA
Processing, packaging, treatment or assembly of products not manufactures on the site	1 per 300 sq. ft. UFA for office areas, plus 1 per 2,000 sq. ft. UFA for production areas
Laboratories and technology centers	2 per 1,000 sq. ft. GFA

D. **Signs.** Signs in the Office and Commercial zoning districts shall conform to the requirements of *Article 17*.

E. **Other General Development Requirements**

1. Landscaping shall be maintained in all required front, side, and rear yards in accordance with the approved site plan, according to *Article 16*.
2. Lights shall be installed and maintained to confine illumination to the property on which the use is located, and to prevent glare or illumination from adversely affecting the safety or welfare of an adjacent property.
3. Trash containers shall be enclosed on all sides by a structure aesthetically compatible with the development and surrounding property. The enclosure shall be constructed of durable materials and, if constructed of wood, protected from vehicles with bollards or other means of protection. The waste storage area shall be free from litter and maintained in

a sanitary condition.

4. Heating, ventilation, or air conditioning units or similar electrical or mechanical devices, whether ground or building mounted, shall be properly screened. If ground mounted, the units shall not be located within a required front yard or corner side yard.
5. All business, service, or processing shall be conducted wholly within the confines of a building, except, where permitted:
  - a. Sale of automotive fuel, lubricants, and accessories at permitted service stations;
  - b. Sale of produce and plants;
  - c. Vehicle dealerships;
  - d. Drive in or drive through establishments;
  - e. Licensed amusements or recreations;
  - f. Outdoor sales and display of goods, when permitted as a special land use

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

## Section 8.4. District-Specific Requirements

### A. OS-2 District.

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

### B. C-4 District:

1. The site must be located on a principal arterial street, as designated on the city master plan.
2. *Development of Individual Outparcels*
  - a. Outparcels shall be at least 30,000 square feet.
  - b. The area devoted to outparcels shall not exceed 5 percent of the total area of a regional shopping center.
  - c. Location: outparcel developments shall be limited to:
    - (1) Within 200 feet of the intersection of two regional, principal, or minor arterial streets; or
    - (2) Within 200 feet of the intersection of a regional, principal, or minor arterial street (as designated on the city master plan) and a mall access drive.
3. *Landscaping, bufferyards, and screening.* Landscaping and bufferyards shall be provided and maintained in all required yards as provided in *Article 16*.
4. *Access.*
  - a. Customer access.
    - (1) Stores shall only be accessed from the interior of the mall; however, an anchor store, theater, or standard restaurant may have a direct exterior entrance.
    - (2) A driveway, street, or parking space shall not be located within 25 feet of a mall customer entrance.
  - b. Vehicular access.
    - (1) Driveways shall be meet adequate sight

- distance requirements, have appropriate grades, and not result in unsafe conditions and congestion.
- (2) Specifications for driveways, lane tapers, and deceleration, acceleration, turning, and bypass lanes shall conform to Grandville Driveway Standards, except as noted. In case of a conflict, the more restrictive requirement shall apply.
  - (3) Driveways shall be located at least 250 feet from the intersection of a regional, major, or minor arterial street.
  - (4) Driveways accessing a public street shall be spaced at least 250 feet apart.
  - (5) All driveways intersecting a public street shall have a curbed and landscaped center island.
5. *Building orientation adjacent to arterial streets.* When a property is directly adjacent to a regional, principal, or minor arterial street, all buildings shall be sited so that the front yard/façade faces the arterial street.
  6. *Use of search lights, loudspeakers, amplifiers, and similar devices.* Search lights, loudspeakers, sound amplifiers, or similar devices shall not be used to attract attention to any activity within the C-4 district or on outparcels.
  7. *Site plan approval.* In addition to the requirements of article 14, the following shall be submitted along with a site plan for development within the C-4 District:
    - a. A narrative describing:
      - (1) The percent of the shopping center district to be covered by buildings and parking;
      - (2) The authority and responsibilities to maintain streets and parking areas;
    - (3) Project phasing, if any;
    - (4) Construction start and completion dates for the project and any of its phases; and
    - (5) Any other information the planning commission may request.
      - b. The approved site plan shall be part of the record of approval. All subsequent actions related to the development of the shopping center shall be consistent with the approved site plan unless a change, conforming to the zoning ordinance, is mutually agreed to by the shopping center owner or developer and the city. After the site plan has been approved building permits may be issued for phased construction.
- C. **C-5 District:** Qualifying conditions. Development in the C-5 district shall meet one of the following conditions:
    1. A project under single control or ownership that is at least five acres; or
    2. A project under single control or ownership that is at least three acres and has at least one building 10,000 square feet of gross floor area or larger.

## Industrial Conventional Zoning Districts

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# Article 9



City of Grandville Zoning Ordinance

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**Section 9.1. Purpose and Intent**

- A. **I-1 Restricted Industrial District.** The I-1 Restricted Industrial District accommodates industrial uses and processes of manufacture, fabrication, assembly, packaging, printing, reproduction, transportation, storage, and warehousing that meet the performance standards of *Section 9.3.E*.
- B. **I-2 General Industrial District.** The I-2 Industrial District accommodates industrial uses and processes of manufacture, fabrication, assembly, packaging, printing, reproduction, equipment service, transportation, storage, and warehousing that meet the performance standards of this section, and excavation of natural resources.

**Section 9.2. Table of Uses**

The following abbreviations apply to the Table of Uses for the Office and Commercial zoning districts:

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

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

<b>Table 9.2</b>			
<b>Table of Uses, Industrial Zoning Districts</b>			
<b>Use</b>	<b>I-1</b>	<b>I-2</b>	<b>Additional Requirements</b>
<b>Accessory Uses</b>			
Accessory buildings or uses that are customarily incidental to any of the allowed principal uses	P	P	--
Cafeteria facilities located on the premises of and for the employees of the allowed principal use	P	P	--
Corporate office facilities incidental to the allowed principal use	P	P	--
Retail sales incidental to the allowed principal use	P	P	--
Child care facilities located on the premises of and for the employees of the allowed principal use	P	P	--
Wind energy conversion systems (WECS) 50 ft. high or less/greater than 50 feet high	P/SLU	P/SLU	<i>Section 12.29</i>
<b>Manufacturing Uses</b>			
Assembly and manufacture of automotive, electrical fixtures, and hardware	NP	P	

<b>Table 9.2</b>			
<b>Table of Uses, Industrial Zoning Districts</b>			
<b>Use</b>	<b>I-1</b>	<b>I-2</b>	<b>Additional Requirements</b>
Breweries and distilleries	NP	P	--
Cardboard products fabrication	P	P	--
Central dry cleaning or laundry	NP	P	--
Machine shops	P	P	--
Manufacturing, compounding, processing, packaging, or treatment, or the assembling from previously prepared materials	P	P	--
Metal stamping, pressing, and buffing	NP	P	--
Paint, rustproofing, and rustcoating	NP	P	--
Public utility buildings, lines, and substations	P	P	--
Publishing and printing operations	P	P	--
Research laboratories and technology centers	P	P	--
Structural steel fabrication (excluding stamping, saw mills, or planing mills)	P	P	--
Sheet metal shops	NP	P	--
Tool and die shops	P	P	--
Wholesale warehousing and distribution centers	P	P	--
<b>Other Uses</b>			
Agriculture operations and greenhouses	NP	P	--
Boat sales, service, and repair	NP	P	--
Chemical or bulk oil product storage	NP	P	--
Commercial radio or television antennas	SLU	SLU	--
Designed industrial parks or developments	SLU	SLU	<i>Section 12.7</i>
Golf courses	NP	P	--
Indoor recreation centers and health or fitness centers	SLU	SLU	<i>Section 12.14</i>
Industrial sales and showrooms	P	P	--
Laboratories or technology centers	SLU	SLU	--

<b>Use</b>	<b>I-1</b>	<b>I-2</b>	<b>Additional Requirements</b>
Manufactured home and implement sales	NP	P	--
Mineral Extraction (as a principal use)	NP	SLU	<i>Section 12.15</i>
Municipal buildings, public service buildings, or public utility buildings, telephone exchange buildings, and communication or relay facilities	P	P	--
Nonmanufacturing research and development establishments, including accessory laboratories, offices, and other related facilities	SLU	SLU	--
Repair garage and body shops	NP	P	--
Sexually oriented businesses	NP	SLU	<i>Section 12.24</i>
Truck and tractor sales, services, and repair	NP	P	--
Truck terminals	NP	P	--
Vehicle repair, major	NP	P	--
Wholesale establishments	P	P	--
Wireless communication facilities	P/SLU	P/SLU	<i>Section 12.30</i>

### **Section 9.3. General Development Requirements**

#### **A. Application and Review Requirements**

The following chart outlines application and review requirements for the Industrial Districts. An application shall not be acted on unless it is in compliance with all of the following requirements, unless specifically waived by the city manager or designee.

Requirements		Submission Deadline
Site Plan Review ( <i>Article 14</i> ) Required for nonresidential uses only	Completed application form	45 days prior to the scheduled planning commission meeting
	Application fee/escrow fee	
	Proof of ownership or interest in property	
	Legal description of property	
	Narrative addressing Review Standards of <i>Section 14.5</i>	
	Complete preliminary or final site plans in accordance with <i>Section 14.3</i>	
Special Land Uses ( <i>Article 13</i> )	Same as Site Plan Review	
	Narrative addressing Review Standards of <i>Section 13.4</i> and applicable Use Restrictions in <i>Article 12</i>	

**B. General Site Development Requirements.** All development within the industrial conventional zoning district shall conform to the requirements of *Table 9.3.B.*

Requirements	I-1	I-2
Minimum lot size in sq. ft.	20,000	20,000
Minimum lot width in feet	80	80
Maximum building height in feet	35	50
Minimum Front Yard Setback <sup>(1) (2)</sup>	25	25
Minimum Side Yard Setback	One side	30 <sup>(3)</sup>
	Corner side	20 <sup>(4)</sup>
Minimum Rear Yard Setback <sup>(5)</sup>	30	25
	16	16

**Notes to Table 9.3.B:**

- (1) A building shall not be erected or placed closer than 70 feet to the center line of a principal arterial street, as designated by the city master plan, or closer than 80 feet to the center line of 28th Street. A building or a sign structure shall not be erected within 150 feet of the intersecting center lines of principal arterial streets. Where these requirements conflict with the setback requirements of this article, the more restrictive one shall apply.
- (2) The established average setback shall apply where a setback line has been established by existing commercial buildings occupying 40 percent or more of the frontage within the same block.

- (3) For a lot with an average width of less than 200 feet, each side yard shall be not less than 15 percent of the average lot width.
- (4) For a lot with an average width of less than 200 feet, each side yard shall be not less than 10 percent of the average lot width.
- (5) An alley or railroad right-of-way that abuts the rear of the property may be included as part of the rear yard setback requirement.

C. **Parking Requirements.** General parking requirements are listed in *Article 15*. The following abbreviations apply to *Table 9.3.C*:

UFA: usable floor area

GFA: gross floor area

<b>Table 9.3.C Parking Requirements: Industrial Zoning Districts</b>	
Use	Parking Spaces Per Unit of Measurement
<i>Accessory Uses</i>	
Corporate office facilities incidental to the allowed principal use	5 per 1,000 sq. ft. GFA
Retail sales incidental to the allowed principal use	1 per each 300 sq. ft. UFA
Child care facilities located on the premises of and for the employees of the allowed principal use	1 per employee of the child care center
<i>Manufacturing Uses</i>	
Assembly and manufacturing, light industrial uses, laboratory and research uses	1 per each 750 sq. ft of GFA
Wholesale establishments	1 per each 1,500 sq. ft. GFA
<i>Non-Manufacturing Uses</i>	
Indoor recreation centers and health or fitness centers (including indoor tennis or swim clubs) indoor hockey or ice skating rinks, and similar commercial recreational facilities completely within an enclosed building	5 per 1,000 sq. ft. GFA, plus 1 per employee
Municipal buildings, public service buildings, or public utility buildings, telephone exchange buildings, and communication or relay facilities	1 per 500 sq. ft. GFA

D. **Signs.** All signs in the Industrial zoning districts shall conform to the requirements of *Article 17*.

**E. Additional general standards and requirements.**

- 1. *Outdoor storage.* All operations shall be conducted completely within a building. However, materials and equipment may be stored outdoors in the side or rear yard if screened from view of a public street or adjoining property by a solid, finished wall or fence with solid gates at least six feet in height, or by sufficient landscaping of a height and density to provide an opaque screen of all outdoor storage areas, as approved through the site plan review process.
- 2. Landscaping shall be maintained in all required front, side, and rear yards in accordance with the approved site plan, according to *Article 16*.
- 3. *Performance standards.*
  - a. Fire and explosion hazards. All activities shall occur in buildings classified as fireproof by the building code and in conformance with the fire prevention code. All operations shall be carried out in a manner and with precautions so as not to create a fire or explosion hazard, as determined by the Michigan Department of Labor, for a use on an adjacent property.
  - b. Bulk flammable liquids, other than fuels used for heating, shall be stored in an entirely enclosed building that is exclusively used for that purpose, or in underground tanks. A building used for such storage shall not be closer than 100 feet to an adjacent building or closer than 80 feet to a property line. An underground storage tank shall be at least 40 feet from an adjacent building or property line.
  - c. Every building or flammable storage area

shall be equipped with automatic sprinklers or other automatic fire extinguishers approved by the building inspector and the fire chief.

- d. Smoke, fumes, gases, dust, and odors. Smoke, radiation, fumes, gas, dust, odors, or any other atmospheric pollutant that can disseminate beyond boundaries of a lot occupied by such a use and in such a manner to create a public nuisance, public danger, or adversely affect the use of adjacent properties shall not be emitted.
- e. Liquid or solid waste. Industrial waste shall not be discharged into the ground water or a water body. All such wastes shall be disposed of either using a public sanitary sewer or a sanitary system approved by the city council and health authorities. When discharged into a public sewer, wastes shall conform to all public regulations.
- f. Vibration. There shall be no vibration, which is discernible to the human sense of feeling, beyond the immediate site on which such use is conducted.
- g. Noise. Noise shall not emanate from a use beyond the boundaries of the site on which it is conducted that is more audible than the traffic noise on the street upon which the lot faces.
- h. Illumination. Light levels measured at the property line of the lot occupied by the use shall not exceed 1.5 foot candles. This regulation shall not apply to lights positioned at the entrance or exit drives leading to a parking lot.

## Form-Based Code Districts

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# Article 10



City of Grandville Zoning Ordinance

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### Section 10.1. Purpose and Intent

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

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

### Section 10.2. Form-based districts

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

- A. PB – Prairie/Barrett District. The Prairie/Barrett District supports a quiet single family residential setting, while preserving the traditional development patterns of the area.
- B. CBD - Central Business District. The Central Business District protects the traditional, small town development character of downtown Grandville and enhances a pedestrian-oriented environment. The district accommodates a mix of retail stores, offices,

entertainment, public spaces, residential uses and related activities that are mutually supporting and serve the needs of the community. The intent of this district is to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented and unified setting with shared parking.

### Section 10.3. Application of Regulations

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

### Section 10.4. Use Regulations

- A. Uses shall be permitted based upon the district. Each use is listed in *Table 10.4: Permitted and Conditional Uses by District* as one of the following:
  - P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.
  - SLU: Special Land Use Permit: Listed uses may be permitted by obtaining Special Land Use approval, subject to the standards and procedures cited in *Article 13*.
  - NP Not permitted
- B. Uses must also comply with the development requirements that are referenced in the right column.

<b>Table 10.4</b>			
<b>Permitted and Special Land Uses by District</b>			
<b>Use</b>	<b>PB</b>	<b>CBD</b>	<b>Development Requirements</b>
<b>Accessory Uses</b>			
Accessory buildings or uses customarily incidental to any allowed principal uses	P	P	
Adult foster care family homes	P	NP	Permitted only in an allowed residential use
Family daycare homes	P	NP	Permitted only in an allowed residential use
Home occupations	P	P	See <i>Section 12.11</i> . Permitted only in an allowed residential use
Swimming pools	P	P	
<b>Residential Uses</b>			
Single family detached dwellings	P	NP	See <i>Section 12.25</i>
Two-family dwellings	SLU	NP	See <i>Section 12.26</i>
Single family attached dwellings	NP	P	
Multiple family residential dwellings	NP	P	
Residential dwellings above the first floor within mixed-use buildings	NP	P	
Senior housing	NP	P	See <i>Section 12.23</i>
Adult foster care small group home	NP	P	See <i>Section 12.2</i> . Permitted only in an allowed residential use
Child care center	NP	P	See <i>Section 12.5</i>
Group child daycare home	NP	P	See <i>Section 12.9</i> . Permitted only in an allowed residential use
<b>Office and Service Uses</b>			
Banks and financial services	NP	P	Walk up automatic teller machines are allowed.
Banks and financial services with drive up or drive through services	NP	SLU	See <i>Section 12.8</i>

				<b>Table 10.4</b>
				<b>Permitted and Special Land Uses by District</b>
<b>Use</b>		<b>PB</b>	<b>CBD</b>	<b>Development Requirements</b>
Business services		NP	P	
Laundromats		NP	P	
Medical, dental and similar offices providing health care on an outpatient basis		NP	P	
Professional offices		NP	P	
Personal service establishments		NP	P	
Office and Service Uses (cont.)				
Photographic and artistic studios		NP	P	
Radio, TV and multi-media studios		NP	P	
Funeral homes		NP	P	
<b>Retail Uses</b>				
Retail establishments within an enclosed building	Floor area 30,000 sq. ft. or less	NP	P	
	Floor area above 30,000 sq. ft.	NP	SLU	
<b>Restaurants, Entertainment and Hospitality</b>				
Assembly halls, recreational clubs, fraternal order halls, private clubs, lodge halls or other similar places of assembly		NP	P	
Banquet facilities		NP	P	
Bed and breakfast inns		SLU	P	Permitted only in a residential structure
Hotels and motels, including limited service		NP	P	Limited service hotels shall conform to <i>Section 12.13</i>
Indoor recreation centers, health or fitness centers and sports training centers		NP	P	See <i>Section 12.14</i>
Licensed amusement and recreation establishments		NP	P	
Establishments serving food and beverages, including restaurants (casual or standard), taverns, bars, delicatessen, carryout, and similar establishments, with or without outdoor seating		NP	P	

<b>Table 10.4</b>			
<b>Permitted and Special Land Uses by District</b>			
<b>Use</b>	<b>PB</b>	<b>CBD</b>	<b>Development Requirements</b>
Restaurants, casual with drive up/drive through facilities	NP	P	See <i>Section 12.20</i>
Theaters	NP	P	
<b>Civic</b>			
Places of worship	SLU	P	See <i>Section 12.18</i>
Cemeteries	SLU	NP	See <i>Section 12.6</i>
Public, private or parochial schools	SLU	NP	
Public buildings	SLU	SLU	
Public utility buildings and substations	SLU	SLU	
Wireless communication facilities	P	P	Mounted on existing structures only. See <i>Section 12.30</i>
Public and private parks, playgrounds and community centers	SLU	P	See <i>Section 12.19</i>

**Section 10.5. District Requirements**

A. **PB – Prairie/Barrett District.** All lots and buildings in the Prairie/Barrett District shall meet the dimensional requirements as shown in subsections *10.5.A.1. Residential Building Requirements* and *10.5.A.2 Civic Building Requirements*.

1. *Residential Buildings*

- a. Intent. The implementation of the requirements of this District will result in a complementary residential development pattern, ensure that uses are easily accessible, and accommodate certain building projections and variations in design. By regulating the character of buildings, façades can be located closer to the street and sidewalk and be aligned to form a street edge that frames the public realm, while retaining sufficient width for people to walk and mingle with neighbors. Further, new buildings can be designed to blend with existing ones and the character of existing residential areas, as expressed by traditional architecture and residential style entries, window openings, and building height, can be maintained and enhanced.

**Prairie/Barrett District: Single Family Detached and Two Family Residential Dwelling Requirements**

**Lot Size**

Minimum Area	6,000 sq. ft.
Maximum Area	15,000 sq. ft.
Minimum Width	50 ft.

**Setbacks**

Minimum Rear Yard	25 ft.
Minimum Side Yard	5 ft. one side/13 ft. total both <sup>1</sup>
Front Yard (RBL)	See <i>Additional Requirement 2</i>

**Building Placement**

Façade	Must occupy 50% of RBL <sup>2</sup>
Frontage	Parallel to street and sidewalk

**Projections<sup>3</sup>**

Eaves and Awnings	≤2 ft. into RBL from main building
Bay Windows	≤3 ft. into RBL from main building
Balconies	≤5 ft. into RBL or required side or rear setback
Porches or Stoops	≤8 ft. into RBL from main building

**Driveways**

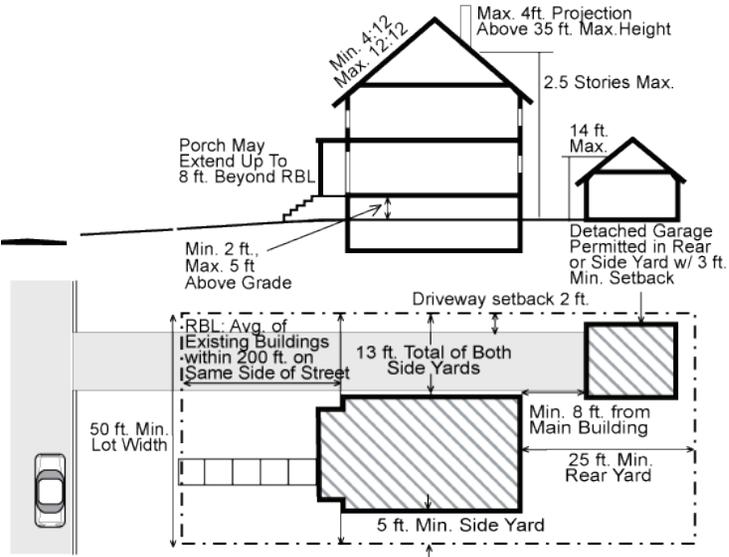
Parking	Not allowed in front yard, except in residential driveway
Driveways	If not shared, setback min. 2 ft. from common lot line
Corner Lot Driveways	min. 25 ft. from any block corner or other driveway

**Roof Pitch**

Minimum	4:12
Maximum	12:12

**Building Height<sup>4,5</sup>**

Maximum Stories	2.5
Maximum Height	35 ft.
Ground Floor Elevation	2-5 ft. above grade or front sidewalk



**Additional Requirements**

1. min. 10 ft. between non-residential and residential buildings.
2. RBL is equal to the average front setbacks of existing buildings located on same side of street in same zoning district within 200 ft. of lot. Where there is no established dimension, the RBL shall be between 15 and 20 ft. RBL shall be met on both frontages on corner lots.
3. ADA compliant ramps are permitted projections.
4. height requirements may be exceeded for certain related structures as specified in Section 3.8.
5. additional habitable space is permitted within the roof area of a building when configured as a half story.

**Prairie/Barrett District: Single Family Detached and Two Family Residential Dwelling Requirements**

**Floor Area**

Minimum 900 sq. ft. per single family or two-family unit

**Façades**

Walls Blank walls facing public street prohibited  
Window Transparency Area 20% to 60% of façade facing street shall consist of windows and doors  
Entrances At least one usable door facing front lot line<sup>6</sup>

**Front porch or stoop**

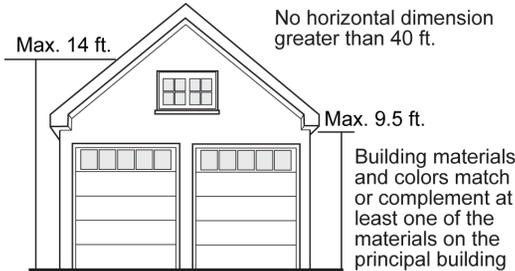
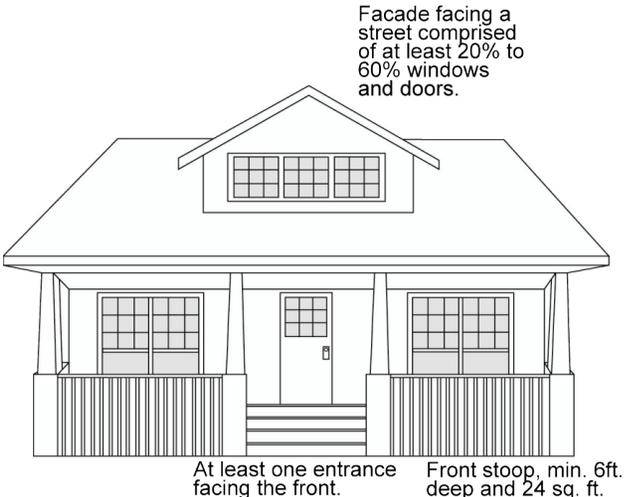
Each dwelling shall have a front porch or stoop with steps<sup>7</sup>  
Minimum depth 6 ft.  
Minimum area 24 sq. ft.

**Garages**

Location Side or Rear yard<sup>8</sup>  
Access Rear alley or driveway along side yard  
Size Single-story, horizontal dimensions <40 ft.  
Detached height max. 14 ft. average grade to average height of roof  
Side walls ≤ 9.5 ft.  
Maximum area 1,080 sq. ft.  
Front-Facing Attached Cannot encompass more than 50% of total building façade<sup>9</sup>  
Building materials/colors Shall match or complement principal building

**Non-garage Accessory Buildings**

Location Side or Rear yard  
Size horizontal dimensions <40 ft.  
Height max. 12 ft. average grade to roof peak  
Maximum area 144 sq. ft.  
Setbacks 3 ft. from side and rear lot line  
8 ft. from any dwelling  
6 ft. from any other structure  
Building materials/colors Shall match or complement principal building



**Additional Requirements**

- 6. Duplex units may have one unit's door on the side.
- 7. Duplex units may share a front porch.
- 8. Detached garages shall be located in rear yard.
- 9. May not project beyond a line 5 ft. behind the front building line.

2. Civic Buildings

- a. *Intent.* The design of an institutional or community service building, such as a church, school, government office or post office is subject to review and approval by the planning commission. The intent is to allow flexibility in the design and siting of these unique buildings that serve a public use while ensuring their positive contribution to a desired community and neighborhood character as stated in the Purpose and Intent section of this article.

Prairie/Barrett District: Civic Building Requirements

Front Setback

Civic buildings may deviate from the RBL requirements of the district when a pedestrian plaza, park, or landscaped front yard, compatible with the character of the surrounding area, is provided.

Roof

Pitched	See Note 10
Flat Roof	Parapet min. 42 in. <sup>10</sup>

Front Façade

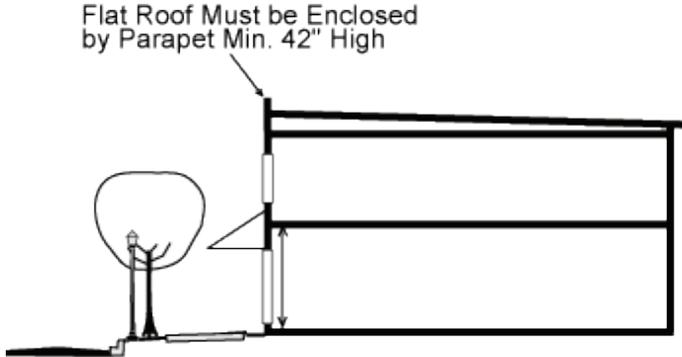
For building façades that are 100 ft. or longer and face a public street and/or park, not more than 30 ft. of horizontal distance of the wall shall be without some form of articulation or architectural variation. Walls that face a public street, plaza, green or park shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials.

Entrance

There shall be at least one usable front pedestrian entrance from the public sidewalk. Design details shall enhance the appearance and prominence of main pedestrian entrances to make them recognizable from the street and parking areas.

Parking

Not allowed in front yard<sup>11</sup>



Additional Requirements

- 10. Shall be designed so that rooftop mechanical equipment is not visible from the street level in the immediate vicinity of the building.
- 11. Loading is permitted only in rear yard or internal loading bays not visible from the street.

**B. CBD – Central Business District.** All lots and buildings in the Central Business District shall meet the dimensional requirements as shown in subsections 10.5.B.1: *Mixed-Use and Commercial Buildings, Apartment Buildings, and Townhouses*, 10.5.B.2 *Civic Buildings*, and 10.5.B.3 *Accessory Provisions*.

1. *Mixed-Use and Commercial Buildings, Apartment Buildings, and Townhouses*

a. Intent. The Requirements of this District provide a compact development pattern, ensure that uses are adjacent to the sidewalk, and accommodate variations in architectural character and design. They further support a walkable, pedestrian environment that promotes a mix of uses, accessibility to retail and a high quality public realm. By regulating building elements, façades can be aligned along streets and sidewalks to form a street edge that frames the public realm, while retaining a sufficient dimension that allows people to comfortably walk two to three abreast. Strong architectural character should be reflected in the design of buildings including lintels, windowsills, cornices, transoms, etc., and by traditional storefronts, as expressed by front entries, window openings, and minimum building heights. Walls visible from the public right-of-way must include windows and architectural features customarily found on the front façade of a building, such as awnings, cornice work, columns, edge detailing or other character elements. Prominent and usable public building entrances at the front of the building result in a clearly identifiable orientation and façades whose mass is divided by rhythmic architectural elements helps to reduce scale.

**CBD: General Requirements: Mixed-Use and Commercial Buildings/Apartment Buildings/Townhouses**

**Lot Size**

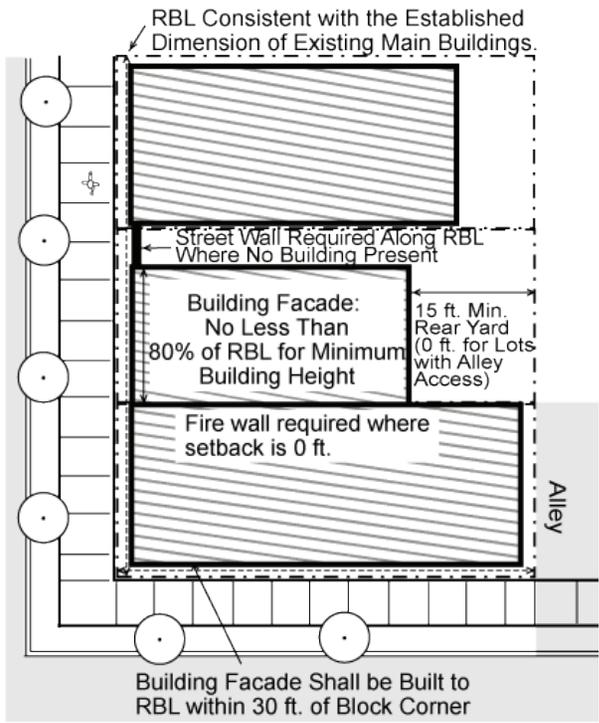
Minimum Area	No minimum
Minimum Width	No minimum

**Setbacks**

Minimum Rear Yard	15 ft., none required for lots with rear alley
Minimum Side Yard	0 ft. with fire wall, min. 10 ft. without fire wall
Front Yard (RBL)	0-5 ft, residential buildings between 5-10 ft.

**Building Placement**

Façade	Must occupy 80% of frontage, built to the RBL within 30 ft. of any block corner
Street Wall	Required along frontage, or not more than 8 in. behind RBL, not otherwise occupied by a building An outdoor activity area or entry courtyard does not require a street wall and may occupy the portion not occupied by the building.



**CBD: General Requirements: Mixed-Use and Commercial Buildings/Apartment Buildings/Townhouses**

**Building Height<sup>1</sup>**

Minimum	20 ft.
Maximum	50 ft.
Residential Ground Floor Elevation	2-5 ft. above grade or front sidewalk
Residential Ground Floor interior height	Minimum 12 ft.
Mixed-Use/Commercial Ground Floor interior height	Minimum 15 ft.

**Roof**

Pitched roofs <sup>2</sup>	Permitted where the eaves are at least 20 ft. from the ground Minimum 4:12 Maximum 12:12
Flat Roof <sup>3</sup>	Parapet min. 42 in., may exceed max. height

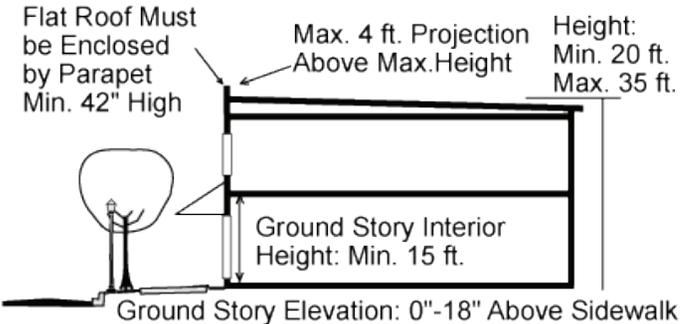
**Projections<sup>4</sup>**

Overhead awnings, canopies, balconies	Shall not project closer than 5 ft. to a common lot line
Awnings/canopies over sidewalks	Shall maintain a clear height of at least 8 ft. and project no more than 6 ft. from the building

A building façade may include jogs of not more than 18 in. deep, except as specified by this District, to allow shopfronts, bay windows, and balconies, which may extend into the RBL.

**Parking**

Front yard	Not permitted in front yard
Side and rear yard	Permitted (see below)
Off-street parking	Up to 20% of the frontage, located to the side of the building and behind the RBL, may be occupied by off-street parking. In such cases a 3-ft. tall screen wall must be located between the sidewalk and parking lot.



**Additional Requirements**

1. Additional habitable space is permitted within a sloped roof when configured as an attic story.
2. Mechanical equipment on buildings with a pitched roof shall be on the back half of the building and screened on all sides so it is not visible from the ground.
3. Shall be designed so that rooftop mechanical equipment is not visible from the street level in the immediate vicinity of the building.
4. Eaves, canopies, awnings, stoops, porches, covered walkways, balconies, shopfronts, bay windows, and ADA compliant ramps are permitted projections.

**CBD: General Requirements: Mixed-Use and Commercial Buildings/Apartment Buildings/Townhouses****Building Façades**

A new building with a façade that is more than 30 ft. long shall be divided into multiple bays, creating the impression of multiple storefronts.

Ground floors shall be designed with storefronts that have windows, doorways and sign panels that are integrally designed. Storefront buildings shall be designed to create a distinct and visually separated ground floor through the use of accents such as a base panel between the sidewalk and the display windows, display windows and an entry framed by piers/pilasters, a sign band, a middle cornice separating the ground level façade from upper stories, a change in materials or textures, or an awning or canopy between the first and second stories.

**Exterior Building Materials**

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

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

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

Awnings, Canopies and Marquees:

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

**CBD: Specific Building Requirements: Mixed-Use/Commercial**

**Window Transparency**

Transparency requirements shall apply to the area of the façade between 2 ft. and 10 ft. above the sidewalk regardless of where windows are located.

Only clear or lightly tinted, non-reflective glass in windows, doors, and display windows shall be considered transparent.

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

Buildings facing public streets, parks, and through-block walkways	Minimum 70% for ground level storefronts Minimum 40% and maximum 60% for façade above storefronts
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Door and window requirements for the first floor of a corner building that faces a lesser traveled street may be reduced by one-half, provided the secondary façade does not face Chicago Drive or Wilson Avenue.

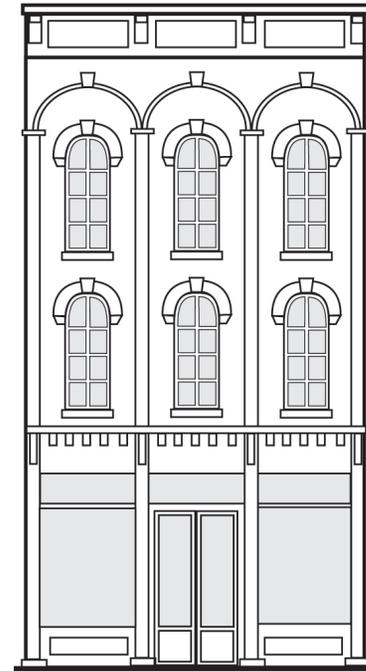
Ground floor window sills	≤2 ft. above grade
Window shape	openings and panes shall be taller than they are wide or be divided into segments that are taller than they are wide

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

Building entrances shall be recessed and at least one main building entrance shall face a street.

A building entrance shall be clearly identifiable and reinforced by such elements as awnings, porte-cocheres, special paving, arches, changes in rooflines, and planters.

A visible and usable building entrance is required for every 50 ft. of frontage a building has on the primary street.



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

Window openings shall be taller than they are wide or divided so that they are taller than they are wide.

Upper story windows comprise between 40% and 60% of façade.

Windows and doors comprise a minimum of 70% of the first story facing the street.

Main pedestrian entrance recessed and located at street front.

**CBD: Specific Building Requirements: Apartment Buildings**

**Floor Area**

Minimum 700 sq. ft. for each residential unit

**Façades**

Window Transparency Area 25% to 75% of front façade of each residential unit shall consist of windows and doors

Entrances At least one usable door facing front lot line

**Front stoop**

Each dwelling shall have a front stoop with steps

Minimum depth 4 ft.

Minimum area 32 sq. ft.

**Garages**

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

Flat roof with parapet or pitched roof between 4:12 and 12:12. Windows and doors comprise between 25% and 75% of the front facade.



Pedestrian entrance facing sidewalk. Parking to side or rear. First floor elevation min. 2 ft., max. 5 ft. above sidewalk.

**CBD: Specific Building Requirements: Townhouses**

**Floor Area**

Minimum 700 sq. ft. for each residential unit

**Façades**

Window Transparency Area 25% to 50% of front façade of each residential unit shall consist of windows and doors

Entrances At least one usable door facing front lot line

**Front stoop or porch**

Each dwelling shall have a front stoop or porch with steps

Minimum stoop depth 4 ft.

Minimum stoop area 24 sq. ft.

Porch depth Between 8 and 10 ft.

Porch width ≥40% of RBL

**Garages**

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

Pitched roof between 4:12 and 12:12 or flat roof with parapet. Front facade min. 25%, max. 50% windows and doors.



Front stoop or porch min. 2 ft., max. 5 ft. above grade. Individual entrances. Pedestrian orientation toward street with garages to side or rear.

## 2. Civic Buildings

- a. *Intent.* The design of an institutional or community service building, such as a church, school, government office or post office is subject to review and approval by the planning commission. The intent is to allow flexibility in the design and siting of these unique buildings that serve a public use while ensuring their positive contribution to a desired community and neighborhood character as stated in the Purpose and Intent section of this article.

### **CBD: Specific Requirements: Civic/Institutional Buildings**

#### **Front Setback**

Civic buildings may deviate from the RBL requirements of the district when a pedestrian plaza, park, or landscaped front yard, compatible with the character of the surrounding area, is provided.

#### **Front Façade**

Walls that face a public street, plaza, green or park shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials.

#### **Entrance**

There shall be at least one usable front pedestrian entrance from the public sidewalk. Design details shall enhance the appearance and prominence of main pedestrian entrances to make them recognizable from the street and parking areas.

#### **Prominent Design**

The requirements for Mixed Use and Commercial Buildings contained in this article shall be used as a basis for the design of civic/institutional buildings. The planning commission may, however, allow modifications based upon unique building requirements and a desire to create community landmarks.

### 3. Accessory Provisions

a. *Parking.* See *Article 15* for general parking requirements and *Article 16* for parking lot landscaping requirements

(1). Location:

(a). Off-street parking shall be located behind the RBL.

(b). Parking shall not be permitted forward of the RBL.

(c). These provisions shall not apply to any parking area forward of the RBL that exists at the time of adoption of this ordinance; however, any event that triggers conformance with these requirements as stated in *Section 10.10.A* shall require, at minimum, that a streetwall and/or landscaped screening be installed at the right-of-way line or at the RBL.

(2). Number:

(a). The number of off-street parking spaces provided shall not exceed Standard Requirement for uses on the parcel.

(i). Fewer parking spaces may be approved provided a parking analysis, submitted by the owner, is approved demonstrating that the planned spaces will be sufficient.

(ii). Additional parking spaces may be approved, based on documented evidence provided by the applicant, demonstrating that more parking will be required to accommodate the use on a typical day.

(b). On-street parking spaces adjacent to the parcel shall be included in calculating the number of required parking spaces. Storefronts split by multiple spaces shall be counted for the building frontage occupying at least 50% of the length of the space in front of the storefronts. Each space may only be counted one time.

If the owners are in dispute, the city manager or designee shall make a determination as to which space will be counted toward a specific use, giving due consideration to the use already established.

(c). Except for residential uses, off-street parking requirements may be met in a public or private shared off-street parking lot located within 300 ft. of the building/structure served.

(d). Parking requirements shall not apply to the outdoor seating portion of a restaurant, adjacent to the street and any other uses generally considered accessory to other principal uses.

(e). Residential uses may utilize public parking spaces provided that a city-sponsored parking or permit program allows this use.

(f). Except for residential uses, the minimum parking space requirements shall apply only to new structures built after the effective date of this Ordinance.

<b>Table 10.5.B.3 Parking Requirements</b>	
Use	Requirement
Residential	1.5 spaces per dwelling unit, except senior assisted housing, which shall provide 0.5 spaces per dwelling unit*
Retail uses	3 per 1,000 sq. ft. UFA
Office and service uses. exc. personal service	3 spaces per 1,000 sq. ft. UFA
Restaurant, Entertainment & Recreation	1 space per 3 persons by occupancy or seating capacity
Hotels	1 per room plus 1 per employee
Personal service	1 space per 500 sq. ft. UFA
Civic uses	1 space per 3 persons by seating capacity in the largest assembly area; if no assembly area, 1 spaces per 1,000 sq. ft. UFA
Utility	1 space per use

UFA: usable floor area

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

(g). Parking lots with more than 50 spaces shall provide one bicycle parking space for each 50 automobile parking spaces, with a minimum of 6 bicycle spaces.

b. Exterior Areas.

(1). Outdoor Temporary Display Areas:

(a). Temporary outdoor display areas are permitted, limited to the area within 3 ft. of the façade of the building to which it is accessory and shall not extend into adjoining sites. If located at the rear or side yard, it shall be contained within the same lot. A minimum 5 ft. wide walking zone along the sidewalk and leading to the entrance to the establishment shall be maintained so that pedestrian circulation and access to the building is not impaired. Alternate locations may be approved where pedestrian circulation or entrances to building are not impaired.

(2). Street Trees:

(a). One 3 ½ inch caliper street tree shall be provided and located per 30 ft. of street frontage.

(b). Spacing may be varied by the city manager or designee for individual site conditions.

(3). Other:

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

c. Landscaping/Screening.

(1). Parking Lots

(a). Parking lots visible from a public street, sidewalk, or adjacent residential district or use shall be screened by a decorative

masonry wall, constructed at the RBL of the lot, that is not less than 3 ft. and no greater than 5 ft. high. However, the wall must provide a break at intervals no greater than 50 ft. to allow pedestrian access.

Landscaping of the same height (at planting) may be used if it screens the parking area with at least 75% opacity.

- (b). Parking lots exceeding 15 spaces shall be landscaped to break up large expanses of pavement, provide shade and assist with vehicular and pedestrian flow. At least one landscaped island shall be provided per 15 parking spaces.

The location and design of parking lot landscaping shall be approved by the city manager or designee, or the planning commission, as applicable. The number of plants and island requirements shall meet the requirements of *Section 16.5*.

(2). Trash Enclosures and Other Outdoor Equipment

- (a). Exterior trash disposal areas and equipment shall be enclosed by brick, decorative concrete, or other material that matches the main building. The enclosure shall be at least 6 ft. high, with 3 sides and a gate on the fourth side. Outdoor mechanical equipment shall be similarly screened, provided that the enclosure needs to be only as tall as necessary to fully screen the equipment. Trash enclosures used in common by multiple users are permitted.

Group enclosures that span the width of more than one building may be constructed of a uniform material throughout, provided that it is complimentary to the adjoining buildings.

d. *Lighting*. See *Article 16* for general requirements

- (1). Lighting, if installed, shall be pedestrian-style lighting along all sidewalks, within parking areas, and along other pedestrian ways.
- (2). Pole lighting shall meet the height requirements of *Section 16.7*.

In the CBD District, higher fixtures not exceeding 30 ft. may be permitted for pole lighting if the fixture is located at least 200 ft. from any adjacent residential district or use property line.

- (3). Exterior building, wall, and pole light fixtures shall be directed down to reduce light trespass onto adjacent properties and streets. All light fixtures or structures shall be architecturally compatible with the building.
- (4). Outdoor lights shall be shielded to reduce glare and arranged to reflect light away from all adjacent residential districts or uses. Light levels shall not exceed 0.5 foot-candles at a residential property line and 1.0 foot-candles at a non residential property line. Light levels internal to a site shall not exceed 10 foot-candles.

Greater intensities may be allowed where additional security to prevent vandalism or to protect pedestrians or drivers may be needed. A lighting plan shall be submitted as part of a

request for greater lighting. In no case shall illumination exceed 10 foot-candles.

e. *Public Art.*

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

**Section 10.6. Variances and Deviations**

Variances and deviations from the form-based requirements in the preceding tables shall be considered according to the requirements of Table 10.7.

<b>Table 10.6 Variances and Deviations</b>		
Variances	Siting requirements	Placement of buildings, parking areas, driveways or projections resulting in a RBL or setback that is less than the above requirements
		All minimum lot requirements (area, width, etc.)
		Percentage of RBL coverage in the CBD District
		Location of accessory structures
	General building requirements	Building height and number of stories
		Minimum floor area per dwelling unit
	Parking	Location
		Minimum number of parking spaces
	Exterior Areas	Minimum clear area width
		Location of temporary outdoor display areas
Landscaping/ Screening	Dimensions of landscaping/screening (height, number, separation, etc.)	
Other requirements	Height of trash enclosure	
Deviations	All others	

## Section 10.7. Sign Requirements

- A. PB Prairie/Barrett District: Signs in the PB Prairie/Barret District shall conform to the sign requirements in *Article 17* for the single and two family residential districts.
- B. CBD Central Business District: The signs listed in Table 10.7 shall be permitted in the CBD – Central Business District. Except as modified by this article, all signs shall comply with the requirements of *Article 17*.

Type of Sign	Maximum Sign Area	Height	Location	Illumination	Number of Signs <sup>1</sup>
Awning	1 sq. ft. per linear ft. of awning up to a max. of 10 sq. ft.	Cannot exceed height of awning	Must be located on front of a shed awning	External illumination only	Max. 1 per awning
Canopy	10 sq. ft.	Cannot exceed height of canopy	Must be located on canopy	External illumination only	Max. 1 per mixed use, commercial or apartment building
Directory	9 sq. ft.	Max. 6 ft.	Must be located on first store front façade within 10 feet of entrance	Not permitted	Max. 1 per mixed use or commercial building
Institutional bulletin board	24 sq. ft.	Max. 6 ft.	Must be setback min. 5 ft from front lot line	External or internal illumination permitted	Max. 1 per civic/institutional building
Marquee	1 sq. ft. per linear ft. of front building façade, up to max. 100 sq. ft.	Min. 8 feet above sidewalk and below the second story windows	Must be located on front façade of building above the main entrance	External or internal illumination permitted	Max. 1 per mixed use, commercial or civic/institutional building where the primary purpose is to accommodate public gatherings including theaters, institutional, and community events
Projecting	12 sq. ft.	Min. 8 ft. above sidewalk and			

**Table 10.7 Sign Requirements for the CBD District**

Type of Sign	Maximum Sign Area	Height	Location	Illumination	Number of Signs <sup>1</sup>
max. 14 ft. or below the second story windows, whichever is lower	Must be located on the front façade of building	External illumination only	Max. 1 per mixed use or commercial building, provided not within 18 ft. of another projecting sign. Corner buildings are permitted 1 sign per street frontage		
Rear entry	15 sq. ft.	Max. 8 ft. above ground level or sidewalk	Must be located on rear or side façade not facing street	External or internal illumination permitted	Max. 1 per rear entry for mixed use or commercial building
Sidewalk <sup>3</sup>	12 sq. ft.	4 ft.	On sidewalk in front of the business, at least 2 ft. from curb	Not permitted	One per business
Wall signs – ground floor uses	1 sq. ft. per linear ft. of front building façade, up to max. 30 sq. ft.	Between the first and second story windows	Must mounted to the front façade and cannot extend beyond the wall surface more than 1 ft.	External or internal illumination permitted	Maximum 1 per mixed use or commercial building. Corner buildings are permitted 1 sign per street frontage
Wall signs – upper floor uses	1 sq. ft. per linear ft. of front building façade, up to max. 50 sq. ft.	Below the cornice of a flat roof building, or roof eave of a pitched roof	Must mounted to the front façade and cannot extend beyond the wall surface more than 1 ft.	External or internal illumination permitted	Maximum 1 per mixed use or commercial building <sup>2</sup>
Window	No more than 25% of surface of windows		Only permitted on first story windows	Not permitted	Max. 1 per window on a mixed use or commercial building

**Notes to Table 10.7:**

- (1) A single building shall be permitted to have only one of the following types of signs: awning sign, canopy sign, marquee sign, or projecting sign.
  - (2) Where a single use occupies both the ground and upper floors of a building only 1 wall sign shall be permitted on either the ground floor or the upper floor façade.
  - (3) A sidewalk sign shall be removed from the sidewalk and taken inside at the close of business each day. At least thirty-five percent (35%) of the sign area shall be permanently painted or affixed graphics. The remainder may allow for changeable letters (reader board/message board) or handwritten advertisements. The owner of the sign shall provide proof of insurance in the amount determined from time to time by City Council and shall provide proof that the City of Grandville is an additional named insured on the policy.
- C. All new signs and all existing signs that are altered, relocated, replaced, or reconstructed shall be required to obtain a sign permit under *Section 17.12*.

**Section 10.8. Procedures**

- A. Within the form-based districts, special land uses shall be considered according to the requirements and procedures of *Article 13* and any specific use requirements in *Article 12*. Where the requirements of this article conflict with any requirements in *Article 12*, the requirements of this article shall prevail.
- B. **Administrative Approvals:** An administrative approval provides an incentive to applicants who develop projects or sites within form-based districts that fully comply with all of the requirements of this article, without deviations or variances, and do not require site plan review or special land use approval.
  1. The city manager or designee shall have the capacity to make an Administrative Approval. The city manager or designee shall consult with designated representatives of other city departments, as deemed necessary, before making an approval.
  2. Within 30 days of submitting a completed application,
    - unless a longer period is agreed to by the applicant in writing, the city manager or designee shall administratively approve the plan, or shall inform the applicant in writing as to why the administrative approval has not been granted.
- C. **Variances.** All variances listed in *Table 10.7* shall be considered by the Zoning Board of Appeals, in accordance with *Article 18*.
- D. **Deviations from Form Based District Requirements.** A development in a form Based District that does not qualify for Administrative Approval requires Site Plan Review.
  1. Site Plan Review cannot permit a lesser building or site requirement than that contained in this ordinance. A request for a lesser requirement shall be considered a variance and may only be approved by the zoning board of appeals per *Article 18*.
  2. A deviation from requirements not listed as variances shall be reviewed under the requirements of this subsection.
  3. The planning commission does not have the authority to change part of a site plan that meets the Development Requirements of the District or one that
    3. Permits for building or site development shall not be submitted or applied for until Administrative Approval has been granted.
    4. Decisions by the city manager or designee may be appealed to the zoning board of appeals.
    5. The city manager or designee can opt to submit a plan for a Site Plan review even if it is eligible for Administrative Approval when the scale or effect of the project is deemed significant enough to warrant such review.

has been approved as an Administrative Departure.

- E. In determining if a deviation is warranted, the planning commission shall consider the following:
1. Deviations shall be permitted when an applicant demonstrates that the resulting design is superior in terms of compatibility with surrounding structures and better fits the character of the area than when it conforms to form-based requirements.
  2. The planning commission may also allow deviations when the applicant shows that conformance with the form-based requirements is impractical due to existing building or site layouts or on adjacent sites, where the deviation has no exterior effect, or where the deviation is necessary to meet other laws or regulations.
  3. The deviation shall be the least necessary to achieve the results in either subparagraphs 1 or 2, above.
  4. Cost, convenience or franchise/corporate designs shall not, by themselves, be reasons for granting a deviation.
  5. The planning commission may grant a lesser deviation than requested.
  6. When approving a deviation, the planning commission may attach conditions necessary to meet the requirements of this section and to uphold the intent of this article.

### **Section 10.9. Nonconformities in the form-based districts**

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

- A. **CBD District:** Any expansion of a nonconforming structure greater than 25 percent of the gross leasable area of the existing building or any expansion or renovation of such structure greater than 50 percent of the assessed value of the structure at the time of the expansion shall require the entire structure to meet the requirements of the form-based district. For any expansion, the more restrictive of these two criteria shall be controlling. For the purposes of this subsection:
1. Expansion of a nonconforming structure shall be undertaken only one time per structure without requiring compliance with the code.
  2. The assessed value shall be determined at the time of the proposed expansion.
  3. An expansion on the front of a nonconforming building does not increase the extent of nonconformity if the expansion is at the same or less distance to the required build-to line as is the existing structure.
  4. Façade alterations to existing buildings or expansions that comply with the required build-to line shall also comply with building elements specifications of this article.
  5. Repair and maintenance work shall be allowed without regard to subparagraph 1, above; such exempt activities include roof replacement, window replacement and maintenance, mechanical and electrical upgrades, interior fit out (tenant improvement work), parking resurfacing and other site work, such as stormwater improvements, landscaping, and site amenities. Any such non-complying expansion or site improvements shall nevertheless not occur outside of the required build-to lines of the property.
  6. A structure destroyed by any means by more than 50 percent of its value prior to such destruction shall

be replaced only by a structure that conforms to the requirements of the form-based district; however, this does not preclude the property owner from seeking variances or deviations as provided by this article.

7. Parking lots, bicycle facilities, loading areas, landscaping, screening, and other site improvements shall be considered structures for the purposes of these provisions.

**B. PB District.**

1. Non-residential uses and structures in the PB District shall be subject to the same requirements as for all nonconforming uses and structures in the CBD District.
2. Residential uses: Any expansion or renovation of a residential structure greater than 50 percent of the assessed value of the structure at the time of the expansion shall require the entire structure to meet the requirements of the PB District.
3. A structure destroyed by any means by more than 50 percent of its assessed value prior to such destruction shall be replaced only by a structure that conforms to the requirements of the PB District; however, this does not preclude the property owner from seeking variances or deviations as provided by this article.

- C. Nonconforming signs.** Existing signs that do not conform to the requirements of the form-based districts shall be subject to the regulations of *Section 17.13 Non-Conforming Signs*, except that the permission granted by *Section 17.13*, allowing the restoration of destroyed or damaged signs under 50 percent of the value, shall be permitted only within 6 months of the damage.

- D.** New uses, structures and lots that are created after the effective date of the form-based district regulations shall be subject to the requirements of the applicable form-based district.

## Planned Unit Development Districts

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# Article 11



City of Grandville Zoning Ordinance

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### **Section 11.1. Intent and purpose.**

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

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

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

### **Section 11.2. Rezoning to PUD**

PUDs shall be reviewed according to the procedures and standards in this article. Upon approval, the property subject to the PUD shall be indicated as such on the City Zone District Map, including the PUD type as outlined in *Section 11.4*.

### **Section 11.3. Existing PUDs**

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

### **Section 11.4. PUD types**

- A. **Residential PUD (RPUD).** This type of PUD allows a mix of housing types, such as single family detached, single family attached, two family and/or multiple-family. It also permits cluster and zero lot line development.
- B. **Mixed Use PUD (MPUD).** This type of PUD allows a mix of residential and non-residential uses either within a project or within a building(s). The mix of uses is determined by the uses allowed in the underlying zoning district.

- C. **Commercial/Industrial PUD (C/IPUD).** This type of PUD allows creative and innovative approaches for commercial and industrial projects. Commercial and industrial uses and a limited amount of multiple family dwellings may be mixed within a development.

### **Section 11.5. Qualifying conditions**

- A. **Project area.** The project area shall include a lot or a combination of contiguous lots that meet the specified minimum requirements. The area requirements cannot be modified except as specified in *Section 11.6*.
1. *Residential PUD:* Five acres - may be reduced to two acres when applied to a residential zoning district provided the PUD contains only single family detached, attached, cluster or zero lot line homes.
  2. *Mixed Use PUD:* Five acres - may be reduced if a property is located in environmentally sensitive area.
  3. *Commercial/Industrial PUD:* Five acres.
- B. **Ownership and control.** A PUD application shall be made by the property owner, lessee, or other person with a legal interest in the property and written consent by the owner. A PUD shall be under single ownership or control at the outset of the process.
- C. **Public Utilities.** A PUD shall be served by public sewer and water and the proposed density and use shall not unreasonably increase the demand for public services, facilities, and utility.
- D. **Access.** A PUD shall have at least 66 feet of frontage on an existing public street that sufficiently provides site access.
- E. **Recognizable and Substantial Benefits.** An application for a PUD shall demonstrate recognizable and substantial project benefits for residents, users, visitors, neighbors,

and the overall community that would not be possible under the existing zoning classification. Benefits beyond those otherwise required by this ordinance include, but are not limited to:

1. Preservation of significant natural features.
  2. A complementary mix of uses.
  3. Extensive open space and recreational amenities.
  4. Open space that links to adjacent greenway corridors.
  5. Transitions from adjacent land uses.
  6. Preservation of historic buildings or site features.
  7. Improvements to public streets or other public facility improvements that mitigate traffic and/or other development impacts.
  8. Accommodating pedestrian and transit oriented development.
  9. Coordinated development of multiple, small parcels.
  10. Removal or renovation of blighted buildings, sites or contamination clean-up.
- F. **Consistency with the master plan.** The PUD shall be compatible with the master plan.
- G. **Districts Eligible.** Property in any conventional zone district is eligible for rezoning to PUD, subject to the restrictions below. Property in a form-based district shall first be rezoned to a conventional zone district prior to consideration of a PUD.

### **Section 11.6. Requirements applying to all PUD types.**

#### **A. Dimensional Requirements**

1. *Base Zoning Regulations.* The zoning requirements of the district in which the property is located at the

time of PUD application shall remain in effect, except as modified per the approved PUD and any other modifications required or allowed by this article.

2. *Regulatory Flexibility.* To encourage flexibility and creativity the planning commission may recommend the city council grant departures, except as otherwise prohibited, from zoning requirements. Requirements for lot area and width, setbacks, building heights, and parking may be modified provided the results accomplish any of the following: additional open space; enhanced buffers to adjacent land uses; views that are screened along major streets, preserved natural features, pedestrian-oriented development, more efficiently used land, and proposed land uses that are compatible with adjacent ones.
3. *Approval of Departures.* In approving the PUD, the planning commission shall recommend approval of any departure from any development regulation(s) and state that the departure results in a higher quality of development than would be possible when the zoning requirements of the existing zone district are applied.

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

1. Table 11.1 indicates PUD open space requirements, based on PUD type:

RPUD	15 percent
MPUD	20 percent
C/IPUD	10 percent

2. To avoid scattered, isolated or remnant open spaces and to ensure they are valued and usable, contiguous open space shall be at least twenty thousand (20,000) square feet in area and have a maximum width to depth ratio of 3:1. This requirement may be waived for an open space corridor with a pathway that is located between a row of lots or buildings, that interconnects open spaces, and that is a desirable element of the project.
  3. *Ineligible open space areas.* Stormwater detention or retention, land under water, street rights-of-way, parking lots, required setbacks or bufferyards are not considered open space.
  4. *Protection.* Open space and common areas shall be protected in perpetuity and retained as open space, park land, recreation, conservation or other similar uses, by an irrevocable conservation easement or shall otherwise be dedicated to an association of residents or owners. Documents shall be approved by the city, recorded by and all costs paid by the applicant, before a building permit can be issued.
- C. Signs.** Signs shall comply with the requirements of *Article 17*; however, the city may approve or require departures when necessary to ensure safe and efficient traffic circulation or to reduce the number of signs that would otherwise be allowed. A PUD application shall include a plan showing all signs by type, location and setbacks, and the height and area of each sign.

- D. **Plats and Condominiums.** When a portion of a PUD is developed as a subdivision plat or condominium, the preliminary plat or the preliminary condominium site plan shall be submitted and reviewed concurrently with the final PUD. In such a case, the planning commission shall make a recommendation to the city council in accordance with the city Subdivision Regulations or Condominium Regulations, as applicable. The regular subdivision or condominium approval process shall be followed from that point forward.

### **Section 11.7. Residential planned unit development (RPUD).**

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

density bonus, as provided in this section, if extraordinary benefits, smart growth principals or sustainable land development can be achieved by meeting some or all of the following conditions.

- (1) The RPUD provides a wide range of housing opportunities and choices through varied housing types and dwelling and lot sizes; or accommodates a mix of compatible and complementary residential and non-residential land uses;
  - (2) The RPUD supports a walkable neighborhood with continuous paths that link all areas of the development, the development to other destinations in the surrounding area and facilitates a variety of transportation choices by providing alternatives to automobile travel;
  - (3) The RPUD takes advantage of compact design by clustering development, affords walkable scale neighborhoods and preserves significant open space, and natural features; and,
  - (4) The project is consistent with the Grandville master plan, furthers the stated goals of the plan and provides extraordinary benefits to the city.
  - (5) The project results in redeveloping a deteriorating area.
- b. Based on the quality of the development and its conformance with the previously stated conditions and the qualifying conditions in *Section 11.5*, the planning commission may recommend up to a 20 percent density bonus.
- D. **Development Requirements.** The following requirements shall apply to all RPUDs and cannot be

modified per *Section 11.6.A.3*:

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

**Section 11.8. Mixed Use PUD (MPUD)**

- A. **Districts Permitted.** Rezoning to MPUDs is permitted in all conventional zoning districts except the RMH, I-1 and I-2 districts.
- B. **Permitted Uses.**
  1. Land uses shall be evaluated consistent with the standards of *Section 11.1*. Uses determined not to be compatible with the overall intent of this article and that detract from the design or function of an MPUD shall be prohibited.
  2. The mixture of uses permitted within a MPUD shall be based on the underlying zoning district, as shown in Table 11.2. However, based on the intent of PUDs in *Section 11.1* and the qualifying conditions in *Section 11.5*, certain land uses may be further restricted if determined that their inclusion would not be compatible with the overall intent of this article.

Table 11.2 MPUD Allowed Mix of Uses		
Underlying Zoning District	Uses Permitted	% of Net Site Area* that may contain uses not permitted in an underlying zoning district
R1-A, R1-B, R1-C, R2-A, R2-B, R3-A	All Residential, Office/Service and Commercial	80% for Residential Uses 25% for Non-Residential Uses
R3-B	All Residential, Office/Service and Commercial	70% for Residential Uses 40% for Non-Residential Uses
OS-1, OS-2, C-1, C-2	All Residential, Office/Service and Commercial	50% for All Uses
C-3	All Residential, Office/Service and Commercial	75% for Non-Residential Uses 50% for Residential Uses
C-4, C-5	All Residential, Office/Service and Commercial	80% for Non-Residential Uses 30% for Residential Uses

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

**C. Development Requirements.**

1. Landscaping and related site design feature approval shall be based on the unique characteristics of the site, the surrounding neighborhood and the MPUD itself. In no case shall landscaping be less than that which is required in *Article 16*.
2. Buildings shall be constructed of brick and/or stone or of a similar and durable decorative material.

Approval of architectural character shall be based on the relationship of the building to and the fit with its surrounding uses, neighborhood context, and the integration of form, texture, and color with architectural elements and features, and the surrounding landscape.

3. Front and street-side yards shall be landscaped in a way that is complementary to adjacent land uses. Environmentally sensitive areas, such as woodlands, wetlands, drainage areas, and landscaped boulevards may be included in yard and buffer calculations. All landscaped areas shall be continuously maintained so that plants, trees, groundcovers and turf are healthy and disease-free.
4. When a MPUD abuts a residential district, the bufferyards, landscaping, berms, and yards along the common property line shall conform to the standards of the underlying zoning district. These standards may be modified when the MPUD is separated from a residential district by a public right-of-way.

**Section 11.9. Commercial/Industrial PUD (C/IPUD)**

- A. **Districts Permitted.** Any property located in the OS-1, OS-2, C-1, C-2, C-3, C-4, C-5, I-1 and I-2 zone districts is eligible for rezoning to C/IPUD.
- B. **Permitted Uses.**
  1. Land uses shall be evaluated consistent with the standards of *Section 11.1*. Uses determined not to be compatible with the overall intent of this article and that detract from the design or function of a C/IPUD shall be prohibited.
  2. A C/IPUD shall only contain land uses that are

allowed in an underlying district, see *Table 11.3*. However, based on the standards in *Section 11.1* and *11.5*, certain land uses may be further restricted if determined that their inclusion would not compatible with the overall intent of this article.

<b>Underlying Zoning District</b>	<b>Uses Permitted</b>	<b>% of Net Site Area* that may contain uses not permitted in an underlying zoning district</b>
OS-1	OS-1, R3-A, C-1	50%
OS-2	OS-2, R3-A, C-1	50%
C-1	C-1-1, OS-1, R3-A	50%
C-2	C-2, OS-1, OS-2, R3-A	50%
C-3	C-3, OS-1, OS-2	50%
C-4	C-4, OS-1, OS-2	50%
C-5	C-5, OS-1, OS-2	50%
I-1	I-1, OS-2, C-1	25%
I-2	I-2, OS-2, C-1	25%
I-3	I-3, OS-2, C-1	25%

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

- C. **Development Requirements**
  1. Landscaping and related site design features approval shall be based on the unique characteristics of the site,

the surrounding neighborhood and the C/IPUD itself. In no case shall landscaping be less than that which is required in *Article 16*.

2. Buildings shall be constructed of brick and/or stone or of a similar and durable decorative material. Approval of architectural character shall be based on the relationship of the building to and the fit with its surrounding uses, neighborhood context, and the integration of form, texture, and color with architectural elements and features, and the surrounding landscape.
3. A C/IPUD shall abut a principal or minor arterial street, as shown on the city's master plan, or have direct access via a street adequately serving the project to such a thoroughfare.
4. The allowed density for multiple family uses shall be based on the density permitted under the R3-A district, applied to the area proposed for that use, including its related open space.
5. Front and street-side yards shall be landscaped in a way that is complementary to adjacent land uses. Environmentally sensitive areas, such as woodlands, wetlands, drainage areas, and landscaped boulevards may be included in yard and buffer calculations. All landscaped areas shall be continuously maintained so that plants, trees, groundcovers and turf are healthy and disease-free.
6. Outdoor material and/or equipment storage shall not be permitted, except in conjunction with uses in an underlying Industrial district where outdoor storage is permitted. In any instance, additional and more extensive screening may be required for outdoor storage within a C/IPUD. In no case shall stored material or equipment exceed the height of a fence,

wall, berm or landscaping used for screening.

7. When a C/IPUD abuts a residential district, the bufferyards, landscaping, berms, and yards along the common property line shall conform to the standards of the underlying zoning district. These standards may be modified when the C/IPUD is separated from a residential district by a public right-of-way.

### **Section 11.10. PUD rezoning process**

A PUD shall be considered in three steps:

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

### **Section 11.11. Pre-application conference.**

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

### **Section 11.12. Preliminary plan.**

- A. **Application requirements.** After the preliminary concept plan has been discussed, a preliminary plan shall be prepared and presented to the planning commission for review. At minimum the preliminary plan shall contain the following:
  1. A site plan of the entire PUD at a scale of no less than 1"=100' that indicates proposed land use area(s) and

- their relationship to each other, circulation patterns, and existing site conditions.
2. An inset map of the broader neighborhood that shows the PUD and its relationship to existing roads, streets and zoning districts within and immediately adjacent to the city.
  3. A description of existing adjacent land uses and proposed uses and their locations.
  4. Existing and proposed topography at two foot contour intervals for the site and nearby areas, at least within fifty feet of property lines. If the land is generally flat, topography must be identified at intervals necessary to identify grade differences.
  5. Location of existing and proposed utilities, including storm water management.
  6. Residential densities by sub-area or phase.
  7. Building and lot layout, including lot areas, lot dimensions and building setbacks.
  8. All open space areas, including calculations to show compliance with requirements.
  9. Typical building elevations and floor plans.
  10. Location and description of proposed public or private recreation areas and facilities, including parks, club houses and open space.
  11. Description and location of existing floodplains, wetlands, bodies of water, and other areas not suitable for development.
  12. Roads, sidewalks and walkways.
  13. Description of development character in terms of building types, exterior materials, target sales or rental prices, and proposed site amenities.
  14. A legal description of the property and a statement of ownership or option to purchase the property.
  15. A timetable that outlines the projected development schedule, including project phasing, if applicable.
  16. If departures from the underlying zoning requirements are anticipated, a table that identifies the ordinance provision from which a departure is sought, the reasons why it is necessary, and why such a departure will not negatively affect public health, safety, and welfare shall be provided. Only departures that are consistent with the intent of this ordinance and the master plan shall be approved.
  17. The city manager or designee, or the planning commission, may require additional information to determine if the PUD meets the intent and qualifying conditions of this article.
- B. The preliminary PUD plan shall be reviewed by all applicable city agencies, who shall forward their comments to the planning commission.
- C. **Planning commission action.** The planning commission shall consider staff and public comments and review the preliminary plan to determine if it meets the Standards of Review outlined in *Section 11.14* and shall recommend approval, approval with conditions, or denial of the preliminary PUD. In making a recommendation, the planning commission may include conditions of approval as follows:
1. Conditions shall be designed to protect natural resources and the health, safety, and welfare of those who will utilize the PUD, including residents and adjacent land-owners and the community as a whole,
  2. Conditions shall be related to circumstances that are directly attributed to the proposed PUD and shall be a

valid exercise of police power.

3. Conditions shall be related to the intent and purpose of the zoning regulations.
4. Conditions shall insure compliance with the zoning ordinance and any of its related requirements.

D. **Effect of denial.** A preliminary PUD that is denied shall not be considered for final PUD approval, unless directed by the city council.

### Section 11.13. Final PUD.

A. **Application and site plan.** Upon approval of the preliminary plan by the planning commission, the applicant shall submit a final PUD application and site plan within one year of receiving preliminary plan approval.

1. *Extension.* The planning commission may grant one extension, for a maximum period of one year, upon finding that the delay in submitting the final PUD was generally due to circumstances beyond the control of the applicant.
2. *Effect of Lapse.* If the final PUD is not submitted as required by this section within one year or any permitted extension, the Preliminary PUD shall lapse and any further PUD consideration for the property shall require a new application and review.
3. *Site plan requirements.* The final PUD application shall comply with the applicable submittal requirements for site plans contained in *Article 14*. However, the planning commission may require other data, plans or drawings considered to be necessary for their final consideration of the proposal.
4. The final PUD site plan shall conform to the Preliminary PUD as approved by the planning commission, including any conditions imposed.

B. **PUD Agreement.** The application for final PUD shall also be accompanied by a PUD agreement, in a form acceptable to the city attorney.

1. The PUD agreement shall include, at minimum, all of the following:
  - a. The permitted uses within the PUD, including the approved preliminary site plan for the site.
  - b. The conditions upon which the approval is based, including phasing, on-site improvements and contributions to improve public facilities.
  - c. Open space or common areas that are to be conveyed in fee or dedicated to a property owners association. Before building permits can be issued documents establishing a homeowners association or similar entity for the maintenance of open space shall be recorded.
  - d. A program and financing to maintain common areas and features, such as walkways, signs, lighting and landscaping, that are not otherwise dedicated to the public and accepted by the city. A fund shall be established so that open space can be continually maintained.
  - e. Architectural standards and requirements for building elevations and building materials.
  - f. Assurance that existing trees and woodlands will be preserved as shown on the site plan, or replaced on a caliper for caliper basis. All new landscaping that is destroyed, damaged or dies during or after construction shall be replaced with the same or a similar species and of an equal size to the original plant(s).
  - g. Assurance that the construction and maintenance of all streets and utilities (including public

- water, waste water collection and treatment), recreational facilities and other improvements shall be completed. Assurances shall include financial guarantees, as required by this ordinance, and the establishment of a condominium or owner's association (if applicable) with appropriate assessments to ensure that ongoing maintenance of all streets, storm drainage improvements, landscaping and all other common areas is accomplished. If private roads are proposed to serve multiple properties, the association or condominium documents shall include provisions for a sinking or reserve fund, in an acceptable form, to pay for the long-term maintenance and reconstruction of streets.
- h. Provisions addressing any other city concerns regarding construction and maintenance of streets and common area improvements.
  - i. Provisions for liability insurance in an amount to be determined by the city, naming the city as an additional insured.
  - j. Provisions including specific terms or conditions regarding the expiration or revocation of the PUD special land use.
  - k. Any other requirements deemed necessary by the city to conform with the requirements of this article and to carry out the conditions of PUD approval.
2. The Agreement shall be reviewed and approved by the city attorney as to form and content prior to city council approval of the final PUD rezoning.
- C. **Public hearing and planning commission action.** The planning commission shall hold a public hearing and provide notice of the hearing in accordance with the Zoning Act. Upon due consideration of all public and developer comments and the standards of review in section 11.14, the planning commission shall recommend approval, approval with conditions, or denial of the rezoning to RPUD, MPUD or C/IPUD. The planning commission shall find that the final PUD site plan conforms to the approved preliminary PUD site plan, including all conditions of approval that have been imposed, and all other requirements of this article.
- D. The planning commission may recommend conditions to be imposed on the final PUD, in accordance with *Section 11.12.C*.
  - E. **City council action.** The city council shall consider the recommendation of the planning commission and shall approve, approve with conditions or deny the PUD. The city council may delete, modify or add to any conditions recommended by the planning commission, in accordance with the requirements of *Section 11.12.C*.
  - F. Following city council approval of the final PUD rezoning, any conditions imposed shall be incorporated into the final PUD agreement. The PUD agreement shall be reviewed by the city manager or designee for compliance with the approved PUD and shall subsequently be recorded with the office of the Kent County Register of Deeds at the expense of the applicant. A recorded copy of the PUD agreement shall be delivered to the city by the applicant before building permits can be issued.
  - G. The planning commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the city covering the estimated cost of improvements and required actions associated with the PUD be deposited with the city clerk. This performance guarantee shall be deposited before building permits can be issued. Any cash deposits shall be rebated, as work progresses, in reasonable proportion to the percent of

work completed. The proportion shall be based upon recommendations by the city engineer. A performance guarantee shall not be required for those improvements where guarantees have already been provided pursuant to the Land Division Act, P.A. 288 of the 1967, as amended.

### **Section 11.14. PUD standards of review**

- A. **Review Standards.** When reviewing a PUD rezoning request, the planning commission and city council shall consider the following:
1. The preliminary PUD shall conform to the intent and purpose of this article, as outlined in *Section 11.1*, all qualifying conditions outlined in *Section 11.5*, and all other requirements of this article.
  2. Streets, service roads or driveways that provide vehicular ingress to and egress from each development site must be properly located and designed so that they appropriately and safely relate to the surrounding network of streets, paths, and sidewalks.
  3. Site circulation and parking areas must be designed to ensure:
    - a. Safety and convenience for vehicular and pedestrian traffic, both within the site and on streets accessing the PUD.
    - b. Harmonious relationships between the PUD and existing and prospective development on adjacent land, especially when the uses are dissimilar.
    - c. Access for emergency vehicles.
  4. Land uses must be functionally, efficiently, and compatibly arranged on the site and relate well to adjacent uses.
  5. Public spaces must be of a size and configuration and

located to maximize access and visibility.

6. There must be available capacity for sewer and water service and other utilities.
7. Potential impacts related to air quality must be addressed.
8. Potential noise impacts related to the PUD and its associated traffic must be addressed.
9. The PUD must relate to and be compatible with the character of surrounding properties and not substantially interfere with the safety, light, air and convenience of surrounding private and public property.
10. Any other matters that are within the jurisdiction of the city or its departments must be considered.
11. The design of a PUD shall be more urban in character and emphasize walkability and pedestrian access. Automobile related facilities, such as parking lots, shall be designed to mitigate their impacts.

### **Section 11.15. Effect of approval.**

Approval of the final PUD site plan shall be effective for a period of eighteen (18) months. Failure to complete substantial construction in that period shall void the PUD approval; however, the planning commission may grant a one (1) year extension upon written request by the applicant. A PUD that becomes void may not be constructed, and any further development of the property shall require a new PUD application to be filed, according to the process outlined in this article, or the property shall be rezoned to an appropriate district.

### **Section 11.16. Changes to an approved PUD.**

- A. All conditions imposed and recorded in the PUD approval action shall remain unchanged except upon the mutual

consent of the city council and the landowner. The city council shall maintain a record of any granted changes in the conditions.

- B. The planning commission shall determine if a change is major or minor and it may approve a minor change. As a guide, the standards for minor changes to site plans defined in *Section 14.8* shall be used, but other changes not listed that would significantly impact the factors considered when the PUD plan was approved shall also be considered to be a major amendment.
- C. Amendments that are determined by the planning commission to be major shall require the applicant, or the applicants' successors, to return to the planning commission and city council for approval of an amended plan. The procedure outlined for original approval shall be followed when submitting an amended plan.

### **Section 11.17. Appeals of PUD decisions**

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

Use Restrictions

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Article  
12



City of Grandville Zoning Ordinance

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### **Section 12.1. Specific use requirements**

- A. Specific regulations apply to all of the uses listed in this article. These regulations apply in addition to all of the regulations of the zoning district in which the site is located, as well as all other requirements in this ordinance as applicable.
- B. A use identified in this ordinance as a special land use shall be established only according to the procedures and standards of *Article 13*. All standards listed in this article, in addition to the general standards for special land uses listed in *Section 13.4*, shall be met.

### **Section 12.2. Adult foster care small group homes.**

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

### **Section 12.3. Automobile service stations and vehicle repair, minor.**

- A. **Permitted uses.** The following uses are subject to this section:
  1. Retail sales of gasoline, oil, and similar products;
  2. Vehicle washing as an accessory use, subject to *Section 12.28*;
  3. Vehicle repair, minor either as an accessory use to an automobile service station or as a stand-alone use;
  4. Automobile towing, including parking of a wrecker and inoperative vehicles waiting for immediate repair as an accessory use to an automobile service station or accessory to a vehicle repair facility; and
  5. Parking and storage of inoperative vehicles, provided that the parking or storage area shall be within an

enclosed building or shall be screened by a fence or landscape material of suitable height, only as an accessory use to a vehicle repair facility.

### **B. Development standards.**

1. *Location, lot area and frontage:*
  - a. C-3 District: A facility shall be located on corner lot that faces at least one principal arterial street and that has a minimum area of 10,000 square feet and minimum frontage of 100 feet.
  - b. C-5 District: The required minimum lot frontage on a principal or minor arterial street, as designated by the Grandville master plan, is 200 feet.
2. A buffer strip that is at least 30 foot wide shall be located adjacent to all property lines in residential districts, and shall be planted with trees and shrubs as required in *Article 16*.
3. *Setbacks:*
  - a. C-3 District: A building or structure shall be located at least 25 feet from adjoining residential properties and be at least 40 feet from a public right-of-way. A gasoline or oil tank, pump, lift, filling, greasing, or other device, appliance, or apparatus shall be located at least 15 feet from a public right-of-way or property line.
  - b. C-5 District: A building and accessory structures, including gasoline pumps, shall be located at least 50 feet from a lot line and 75 feet from a street right-of-way.
4. *Driveways.* Driveways, exclusive of curb returns, shall be at least 22 feet, but not more than 30 feet wide and shall be at least ten feet from any adjoining property. Driveways shall also comply with the surfacing, drainage, and location requirements of *Article 15*.

5. Equipment, including hydraulic hoists, pits, and lubrication, greasing, and automobile washing and repairing equipment shall be located entirely within an enclosed building. Outdoor storage of merchandise, such as tires, lubricants, and other accessory equipment is not permitted.
6. All activities, except those required to be performed at the fuel pump, shall occur inside a building. All vehicles that are being worked on shall be located in a building.
7. Above-ground tanks for the storage of gasoline, liquefied petroleum gas, oil, or other flammable liquids or gas are not permitted.
8. All structures and tanks shall be at least 500 feet from a property used for public assembly, a fire house, or police station.
9. Floor drains shall not connect to the sanitary sewer system.

#### **Section 12.4. Automobile, boat, motorcycle, recreational vehicle, and truck dealerships.**

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

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

#### **Section 12.5. Child care centers**

- A. **Location.** A child care center may only be located on a regional or principal arterial street, as designated by the city master plan.
- B. At least 150 square feet of indoor or outdoor play area shall be provided per child; however, the total play area shall not be less than 5,000 square feet.
- C. An outdoor play area shall not be located in the required front yard nor abut a public right-of-way. It shall be located away from vehicular traffic and enclosed by a

minimum three-foot tall ornamental or black vinyl-coated chain link fence. A six-foot tall privacy fence and/or approved landscaping shall be provided where a play area abuts an adjoining single-family residential lot.

- D. An on-site drive, arranged to allow one way traffic flow, shall be provided for drop-off and loading.
- E. Buildings and parking lots shall be located from property lines at a distance sufficient to meet the bufferyard and landscaping requirements of article 16.

### Section 12.6. Cemeteries

- A. Minimum lot area: 10 acres.
- B. Cemeteries shall be screened from all adjacent properties by landscaping in accordance with *Article 16*.

### Section 12.7. Designed industrial parks or developments.

- A. **Intent.** This subsection accommodates planned industrial parks that complement the existing character and quality of development in Grandville and also implements the purposes stated for those two industrial districts. It further establishes a limited amount of office or commercial uses that can efficiently serve the convenience shopping needs of persons employed within a designed industrial development.
- B. **Permitted uses.** In addition to the uses allowed in the underlying I-1 and I-2 zone districts the following uses are permitted:
  1. Corporate office buildings;
  2. Corporate data processing centers; and
  3. Convenience commercial or service establishments, provided that the maximum lot area for convenience

commercial or service uses shall not exceed ten percent of the net usable area of the planned industrial development.

### C. Development standards.

1. *Minimum lot area:* 15 acres.
2. *Maximum lot coverage:* 40 percent.
3. *Bufferyard.* A minimum 75 foot wide bufferyard, planted with trees and shrubs as described in article 16, shall be located along property lines that face, abut, or are adjacent to a residential district.

The bufferyard shall also have a berm with a height of least three feet, measured from the highest ground elevation within 25 feet of the buffer, and with side slopes that are sufficient to prevent erosion. The planning commission may not require a berm where a break is needed for site access or where it is unnecessary due to topography, adjacent site conditions or the design of the proposed project.

### Section 12.8. Drive up and drive through facilities accessory to a use, excluding those serving restaurants

- A. The drive up or drive through facility must be attached to a building.
- B. The facility shall be screened from an adjacent residential district or use and lighting shall be limited and fully shielded to prevent glare and light trespass.
- C. Drive-through and stacking lanes and parking lot access shall be clearly identified and delineated.
- D. A drive-through shall have an escape lane to allow a vehicle to pass those waiting to be served. The planning commission may waive this requirement if the applicant

can demonstrate that such a waiver will not adversely impact public safety or inconvenience patrons.

- E. A drive-through shall be located on the side or rear of the building to minimize visibility from a public or private street.
- F. Amplified speakers and sound equipment shall be located at least 60 feet from an adjoining residential property. Additional landscaping and fencing shall be installed between such equipment and the adjoining residential property to muffle or minimize associated noise impacts.
- G. A least five stacking spaces shall be provided per each drive through lane.
- H. In addition to the above, a drive up/drive through facility in the CBD Central Business form-based district shall be subject to the following:
  - 1. All facilities shall be behind the RBL and shall be screened from view of the primary street, to the extent possible, by the building served. Any portion of the facility visible from the primary street shall be screened by landscaping.
  - 2. Access to the stacking lanes shall not be from the primary street. All stacking lanes shall be subject to the requirements of subparagraph 1, above.

### **Section 12.9. Group child daycare homes**

- A. A group child daycare home shall be located at least one thousand five hundred (1,500) feet from another group daycare group home.
- B. An on-site drive shall be provided for drop-off\loading and allow maneuvering without affecting traffic flow on a public street.
- C. A fenced, contiguous open space area with at least 1,500

square feet of outdoor play area shall be provided on the same premises as the group daycare home and shall not be located within a required front yard.

- D. A copy of the State license shall be submitted to the city with the special land use application.

### **Section 12.10. Higher education institutions**

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

### **Section 12.11. Home occupations.**

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

- A. Is conducted entirely within a principal residential building and is not visible from the street or from a neighboring premises;
- B. Does not change the physical character of the building in which it is conducted;
- C. Does not constitute, create, or increase a nuisance to neighboring uses;
- D. Is conducted on a single floor of the residential building and is operated by its inhabitants plus not more than one other person;
- E. Employs only mechanical equipment similar to that which is used for household and hobby purposes and does not affect insurance rates of the premises;

- F. Does not display a sign that is not permitted in the zone district in which the occupation is conducted;
- G. Does not devote more than 50 percent of the floor area of one story of the dwelling to the home occupation;
- H. Does not increase parking congestion on any street;
- I. Does not keep stock in trade or for-sale commodities on the premises; and
- J. Conforms to all requirements of the zone district in which it is located.

### **Section 12.12. Hospitals, 24 hour urgent care centers & rehabilitation centers**

- A. Site access shall be to a principal or minor arterial street as defined in the Grandville master plan.
- B. All buildings shall be setback at least one hundred (100) feet from a lot line.
- C. Maximum building height is five (5) stories or fifty (50) feet, whichever is less.

### **Section 12.13. Hotels, limited service**

- A. **Lot area.** Minimum lot area is two acres and the maximum is five acres.
- B. **Lot coverage.** Not more than 75% of a site shall be covered by buildings, driveways, parking areas and pavement. The remaining 25% may include areas allocated for required front, side, and rear yards, existing vegetation, buffer, and landscaped areas, and on-site storm water retention facilities, if any. Landscaped areas shall be well maintained and kept in an acceptable condition. Lot coverage shall be certified by the owner's architect or engineer at the time of site plan review.
- C. In addition to the landscape requirements contained in

*Article 16*, a bufferyard adjacent to a residential district must:

1. Include two additional canopy or evergreen trees per 100 feet of bufferyard length. Ten percent of all deciduous bufferyard trees must have at least a three-inch caliper and ten percent of all evergreen trees must be at least eight feet tall when installed.
  2. Include five additional shrubs per 100 feet of bufferyard length.
  3. Include an undulating berm with an average height of three feet, but no part taller than 3 1/2 feet.
- D. Where a property abuts a residentially zoned district, parking shall not be allowed between the building and the bufferyard.
  - E. A limited service hotel shall not exceed 100,000 square feet gross building area and an accessory building used for related uses shall not exceed 10,000 square feet gross building area.
  - F. Fifty percent of all exterior building elevations (exclusive of glass, door and roof gable areas) facing a residentially zoned district shall be constructed of brick, decorative masonry units, or a material of similar quality, appearance and durability.
  - G. Signs shall conform to *Article 17*, and:
    1. A master plan for all advertising and directional signs indicating placement, size and design shall be submitted as part of the special land use review and approval process.
    2. Wall signs shall not face a residentially zoned district.
  - H. All units shall have a kitchen consisting of a stove, microwave oven, refrigerator and kitchen cupboard storage units.

- I. Not more than 50 percent of the total number of units shall be "suites" with separate living and sleeping areas.
- J. Sale of alcohol on the premises is prohibited.

#### **Section 12.14. Indoor recreation/health and fitness centers.**

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

#### **Section 12.15. Mineral extraction**

- A. Where permitted. In all districts except the I-2 district, the removal of natural resources is permitted only as a temporary transitional use that prepares the land for a principal use permitted in the respective zone. However, in the I-2 district mineral extraction that removes or processes natural resources such as sand, gravel, soil, rock, or minerals, is allowed as a special land use.
- B. **Temporary Transitional Use.**
  - 1. When natural resources are to be removed as a temporary transitional use a removal permit, issued by the city manager or designee, is required.
  - 2. If the temporary transitional use involves less than

600 cubic yards of material to be removed or filled, or if unsuitable soil materials are to be removed and replaced with the same or a lesser amount of suitable materials, the removal permit may be issued by the city manager or designee for a one-year period.

- C. **Special Land Use.** If more than 600 cubic yards of material are to be removed the application shall be referred to the planning commission. If the planning commission finds that there is or will be compliance with all the conditions specified in *Section 12.15.E*, it may issue a removal permit for a one-year period. The removal permit may be renewed annually by the planning commission upon review of all plans, progress, conditions, and sureties. Removal operations shall not begin until the removal permit is issued.
- D. **Application.** An application for a mineral extraction permit shall be accompanied by the following:
  - 1. A topographic map with two-foot contour intervals including the locations of all streets, buildings, and existing drainage facilities within 200 feet of the property.
  - 2. A topographic map with two-foot contour intervals showing final elevations, including the proposed locations of access drives, parking areas, and loading equipment.
  - 3. An estimated schedule for removal and an agreement conforming to all provisions of this section.
  - 4. A traffic control plan showing proposed truck routes to and from the site.
  - 5. A written description of proposed post removal use of the property.
  - 6. A fee, determined by resolution of the city council, to defray review, administration, and inspection costs.

7. If site plan review is required the application required by this section may be incorporated into a site plan application.
- E. **Conditions.** A removal permit shall not be issued unless activities comply with all the following conditions and a removal permit may be revoked if it violates any part of this section:
1. Activities shall comply with applicable soil erosion and sedimentation control regulations.
  2. Final grades shall not exceed five percent and shall meet existing elevations at all property lines. Grades in excess of five percent may be permitted if the applicant demonstrates that an increase is essential to implement a plan for future use.
  3. Soil removal shall not create permanent depressions that may fill with water. All storm runoff must discharge into existing drainage systems.
  4. Since artificial lakes and water bodies can present threats of ground water pollution and stagnant water, thereby adversely affecting the public health, safety, and welfare, they shall not be created as part of removal operations unless the applicant demonstrates:
    - a. Engineering and geological studies find there will be a positive source of unpolluted underground or stream-fed water in adequate amounts to produce positive water flow at all times;
    - b. Plans for the proposed artificial lake or water body have received all state of Michigan approvals and conform to all federal, state, county, and municipal standards;
    - c. A site plan of the proposed future development has been approved by the planning commission as required by *Article 16* of this ordinance; and
    - d. In an artificial lake or water body, a channel or lagoon shall not project beyond the main body of water greater than two times the width of the lagoon or channel unless the applicant can demonstrate adequate water circulation and all state of Michigan approvals have been received.
  5. Other conditions may also be imposed, to protect the public health, safety and welfare.
  6. The city may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond to guarantee compliance with the zoning ordinance and any conditions of approval.

### **Section 12.16. Nursing homes or group adult foster care facilities**

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

### **Section 12.17. Office and studio uses in residential structures.**

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

It further provides incentives for owners to continue to occupy and maintain structures of local historic and architectural significance, and those dwellings that due

to age, energy or maintenance costs may border on obsolescence. Existing neighborhoods are protected by the standards that prohibit potential nuisances or detrimental change in the character of a specific parcel and its surroundings.

2. **Permitted uses.** The following uses are permitted:

- a. Professional offices but not medical, dental, counseling or therapeutic professionals;
- b. Photographic and artistic studios;
- c. Telemarketing, mail order, or catalogue sales;
- d. Showroom for contractor or residential building material/remodeling suppliers;
- e. Telecommuting centers.

3. **Development standards.**

- a. Office and studio uses shall only be permitted in an existing residential dwelling on a lot that has been designated by the Grandville master plan for nonresidential uses or in an existing residential dwelling located on a minor arterial street and that abuts or is across the street from a C-5 Commercial Freeway Interchange District.
- b. The use shall be conducted entirely within a principal residential building and not be visible from the street or from a neighboring premises.
- c. The use shall not change the physical character of the building in which it is conducted.
- d. The use shall not constitute, create, or increase a nuisance to a neighboring use.
- e. Up to four employees can work in the building.
- f. Only mechanical equipment similar in power and type to that used for household and hobby

purposes and which do not affect insurance rates of the premises is permitted.

- g. Signs are permitted per the requirements of the zone district where the use is conducted.
- h. The use shall not cause an increase in parking congestion on any street. Yards, landscaping, and residential appearance shall not be altered to provide off-street parking.
- i. Stock in trade or sale of commodities shall not be kept on the premises.
- j. Business hours shall be between 8:00 a.m. and 8:00 p.m.
- k. All applicable building codes shall be complied with.

### **Section 12.18. Places of Worship**

- A. Minimum lot area: three acres.
- B. A site shall be adjacent to and have direct access to a principal or minor arterial street, as designated in the Grandville master plan.
- C. The required front yard shall remain open, unoccupied, and unobstructed except for landscaping, access drives, sidewalks, and signs that conform to *Article 17*. Parking lots are not allowed in the required front, side and rear yards.
- D. A building may exceed 25 feet in height provided the front, side and rear yard building setbacks are increased by one foot for every one foot the building exceeds 25 feet. The maximum building height shall be 45 feet, not including steeples, spires or other similar architectural elements common to the use.
- E. Building and parking lot setbacks shall be sufficient to meet the landscaping requirements in *Article 16*.

- F. Child care centers are permitted as an accessory use, provided the requirements of *Section 12.5* are met.
- G. Places of worship with a gross floor area greater than 50,000 square feet shall directly abut an arterial road, as designated on the Grandville master plan, with at least a 120 foot right-of-way. Except for secondary emergency vehicle drives, site access shall not be from a residential or local street.

### **Section 12.19. Public and private parks, playgrounds and community centers**

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

### **Section 12.20. Restaurants, casual, with drive in or drive through facilities**

- A. A site shall have direct access to a principal or minor arterial street as defined in the Grandville master plan; however, a facility located in the CBD Central Business form-based district shall not be accessed from Chicago Drive.

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

### **Section 12.21. Restaurants, casual (C-5 District)**

- A. **Application.** These standards apply to casual restaurants in the C-5, commercial freeway interchange district.
- B. **Development standards.**
  - a. Minimum lot size: 1.5 acres.
  - b. A maximum 75 percent of a site shall be covered by buildings, driveways, parking areas and pavement.
  - c. Minimum distance from a single-family residential district: 600 feet.

- d. A lot used for such purposes shall be located within 1,000 feet of a street/I-196 off ramp intersection.
- e. The dining area of a restaurant shall have at least 75 seats.
- f. The majority of a building exterior shall be constructed of natural materials including brick, stone, glass or wood. Ample windows shall be provided to avoid blank walls.
- g. Ground-mounted HVAC equipment shall be screened by a sufficiently tall solid fence or wall. Roof mounted units shall also be screened so they are not visible from the ground.
- h. Only ground and wall signs are permitted and they must comply with the C-5 sign requirements.
- i. Drive-in or drive-through facilities shall be reviewed as a special land use, per *Article 13* and the specific requirements of *Section 12.20*.
- j. In addition to the landscaping requirements of *Article 16* parking lots also require two trees and three shrubs for every ten parking spaces.

### **Section 12.22. Retail establishments in buildings greater than 25,000 square feet (C-1 District).**

- A. **Intent.** This section regulates retail buildings that are between 25,000 square feet and 60,000 square feet (gross building area) in size in the C-1 commercial neighborhood business district. It also addresses the potential impacts large commercial buildings can have on the character of the surrounding neighborhood and adjacent land uses.
- B. **Application.** These standards apply to a retail use located in the C-1 district that is conducted in a building that exceeds 25,000 square feet but is no greater than 60,000 square feet in area.

### **C. Development standards.**

1. Minimum lot area: three acres.
2. The site shall have at least 200 feet of frontage on a principal arterial street as designated by the Grandville master plan.
3. A structure shall not be located closer than 50 feet to a property line.
4. Where possible, existing on-site trees and other significant vegetation shall be preserved.
5. The applicant shall submit a façade study that contains all building elevations and information on exterior materials, colors, and architectural details. Sketches, drawings or other information that details the treatment of truck wells, service areas and delivery points, HVAC equipment and dumpsters and the type, style and location of exterior lights shall be included.
6. A master plan that indicates the placement, size and design of all signs shall be submitted.
7. Landscaping shall comply with *Article 16*, except that if a property is located along Rivertown Parkway and/ or Century Center Drive the bufferyard shall be 50 feet from Rivertown Parkway and 10 feet from Century Center Drive.
8. Parking lots shall contain irrigated landscape islands.
9. Driveways along a public street shall be spaced at least 250 feet apart.
10. Full sharp cut-off and shielded lights shall be used to reduce illumination of adjacent properties and glare.
11. Off-street loading areas shall not interfere with or impede traffic flow.

### **Section 12.23. Senior Housing**

- A. A senior assisted living development shall meet the following:
1. A site shall have direct access to a principal or minor arterial street, as defined in the Grandville master plan.
  2. At least 1,500 square feet of open space shall be provided for each bed. Open space shall be landscaped and may contain off-street parking, service drives, loading spaces, required yard areas, and accessory uses.
- B. A senior independent living facility shall meet the following:
1. Minimum lot size: five (5) acres
  2. Permitted land uses:
    - a. One (1) story detached cottage and/or attached apartment style dwellings.
    - b. Common service areas containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
  3. Dwelling unit size: minimum 350 square feet per unit (not including kitchen and sanitary facilities).
  4. Site coverage of all buildings shall not exceed 25% of the total lot, excluding dedicated public rights-of-way.

### **Section 12.24. Sexually oriented businesses**

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

- A. Sexually oriented businesses shall not be located or operated within 500 feet of any of the following:
1. Place of worship;

2. public or private elementary or secondary school;
  3. public park;
  4. child care center;
  5. entertainment business that is oriented primarily toward children or family entertainment;
  6. boundary of any residential district or any residential use not located within a residential district; or
  7. any other sexually oriented business.
- B. A sexually oriented business lawfully operating shall not become a non-conforming use by the subsequent location of a use listed in subsection A, above.
- C. Signs shall comply with the requirements of *Article 17* and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated or flashing illumination.

### **Section 12.25. Single family dwellings outside of manufactured home parks.**

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

- A. Dwelling units must have a minimum floor to ceiling height of 7.5 feet.
- B. For a one-family dwelling unit – a minimum dimension of 20 feet, measured between the two longest exterior walls, shall be maintained along 67% of the length of the longer wall.
- C. Dwellings shall have a concrete or block foundation around the entire exterior perimeter. The foundation shall be at least 42 inches below grade and have a maximum 16 inch and a minimum 8 inch exposed foundation wall above grade.
- D. Dwellings without basements shall have a crawl space that

- is at least four feet high with a vapor barrier consisting of a two inch concrete floor below the entire dwelling; adequate drainage shall avoid any water accumulation in the crawl space. The city manager or designee may allow an alternative building plan if it is consistent with approved construction in the city.
- E. All dwellings shall be firmly attached to a foundation so as to be watertight as required by the construction code adopted by the city; a manufactured home, shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Manufactured Home Construction and Safety Standards".
- F. A chassis, wheels, pulling mechanism, and tongue, if present, shall be removed prior to placement on a foundation.
- G. All dwellings shall be connected to a sewer and water supply system approved by the city.
- H. A dwelling shall have steps or a porch, permanently attached to a foundation, where the difference in grade elevation between an exterior door and the surrounding grade is more than one foot. All dwellings must have at least two points of ingress and egress.
- I. An addition to a dwelling shall meet all ordinance requirements.
- J. A dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or, alternatively, with window sills or roof drains that concentrate water at collection points along the sides of a dwelling. The compatibility of design and appearance shall be determined in the first instance by the city manager or designee upon review of submitted plans. An appeal by an aggrieved party may be taken to the zoning board of appeals. A determination of compatibility shall be based upon standards set forth in this section, as well as the character, design, and appearance of residential dwellings, located outside of manufactured home parks, within 500 feet of the subject dwelling. The previous shall not be construed to prohibit innovative design concepts addressing such matters as solar energy, views, unique land forms, or a departure from the common or standard home design.
- K. Prior to issuing a building permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this ordinance, shall be submitted to the city manager or designee. If the dwelling unit is a manufactured home, adequate evidence must be submitted to assure that it complies with the standards applicable to manufactured homes set forth in this section.
- L. A dwelling unit shall have at least 100 square feet of enclosed storage space, excluding closets, which may include a basement, garage, shed, or other structure, approved by the city manager or designee.

### **Section 12.26. Two-family dwelling units (R1-A and R1-B districts).**

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

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

- B. **Application.** This section shall apply to the development of two family dwellings in the R1-A and R1-B districts only.
- C. **Development standards.**
  1. Two-family dwellings are considered transitional uses and shall be located at subdivision entrances, abutting principal or minor arterial streets (as designated by the Grandville master plan) or high-traffic areas, or adjacent to public, multi-family residential, office, or other nonresidential uses.
  2. A two-family dwelling shall look much like a one-family dwelling, have a similar scale, proportion, design, and character, have not more than one entrance per front or side elevation and include a garage. An elevation drawing shall be submitted with a special land use application for new construction.
  3. Required parking shall be provided off-street.
  4. The minimum floor area for a dwelling unit shall be 900 square feet.
  5. A minimum lot width of 100 feet is required for newly constructed two-family dwellings.

### **Section 12.27. Vehicle repair, minor**

See *Section 12.3*, Automobile service stations and vehicle repair, minor.

### **Section 12.28. Vehicle wash establishments**

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

condition and must also comply with this provision.

## **Section 12.29. Wind energy conversion systems**

### **A. On-site Service WECS General Requirements:**

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

with a new WECS upon approval of the city manager or designee, provided that the new WECS is of the same height, rotor diameter, setback, etc. as the WECS it replaces. A new or replacement WECS shall mean all of the WECS, excluding the tower or support structure.

#### B. Ground-Mounted On-Site Service WECS

1. A WECS shall be located on a property at a distance at least equal to its height from all property lines. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line (see *Figure 7*). No part of a single WECS (including guy wire anchors) shall be located within or above a required setback.

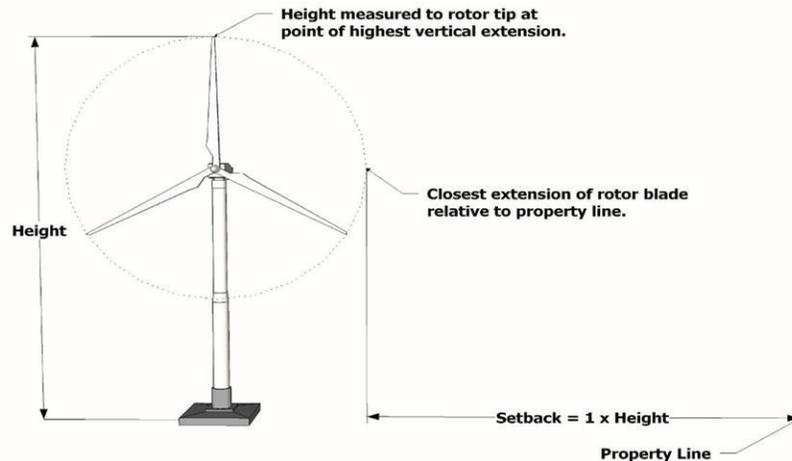


Figure 7: Ground Mounted WECS Height and Setback

2. WECS height shall be limited based on the setback requirements in paragraph 1 above; however, WECS height shall not exceed fifty (50) feet on a property at least 12,000 square feet but less than one acre in area; or 75 feet on a property one acre in area or greater.

Special land use review, according to article 13A, is required for a WECS over 50 feet high regardless of lot size.

3. The minimum rotor blade tip clearance from grade shall be 20 feet.
4. The minimum rotor blade tip clearance from any structure shall be 20 feet.
5. The diameter of the rotor depends on maximum WECS height and rotor blade tip clearance, but in no case shall it exceed 50 feet.
6. The tower used to support a WECS shall be adequately anchored and meet applicable standards, as certified by an engineer.

#### C. Building Mounted On-Site Service WECS

1. The diameter of the rotor shall not exceed 20 feet.
2. WECS height shall not exceed the maximum permitted height for principal buildings in the district, plus 15 feet.
3. A WECS shall be located from adjoining property lines a distance equal to the combined height of the WECS and the portion of the building on which it is mounted. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line (see *Figure 8*).
4. A building mounted WECS shall not be mounted to the vertical face of a gable end or dormer that is visible from the street. To the greatest degree possible, the WECS shall be mounted to the building in the least visible location.
5. The mount and the structure used to support a building mounted WECS shall meet applicable standards, as

certified by an engineer.

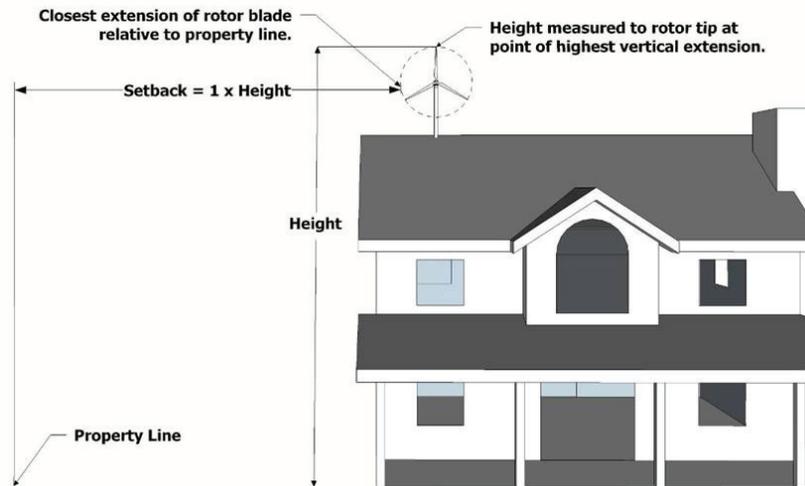


Figure 8: Building Mounted WECS Height and Setback

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

1. The preservation of existing trees and other existing vegetation not required to be removed for installation of a WECS.
2. The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a WECS.
3. Altering the location of the WECS to prevent impacts on neighboring properties, provided that all other requirements of this section are met.
4. Requiring a performance bond or letter of credit, in favor of the city, and conditioned upon the timely

and faithful performance of all required conditions of the special land use, including but not limited to the timely and complete removal of a WECS, regulated under the terms of the section, when required. Such performance bond or letter of credit shall remain in effect during and after the operation of a WECS until its operations have ceased and it has been removed.

### Section 12.30. Wireless telecommunications towers and antennas.

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

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

8. Considers the impact on public health and safety of communication towers; and
9. Avoids potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

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

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

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

grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

8. Heavy commercial zoning district for purposes of this article only means the C-4 and C-5 districts.
9. Industrial zoning district for purposes of this article only means the I-1 and I-2 districts.
10. Preexisting towers and preexisting antennas means any tower or antenna for which a building permit has been properly issued or special land use approval obtained, as applicable, prior to the effective date of this section, including permitted towers or antennas that have not yet been constructed so long as such permit or approval is current and not expired.
11. Residential zoning district for purposes of this article only means the R1-A, R1-B, R1-C, R2-A, R2-B, and R3-A districts. The PB Prairie Barrett Residential Form-based district shall not be considered as a residential district for the purposes of this article.
12. Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**C. Applicability:**

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

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

1. *Amateur radio station operators/receive only antennas.* This section shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
2. *Preexisting towers or antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of *Sections 12.30.E.5 and 6.*
3. *AM array.* For purposes of implementing this section, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

E. **General requirements:**

1. *Principal or accessory use.* An antenna and tower may be considered either a principal or an accessory use. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on the lot. A second tower on the same lot shall not be permitted.
2. *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with zoning district development regulations, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though

the antennas or towers may be located on leased parcels within the lot.

3. *Aesthetics.* Towers and antennas shall meet the following requirements:
  - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable FAA standards, shall be painted a neutral color so as to reduce visual impacts.
  - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping so that they will blend into the natural setting and surrounding buildings.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
4. *Lighting.* Towers shall not be artificially lighted unless required by the FAA or other applicable authority. An applicant is responsible for providing evidence of such requirements. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
5. *State or federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If these standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring the towers and antennas into compliance with the revised standards

and regulations within six months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with the revised standards and regulations constitutes grounds for the removal of the tower or antenna at the owner's expense.

6. *Buildings codes and safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring the tower into compliance with the standards. Failure to bring the tower into compliance within that 30-day period constitutes grounds for the removal of the tower or antenna at the owner's expense.
7. *Measurement.* Tower setbacks and separation distances shall be calculated and applied to facilities located in the city irrespective of municipal and county jurisdictional boundaries.
8. *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
9. *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the city manager.
10. *Public notice.* A request for special land use approval or variance, or any appeal of an administrative approval by the city manager shall require public notice to all abutting property owners and all property owners of properties that are located within 300 feet of the parcel on which the tower or antenna is located, in addition to any notice otherwise required by the Zoning Act.
11. *Signs.* Signs are not be allowed on an antenna or tower.
12. *Buildings and support equipment.*
  - a. Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with antennas shall comply with all of the following requirements:
    - (1) The cabinet or structure shall not contain more than 144 square feet of gross floor area or be more than six feet in height.
    - (2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than five percent of the roof area.
    - (3) Equipment storage buildings or cabinets shall comply with all applicable building codes.
  - b. Antennas mounted on utility poles or light poles. The equipment cabinet or structure used in association with antennas mounted on utility poles or light poles shall be located in accordance with the following:
    - (1) In all districts, the equipment cabinet or

structure may be located:

- (a) In a front or side yard, provided that the cabinet or structure is no greater than three feet in height or ten square feet of gross floor area and the cabinet/structure is located at least three feet from all lot lines, except as prohibited by *Section 3.18*, Traffic Visibility across Corner Lots. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42--48 inches and a planted height of at least 36 inches.
- (b) In a rear yard, provided that the cabinet or structure is no greater than six feet in height or 144 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.
- c. *Antennas located on towers.* The related unmanned equipment structure shall not contain more than 144 square feet of gross floor area or be more than seven feet in height, and shall be located in accordance with the minimum yard and setback requirements of the zoning district in which it is located.
- d. *Modification of building size requirements.* The requirements of this subsection may be modified by the city manager in the case of administratively approved uses or by the planning commission in the case of uses permitted by special use, if the approving official or body find modification is necessary to encourage co-location.
- e. *Compatibility.* The equipment cabinet or structure

used in association with all antennas located in residential districts shall be designed and constructed with materials (such as siding and shingles) compatible with residential dwellings, as determined by approving official or body.

- 13. Multiple antenna/tower plan. The city encourages tower and antenna users to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites *shall be given priority in the review process.*

F. *Use Requirements.* Wireless communication facilities may be located in accordance with *Table 12.30.F*.

**G. Application requirements.**

- 1. *Information required.* An application for an antenna or tower shall contain the following, in addition to the requirements of site plan review in *Article 14* and/or special land use in *Article 13*, if applicable.
  - a. A scaled site plan containing the following:
    - (1) The location, type and height of the proposed tower;
    - (2) on-site land uses and zoning;
    - (3) adjacent land uses and zoning (including when adjacent to other municipalities);
    - (4) master plan classification of the site and all properties within the applicable separation distances set forth in *subsection I.5*;
    - (5) adjacent roadways and proposed means of access;
    - (6) setbacks of the tower and all equipment from property lines;
    - (7) elevation drawings of the proposed tower and

**Table 12.30.F Requirements for Wireless Communication Facilities**

Type/Location of Wireless Communication Facility	Location(s) Permitted	Approval Procedure
<i>1. Wireless Communication Facility attached to existing structures:</i>		
Collocation upon an existing wireless communication support structure	All districts	Administrative approval
Replacing an existing wireless communication support structure with a new one to support additional collocation	All districts except form-based districts	Administrative approval if not more than 20 feet taller than the original structure; site plan approval per this section and <i>Article 13</i> if 20 feet taller or more
Attached: to an existing utility structure	All districts	Administrative approval, with letter of acceptance from the utility company
Attached: to an existing building	All districts except single-family residential districts and form-based districts	Administrative approval
	Single family residential and form-based districts	Site plan approval in accordance with <i>Article 14</i>
<i>2. New Wireless Communication Support Structure:</i>		
Replacing an existing tower with a taller tower to permit additional collocation	C-3, C-4, C-5, I-1 and I-2 districts or a government owned site in any district	Site plan approval in accordance with <i>Article 14</i> .
Monopole	Located on a municipally owned site in any zoning district	Site plan approval in accordance with <i>Article 14</i> .
Monopole	Located on a site owned by county or state governmental entity, places of worship, or public school in any zoning district	Special land use approval in accordance with this section and <i>Article 13</i> .
Monopole	C-1, C-2, C-3, I-1, I-2 districts	Special land use approval in accordance with this section and <i>Article 13</i>
Lattice tower where it can be shown that a monopole is not feasible.	I-1, I-2 districts	Special land use approval in accordance with this section and <i>Article 13</i>
Replacement of a lattice tower with a monopole	All districts	Administrative approval
Alternative tower structure	C-4, C-5, I-1, I-2	Administrative approval

- any other structures;
  - (8) topography;
  - (9) parking, if applicable; and
  - (10) other information necessary to assess compliance with this section.
- b. Legal description of the parent tract and leased parcel (if applicable).
  - c. The distance between the proposed tower and the nearest residential unit, and residentially zoned properties (platted or unplatted).
  - d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to this subsection shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
  - e. A landscape plan showing specific landscape materials.
  - f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
  - g. A description of compliance with the requirements of this section and all applicable federal, state or local laws.
  - h. A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
  - i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
  - j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed

new tower.

- k. A description of the feasible locations(s) of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
  - l. An inventory of the proposed user's existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one mile of the border of the city, including specific information about the location, height, and design of each tower. The city manager or designee may share such information with other applicants applying for administrative or special land use approval under this section, or with other organizations seeking to locate antennas within the jurisdiction of the city, provided, however, that the city manager or designee is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- H. **Administratively approved uses:**
1. General. The following provisions shall govern the issuance of administrative approvals by the city manager or designee for towers and antennas.
    - a. Each applicant for administrative approval shall apply to the city manager providing the information set forth in *subsection G* and a nonrefundable fee as established by resolution of city council to reimburse the city for the costs of reviewing the application.
    - b. The city manager or designee shall review the application for administrative approval and determine if the proposed use complies with the requirements of this section.
    - c. The city manager or designee shall respond to

each application within 60 days after receiving it by either approving or denying the application. If the city manager or designee fails to respond to the applicant within that 60 day period, then the application shall be deemed to be approved.

- d. If an administrative approval is denied, the applicant shall file an application for special land use approval by the planning commission pursuant to subsection H prior to filing any appeal that may be available under the zoning ordinance.
2. *Requirements for certain administratively approved uses.*
    - a. **Antennas on existing structures.** An antenna that attached to an existing structure and is not attached to a tower may be approved as an accessory use to any commercial, industrial, office or institutional structure, or to any multifamily structure of eight or more dwelling units in a conventional zoning district, as allowed in *Table 12.30.F*, provided:
      - (1) The antenna does not extend more than 20 feet above the highest point of the existing structure;
      - (2) The antenna complies with all applicable FCC and FAA regulations; and
      - (3) The antenna complies with all applicable building codes.
    - b. **Antennas on existing towers.** An antenna proposed to be attached to an existing tower may be approved by the city manager and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction

of new towers, provided that the co-location is accomplished in a manner consistent with the following:

- (1) A tower that is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the city manager or designee allows reconstruction as a monopole.
- (2) Height.
  - (a) An existing tower may be modified or rebuilt to a taller height, not to exceed 20 feet over the tower's existing height, to accommodate the co-location of an additional antenna.
  - (b) This height change may only occur one time per the lifetime of the communication tower.
  - (c) The allowed additional height shall not require an additional distance separation as set forth in *subsection I*. The tower's pre-modification height shall be used to calculate such distance separations.

#### I. **Special land use approvals.**

1. *General.* The following provisions shall govern the issuance by the planning commission of special land use approvals for towers or antennas, as allowed in *Table 12.30.F*:
  - a. Applications for special land use approvals under this section shall be subject to the procedures, standards and requirements of *Article 13*, except as modified in this section.
  - b. In granting a special land use approval, the planning commission may impose conditions that are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

- c. Any information of an engineering nature that the applicant submits whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
2. *Factors considered in granting special land use approvals for towers.* In addition to any standards for considering special land use approval pursuant to *Article 13*, the planning commission shall consider the following factors in determining whether to issue a special land use approval. The planning commission may waive or reduce the burden on the applicant of one or more of these criteria if the planning commission concludes that the goals of this section are better served and public health, safety and welfare are still met:
    - a. Height of the proposed tower;
    - b. Proximity of the tower to residential structures and residential district boundaries;
    - c. Nature of uses on adjacent and nearby properties;
    - d. Surrounding topography;
    - e. Surrounding tree cover and foliage;
    - f. Tower design, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
    - g. Proposed service ingress and egress;
    - h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in *subsection 1.3*;
    - i. Willingness of the applicant to allow co-location of antennas at a reasonable charge on the applicant's existing towers within the city and within one mile of the city's boundaries; and
    - j. Willingness of the applicant to allow co-location of antennas on the proposed tower at a reasonable charge.
  3. *Availability of suitable existing towers, other structures, or alternative technology.* A new tower shall not be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning commission that an existing tower, structure or alternative technology that does not require the use of towers or structures cannot accommodate the applicant's proposed antenna. An applicant shall submit information requested by the planning commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that an existing tower, structure or alternative technology cannot accommodate the applicant's proposed antenna may consist of the following:
    - a. An existing tower or structure is not located within the geographic area that can meet applicant's engineering requirements.
    - b. Existing towers or structures are not of tall enough to meet applicant's engineering requirements.
    - c. Existing towers or structures are not strong enough to support the applicant's proposed antenna and related equipment.
    - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
    - e. The fees, costs, or contractual provisions required

- by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
4. *Setbacks.* The following setbacks shall apply to all towers for which special land use approval is required. However, the planning commission may reduce the setback requirements if the goals of this section would be better served and that public health, safety and welfare are still addressed:
- a. Towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line.
  - b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
5. *Separation.* The following separation requirements shall apply to all towers and antennas for which special land use approval is required; provided, however, that the planning commission may reduce the standard separation requirements if the goals of this section would be better served and that public health, safety and welfare are still addressed:
- a. Separation from off-site uses/designated areas.

- (1) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in *Table 12.30.H.5.a*, except as otherwise provided.
- (2) Separation requirements for towers shall comply with the minimum standards established in *Table 12.30.H.5.a*:

<b>Table 12.30.H.5.a</b>	
<b>Separation distances from off-site uses</b>	
Off-site Use/Designated Area	Separation Distance
Single-family or duplex residential units <sup>(1)</sup>	200 feet or 300 percent height of tower, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval (or site condominium approval) which is not expired.	200 feet or 300 percent height of tower <sup>(2)</sup> , whichever is greater
Vacant unplatted residentially zoned lands <sup>(3)</sup>	100 feet or 100 percent height of tower, whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100 percent height of tower, whichever is greater
Non-residentially zoned lands or nonresidential uses	None; only setbacks apply

Notes to Table 12.30.H.5.a:  
 (1) Includes manufactured homes used for living purposes.

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

b. Separation distances between towers. Separation between towers shall apply to and be measured between the proposed tower and existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in *Table 12.30.H.5.b*:

<b>Table 12.30.H.5.b: Separation distances between towers</b>				
<b>Existing Tower Types</b>				
<i>Proposed Tower Types</i>	<i>Lattice</i>	<i>Guyed</i>	<i>Monopole 75 ft. in Height or Greater</i>	<i>Monopole Less Than 75 ft. in Height</i>
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 ft. in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 ft. in Height	750	750	750	750>

6. *Specific special land use requirements.* In addition to

meeting the general standards of review for special land uses in *Article 13*, all tower facilities where a special land use is required shall comply with the following:

- a. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the planning commission may waive such requirements, as it deems appropriate.
- b. Landscaping. The following requirements shall govern the landscaping surrounding towers for which special land use approval is required; provided, however, that the planning commission may waive such requirements if the goals of this section would be better served and public health, safety and welfare are still addressed:
  - (1) Tower facilities shall be landscaped with a landscape buffer that effectively screens the view of the tower compound from residential properties. The buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
  - (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
  - (3) Existing on-site mature trees and natural land forms shall be preserved to the maximum extent possible. In some cases, such as when towers are sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

J. **Removal of abandoned antennas and towers.** An antenna or tower that is not operated for a continuous

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

**K. Nonconforming wireless telecommunication facilities.**

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

Special Land Uses

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Article  
13



City of Grandville Zoning Ordinance

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### **Section 13.1. Intent and purpose.**

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

### **Section 13.2. Scope.**

A special land use shall be permitted only when the planning commission has reviewed and approved the proposed use and the associated site plan, as provided by this article and other applicable provisions of this ordinance. Except as otherwise expressly provided by this ordinance, the general procedures, standards, and requirements in this article shall apply to all special land uses and shall be in addition to any other procedures, standards, or requirements that apply to particular special land uses under *Article 12* or under other provisions of this ordinance.

### **Section 13.3. Application and public hearing.**

- A. **Application.** A person owning or having an interest in a property may apply for a special land use as provided in this ordinance.
- B. **Filing.** An application shall be filed with the city clerk at

least 30 days prior to the planning commission meeting at which it is first to be considered.

- C. **Fees.** A non-refundable fee shall be paid to the city treasurer when an application is filed. The application shall not be considered until all fees, established by resolution of the city council, have been paid in full.
- D. **Application requirements.** A completed application, signed by the property owner, and accompanied by the following:
  1. Copies of a site plan that meet the standards and requirements of *Article 14*.
  2. A statement indicating that the proposed use complies with the general standards for approval in *Section 13.4*, any applicable specific standards required for the use in *Article 12* and with all other ordinance requirements that apply to the use.
- E. Scheduling public hearing and site plan review. The city manager or designee will review the application and if determined to be complete, shall schedule a public hearing to consider the special land use. The public hearing shall be noticed as required by the Zoning Act.

### **Section 13.4. General standards for approval of special land uses.**

The planning commission shall review the facts and circumstances of a special land use application and approve it only when it meets all of the standards of this article and any specific standards that apply to the use as listed in *Article 12*.

- A. The proposed use will comply with the general objectives and land use policies of the Grandville master plan.
- B. The proposed use will be designed, constructed, operated, and maintained so it is appropriate and harmonious with the intended character and appearance of the surrounding

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

### **Section 13.5. Conditions of approval.**

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

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

### **Section 13.6. Special land use approvals and issuance of permits.**

- A. At the public hearing, or within a reasonable time afterward, the planning commission shall approve, approve with conditions, or deny the special land use request and accompanying site plan. The decision shall be incorporated in a statement of conclusions that specifies the basis for the decision and any conditions imposed related to an approval.
- B. The planning commission shall also review the site plan submitted with the application and shall approve, approve with conditions, or deny the site plan in accordance with the procedures, standards, and requirements for site plan review as provided by article 14. If approved, or approved with conditions, the site plan as approved shall be part of

the record.

- C. Upon approval or approval with conditions of both the special land use request and the site plan, the city manager or designee shall issue a special land use permit, which is subject to the conditions of approval imposed by the planning commission.
- D. Construction permits shall not be issued for a special land use and construction, grading, tree removal, soil stripping, or other site improvements, and changes shall not begin until both the special land use request and the required site plan have been approved by the planning commission and a special land use permit has been issued. Construction, or any other site improvements or changes, shall be in strict compliance with the site plan as approved by the planning commission, or as modified under *Section 14.8* and any conditions imposed in connection with approval of the special land use.
- E. The special land use or activity must begin within one year of approval or it shall expire. The planning commission may approve an extension for up to one additional year if a request is made by the applicant prior to the initial expiration.
- F. A special land use application that has been denied by the planning commission may not be re-submitted for one year from the date of denial, except when new evidence or information found sufficient by the planning commission justifies an earlier re-application.

### **Section 13.7. Performance guarantees.**

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

### **Section 13.8. Revocation of permit.**

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

- A. Conditions that may result in a suspension or revocation proceeding include, but are not limited to, the following:
  1. The special land use was not constructed in conformance with the approved plans, or the property is not being used in conformance with the approval special land use, or
  2. Compliance with the special land use permit and any conditions have not been consistently demonstrated, and administrative attempts to secure compliance have been unsuccessful; or
  3. The special land use permit has been issued erroneously based on incorrect or misleading information supplied by the applicant and/or his/her agents; or
  4. The operation of the use granted by the special land use permit has created a risk or danger to the public health, safety or welfare; or
  5. The special use violates any provision of this ordinance or other city, county, state or federal regulations.
- B. If the city manager or designee determines that a special

land use permit should be suspended or revoked he/she will prepare a report specifying the factual details of the violation and the reasons to suspend or revoke the permit.

- C. The city manager or designee shall file the report with the planning commission and provide a copy to the permittee, authorized agent or employee by certified mail, return receipt requested.
- D. Within 30 days of filing the report with the planning commission, a hearing date will be set for the planning commission to consider the alleged violation(s) to determine if the special land use permit should be suspended or revoked. The city shall notify the permittee, authorized agent or employee either personally or by certified mail, return receipt requested, not less than 15 days before the scheduled hearing.
- E. The permittee shall have an opportunity to defend against any allegations made: by questioning any adverse witnesses; by presenting witnesses on his/her behalf; and by presenting arguments, personally or through legal counsel in his/her own behalf.
- F. The planning commission shall prepare a written report of its findings within 30 days of completing all hearings and provide them to the permittee either personally or by certified mail, return receipt requested. If the planning commission concludes that the special land use permit must be suspended or revoked, the permittee shall immediately cease to conduct, operate or carry on the business or use for which the special use permit was granted.

### **Section 13.9. Appeals.**

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A decision by the planning commission regarding a special land use permit shall not be appealed to the zoning board of appeals.

Site Plan Review

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Article  
14



City of Grandville Zoning Ordinance

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### Section 14.1. Purpose and scope.

- A. **Purpose and intent.** This article establishes standards and requirements for site plan review and approval by the planning commission. As used in this section, the term site plan includes the documents and drawings as specified by this article that are necessary as a part of land development review. That process ensures that a proposed land use or activity is in compliance with applicable local ordinances and state statutes, and is compatible with the character of the surrounding area, the adjacent uses of land, the natural environment, the capacities of public services and facilities, and the public health, safety, and welfare. The standards and requirements of this article are in addition to those required elsewhere in this ordinance, which are applicable to the use or activity under consideration.
- B. **Scope.** Site plan review and approval by the planning commission is required for the following:
1. A change in use, whenever the change:
    - a. is from a residential use to a non-residential use;
    - b. is from a non-residential use to another non-residential use that results in increased intensity of use on the property, or requires an increase in the number of required parking spaces.
  2. An increase in the number of units in a multiple family development
  3. The creation of a principal use or the erection of a structure other than single family detached or a two family dwelling;
  4. The creation of any use or the erection of any structure for which this zoning ordinance otherwise requires site plan approval, such as a special land use;

5. Additions or expansions of existing structures and uses in excess of 500 square feet where a site plan is required or where a site plan was previously approved;
6. Single-family attached and detached site condominium projects.
7. The site plan for any use that does not meet one of the above conditions and does not have an effect on the exterior of the property may be reviewed and approved by the city manager or designee.
8. Notwithstanding the above, a project that qualifies for administrative approval within a form-based district, per Section 10.7, is exempt from the requirements of this article.

### Section 14.2. Application procedures.

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

required by this ordinance has been approved by the planning commission.

### **Section 14.3. Information required for site plans.**

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

- A. The city manager or designee may waive certain submittal requirements when they are not applicable to the proposed development and must cite any waived requirements in a report to the planning commission. The report must be forwarded to the commission when the item is scheduled for their consideration.
- B. An accurate site plan drawn by a registered land surveyor or civil engineer at a scale not to exceed one inch equals 100 feet, shall be submitted and show:
  1. The name, address, phone number, and seal of the individual who prepared the plan and the date it was prepared.
  2. Property boundaries and dimensions (including width, length, acreage, and frontage), and north arrow.
  3. Physical features of the site and vicinity including existing topography at two foot contour intervals for the site and nearby areas, at least within fifty feet of property lines. If the land is generally flat, topography must be identified at intervals sufficient to identify grade differences. All trees/woodlots, flood plains, bodies of water and unbuildable areas due to soil conditions, wetlands, topography or similar conditions, if present, shall also be shown.
4. Existing zoning of the property and zoning of all properties within 300 feet.
5. The use and approximate locations of all structures on adjacent properties and within 300 feet of the subject property.
6. The location, size, height, and use of all existing and proposed structures, including proposed setbacks, typical layout and building elevations for each type of use or structure, and distances between structures and lot lines.
7. For residential developments, density calculations, number and types of residential units, and floor area per unit.
8. Area in gross square feet that will be devoted to nonresidential uses, and the number of rooms in a hotel or motel.
9. All signs including location, size and type with a notation stating that all signs will conform to the requirements of this ordinance.
10. All exterior lighting, including location, mounting height, specifications and informational cut sheets. The planning commission may also require a photometric lighting plan, in accordance with *Article 16*.
11. Proposed parking areas, drives, and loading areas including locations and dimensions. Parking areas shall be designated by lines showing the number and location of individual spaces by size. Parking and loading areas shall be designed to meet the requirements of *Article 15* of this zoning ordinance.

12. Public and private streets, rights-of-way, drives, alleys, easements, acceleration and deceleration lanes, pedestrian walkways, and sidewalks, including location and width, as applicable. Also, proposed access routes, internal circulation, and the relationship to existing streets, rights-of-way and adjacent curb cuts within and surrounding the property.
  13. Hydrants and utilities, including location and size of existing and proposed lines, estimated volumes, and proposed connections to public sewer and water systems.
  14. Existing and proposed subsurface and surface water drainage system and lines, including estimated flow, location, size, and type.
  15. A landscape plan, meeting the requirements of article 16, showing the location of all existing and proposed landscaping, vegetation, plantings, and screening, including the number of trees and shrubs by species and size.
  16. Proposed open spaces, including recreational areas, including their location, size and the purpose;
  17. Fences and walls, including their location, height, and type; and
  18. All other known natural resources or natural features to be preserved.
  19. A grading plan that shows existing and proposed two foot contours.
- C. In addition to the required maps and drawings, a narrative that contains the following:
1. The owner's name and address and proof of ownership, and the applicant's name and address, if not the same as the owner;
  2. The common and complete legal description of the property;
  3. A development schedule indicating the construction date(s) for the entire project or phase;
  4. Covenants, deed restrictions, easements, or other legal instruments affecting the land;
  5. Method of providing sewer and water service, as well as other public and private utilities;
  6. Proposed system of storm water management.
- D. Any additional information that is deemed necessary to adequately evaluate the proposed use or activity and its effects on the city.
- E. **Environmental impact statement.** Before approving a site plan, the planning commission may require an environmental impact statement, paid for by the applicant, for any residential, commercial, or industrial development that is five acres or larger. The statement should analyze potential impacts of the proposed development on municipal utility systems; fire, police, and school services; solid waste disposal; water courses and site drainage; noise levels; and added traffic that could negatively affect existing land uses or neighborhoods; and other similar factors that may be unique to a specific proposal.
- F. **Information required for single-family detached site condominium site plans.** In addition to the requirements for site plans, the following must be provided in sufficient detail to determine the demand on public services and facilities:
1. A project description that describes, in narrative form, the nature and intent of the proposed development.
  2. An accurate site plan at a scale not greater than one inch equals 100 feet that shows:

- a. Proposed street names;
- b. Condominium unit lot lines, lot line dimensions, unit and block numbers;
3. A master deed or by-laws related to common elements, construction requirements, and/or use restrictions.

#### **Section 14.4. Site plan review process.**

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

#### **Section 14.5. Standards of review**

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

- A. **Dimensional requirements.** The arrangement of buildings and structures shall conform to the required yards, setback, and height restrictions of this ordinance.
- B. **Building arrangement.** Proposed buildings and structures shall have a harmonious relationship to the site, terrain, vegetation, open space, and other buildings, structures and improvements, existing and proposed. The bulk, location, and height of proposed buildings and structures, as well as the general character of the development, shall minimize any adverse impacts on other development in the surrounding area and shall not place excessive demands on public services or facilities.
- C. **Surface and stormwater.** Surface and rainwater impacts shall be addressed in an appropriate manner that is environmentally sound, yet does not adversely affect neighboring properties or the public storm water system. If practical, water shall be returned on-site to the groundwater table from roofs, canopies, and paved areas utilizing best management practices, or shall be directed to an underground drainage system. Temporary on-site storage to reduce peak runoff may also be used. Rainwater from impervious areas shall not result in ponding that obstructs the flow of vehicular or pedestrian traffic. The use of rain gardens, sunken parking lot islands, pervious pavements, vegetated swales, and other low impact development techniques is encouraged.
- D. **Public services and utilities.** The location, availability, and compatibility of sewer, water, and storm drainage systems shall be considered. The location of utility distribution lines or associated utility installations shall result in a harmonious relationship between neighboring properties and the site. Utility lines (electric, phone, cable, etc.) shall be located underground unless the site has existing overhead service.
- E. **Vehicular access and parking.** Loading, unloading, parking, and on and off-site vehicular and pedestrian circulation shall be done safely and in a way that does not place demands on public services or facilities in excess of their capacities. All buildings and structures shall be accessible to emergency vehicles.
- F. **Pedestrian access.** Pedestrians must be able to safely and conveniently access major activity areas, and employment and service centers, and residential neighborhoods through interconnected walkways. Sidewalks shall be provided along streets unless the planning commission determines another way better serves these objectives.

- G. **Exterior lighting.** All lights shall be installed and maintained to confine illumination, as much as practicable, or divert glare to the property upon which the use is located. Light levels shall be adequate for the safety of occupants or users of the site and glare shall not adversely affect the safety or welfare of an adjacent property or street.
- H. **Signs.** The size, location, design, and lighting of signs shall be considered in relation to signs on adjacent sites, glare, traffic safety, and compatibility with adjoining properties. Signs shall be located and designed to avoid creating distraction or clutter.
- I. **Special features:**
1. Storage areas, mechanical areas, service areas, truck loading areas, utility buildings and structures, and similar features shall be located, buffered, and/or screened so as to be unobtrusive and not interfere with access to, or circulation within, the site. Such areas, buildings, structures, and features shall not detract from the visual impression of the site.
  2. Trash containers shall be enclosed on all sides by a structure aesthetically compatible with the development and surrounding property. The waste storage area shall be maintained free from litter and in a sanitary condition.
- J. **Landscaping.** Existing vegetation shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Grade changes made shall be in keeping with the general appearance of neighboring developed areas. Plants shall be used to enhance the appearance of the site, to screen unsightly or harsh elements, and to provide visual relief from large monotonous features, such as parking lots. Plants shall conform to the minimum requirements of the landscape regulations in *Article 16*.
- K. **External effects.** Noise, odor, light, dust, dirt, smoke, or other external effects from any aspect of the proposed use shall not adversely affect adjacent and neighboring properties or uses.
- L. **Compliance with all applicable laws.** The planning commission shall not approve a site plan that violates or that is inconsistent with local, state, or federal laws or regulations.

### **Section 14.6. Site plan approvals.**

- A. The planning commission shall review the site plan and shall approve, approve with conditions, or deny the site plan in accordance with this article and any of its applicable provisions. The basis for the decision, and any conditions imposed relating to approval, shall be specified in the record of the planning commission approving or denying the site plan. If approved, or approved with conditions, the site plan as approved shall become a part of the record.
- B. The chair of the planning commission and the applicant shall sign and date three copies of the site plan as approved. One signed copy shall be kept on file by the planning commission, one copy shall be forwarded to the city manager or designee, and one copy shall be returned to the applicant.
- C. A site plan shall expire one year from the approval date and the site plan shall be void unless the authorized use or activity has commenced prior to that time or an extension has been granted.
  1. The planning commission may approve an extension for an additional period of up to one year if:
    - a. The extension is requested prior to the expiration of the initial one-year period; and

- b. The applicant presents reasonable evidence that the delay was due to unforeseen difficulties and that the use or activity will commence within the approved extension period.
- 2. If the use or activity has not commenced within the approved extension period, or if an extension is denied, the site plan shall be void.

### **Section 14.7. Conditions of approval.**

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

### **Section 14.8. Site plan modifications.**

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

- B. **Major changes.** Any change to an approved site plan that does not qualify as a minor change shall necessitate a new application following the requirements of this article.
- C. An applicant requesting a change to an approved site plan shall provide the planning commission, or the city manager or designee, with three copies of the site plan indicating the proposed change. If the change is approved as authorized by this article, the chairman of the planning commission, or the city manager or designee, and the applicant shall sign and date three copies of the modified site plan. One signed copy of the approved site plan shall be kept on file by the planning commission, one copy shall be forwarded to the city manager or designee, and one copy shall be returned to the applicant. Any modification approved by the city manager or designee, shall be reported to the planning commission at the next regularly scheduled meeting.
- D. The planning commission, or the city manager or designee, shall not agree to change an approved plan unless the change conforms to the standards and requirements of this article and zoning ordinance.

#### **Section 14.9. Performance guarantees.**

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

verified by the city manager or designee.

#### **Section 14.10. Enforcement.**

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A site plan approved by the planning commission shall have the full force and effect of this zoning ordinance. Subsequent actions related to the authorized use or activity shall be consistent with the site plan as originally approved or subsequently modified, as allowed by this article. A violation of an approved plan shall be grounds for the city to stop to all construction and to withhold all building permits and certificates of occupancy until the violation has been removed or an adequate guarantee of its removal has been provided to the city. Violations of an approved site plan or failure to comply with any requirements of this article, including conditions of approval, shall be a violation of this zoning ordinance as provided by *Section 20.5*.

Parking

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Article  
15



City of Grandville Zoning Ordinance

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### Section 15.1. Purpose and scope.

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

### Section 15.2. Applicability of parking requirements.

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

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

### Section 15.3. Parking lot plans.

- A. For all nonresidential and multiple family uses with more than two dwelling units; a site plan of a proposed parking lot shall be submitted to the planning commission for review and approval before a building permit can be issued. The site plan shall conform to the site plan review requirements of *Article 14*.
- B. When reviewing parking lot plans, the planning commission shall determine if safe and convenient circulation has been provided; that drive aisles and ingress and egress are properly arranged to accommodate safe pedestrian and vehicular movement to existing and proposed buildings and adjacent land uses, and that the proposed parking lot will not result in unsafe conditions or congestion.

### Section 15.4. Off-street parking lot design.

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

- A. Parking lots in form-based districts. In addition to the requirements of this article a parking lot in a form-based district shall conform to the specific requirements of the applicable district. Whenever there are conflicts, the requirements for the applicable form-based district shall prevail.
- B. Location and Setbacks
  1. Off street parking lots shall meet the applicable parking setback or build-to line requirements as specified in the zoning district or the standards for the use.
  2. Off-street parking is permitted within any yard except as regulated in *subparagraph 3*, below; provided the parking lot setbacks in the applicable district or use

standards are met.

**3. Setbacks**

- a. In form-based districts, parking lots shall be located as required for the district.
  - b. In all other districts, except for those allowing one- and two-family dwellings, off-street parking lots, including drive aisles, shall be located at least five feet from the rear and side lot lines, and at least 20 feet from the front lot line. Such open areas shall be landscaped, except for those containing drives, walk-ways, signs, utility or light poles, or similar structures. When additional and substantial screening or landscaping, acceptable to the planning commission, is provided a parking lot may encroach into the front setback.
  - c. Where more restrictive setback requirements are listed for specific districts or uses, the more restrictive requirements shall prevail.
4. For all uses other than single family or two family dwellings, an off-street parking lot shall be located on the same lot or within 300 feet, measured along lines of public access, from the nearest point of the parking facility to the building(s) they are intended to serve. However, in the C-4 and C-5 commercial districts, off-street parking facilities shall be located within 1,000 feet of building(s) served.

**C. Access**

- 1. Access to a parking lot shall be by adequate, clearly limited and defined drives. Driveways for non-residential uses shall conform to the City of Grandville Driveway Construction Standards, as amended.
- 2. All parking spaces shall be accessed by adequate maneuvering lanes.

- 3. Except for single family and two family uses, the layout of a parking lot shall not require a vehicle to back into a street or use it to maneuver between parking rows.
- 4. When located in a zone district that allows uses other than single family residential, a parking lot shall not be accessed across land that is zoned for single family residential, except for an alley that forms a boundary between a residential and non-residential district.
- 5. An access drive to an off-street parking lot that is located in other than a single family residential zoning district shall be at least 25 feet from an adjacent single-family residential district.
- 6. All parking lots and storage areas shall provide emergency vehicle access. Parking lot or storage area driveway security gates shall be break-away and the owner shall provide the city with a hold harmless clause in the development agreement for instances when an emergency vehicle could be delayed or not able to reach a part of the property because of the gated access.

**D. Dimensional Requirements:** see Table 15.4.

<b>Table 15.4</b>				
<b>Off-Street Parking Dimensional Requirements</b>				
Parking Pattern	Parking Space		Maneuvering Lane Width	
	Width	Length	One Way	Two Way
0° (Parallel)	8.5 ft.	22 ft.	12 ft. <sup>(1)</sup>	22 ft.
30° to 53°	9 ft.	18 ft.	13 ft.	22 ft.
54° to 74°	9 ft.	18 ft.	16 ft.	22 ft.
75° to 90°	9 ft.	18 ft.	24 ft.	24 ft.

**Notes to Table 15.4:**

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

1. All parking lots shall be striped and maintained showing individual parking spaces, in accordance with Table 15.4.
2. Angled parking between these ranges shall be to the nearest degree.
3. The length of a parking space may be reduced by up to two feet if an unobstructed overhang of not less than two feet is provided, such as a landscaped area or sidewalk. A sidewalk shall be at least eight feet wide when abutting a parking lot.

**E. Stacking spaces for drive through uses:** Required stacking spaces shall conform to the following:

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

**F. Snow Storage:**

1. A site plan shall designate snow storage areas for

parking lots with more than 100 spaces.

2. Storage areas can only be located within a side or rear yard, and shall not hinder driver or pedestrian site lines within the parking lot.
3. A snow storage area shall be at least equal to 10 percent of the area of the planned parking lot. The calculation for snow storage shall not include deferred parking areas, until such time the deferred parking area has been converted to parking.
4. Snow shall be removed as needed to maintain the number of required parking spaces.

**G. Construction and Maintenance.** Parking lot construction shall require site plan approval in accordance with *Article 14, Site Plan Review*. Before a certificate of occupancy can be issued construction shall be completed and approved by the city manager or designee and the city engineer.

1. Parking lots and vehicle and equipment storage areas shall be paved with asphalt or concrete. The city engineer may also be approve alternate paving materials such as permeable/grass pavers. The planning commission may approve a substitute for hard-surfaced pavement in storage areas if they determine that it will not adversely impact an adjoining property.
2. Surfacing of a parking lot shall be completed prior to occupancy unless seasonal restrictions apply. In such cases the applicant shall provide a performance guarantee that ensures completion by a specified date the following season.
3. Parking spaces shall be striped with paint or other approved material, at least four inches wide, well maintained and clearly visible.

4. Bumper blocks shall not be used in parking lots except where the planning commission determines they are necessary, or in the case of administrative approvals, the city manager or designee.
5. Rainwater from parking areas shall be detained on site in accordance with city engineering standards. Depressed landscape islands, rain gardens, permeable pavement, vegetative swales and other low-impact designs are preferred as a way to avoid large detention basins.
6. To protect landscaped areas, sidewalks, buildings, or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot, a six inch concrete curb, or alternative as determined by the planning commission, shall define all sides of a parking lot and landscaped islands. Curb openings to accommodate drives, sidewalks and storm water drainage, as recommended by the city engineer are allowed. Plants shall be located two feet from curbs to accommodate a bumper overhang.
7. Off-street parking areas shall be landscaped in accordance with the requirements of *Article 15*.
8. Off-street parking areas shall be illuminated in accordance with the requirements of *Article 16*.
9. Fire lanes shall be designated and signed prior to occupancy. Vehicle circulation shall meet turning requirements established by the fire department.
10. Parking lots shall be free of trash and debris and surfaces, curbs, light fixtures and signs shall be maintained in good condition.

### **Section 15.5. General off-street parking requirements.**

- A. **Collective or Shared Parking.** Two or more buildings or uses may use a common parking lot provided the total parking spaces are equal to the required number when all uses computed separately. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced by the planning commission when determined that one or more of the factors listed in subsection (d) below apply. When uses are on separately-owned lots, a legal agreement for shared parking shall be recorded and a copy provided to the city before a certificate of occupancy is issued.
- B. **Reduction of Parking Requirements.** The planning commission may reduce the parking requirements based on finding that there will be a lower demand for parking due to one or more of the following:
  1. Parking is shared by multiple uses and a high proportion of multi-purpose visits or uses will have peak parking demands during different times of the day or days of the week. However, pedestrian connections shall be maintained between all uses, separate parking lots shall be adjacent to each other and both pedestrian and vehicular access shall interconnect. After approval by the planning commission and before a certificate of occupancy can be issued a shared parking agreement shall be filed with the Kent County Register of Deeds and the city clerk.
  2. Convenient municipal off-street parking or on-street spaces are located along the frontage of the site.
  3. Walk-in business is expected due to the density and intensity of adjacent residential neighborhoods or

employment centers. When a reduction in parking spaces is allowed off-site pedestrian connections and on-site pedestrian circulation must offer safe and convenient access to building entrances.

4. Other forms of travel such as transit are available. When a reduction in parking spaces is allowed site design that incorporates transit stops, pedestrian connections to nearby transit stops or bicycle parking facilities may be required.
  5. The applicant provides a parking study, conducted by a qualified traffic engineer, that demonstrates a different standard would be more appropriate based on the actual number of employees, expected level of customer traffic or actual counts at a similar establishment. The planning commission may require a parking study to document that any one of the criteria (1) through (4) above would be met.
- C. **Maximum Allowed Parking.** To minimize excessive pavement that can negatively affect site aesthetics and contribute to high rates of storm water runoff, the planning commission may allow the minimum parking space requirement to be exceeded by not more than 10 percent. In granting additional parking spaces the planning commission shall determine that based on documented evidence more parking will be required to accommodate a use on a typical day. The planning commission may require the additional parking spaces to be constructed using alternative paving materials, such as permeable/ grass pavers or pervious concrete.
- D. **Banked Parking.**
1. Where a reduction in the number of parking spaces is not warranted but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the planning commission may defer some

of the parking. The city may request a performance guarantee to cover the cost of developing the deferred parking lot.

2. The site plan shall identify portions of the site where future parking spaces may be located. Such areas must be maintained in a landscaped appearance and not occupy required greenbelts, or parking lot setbacks or be used for any other purpose. Landscaping, such as parking lot trees that would otherwise be required shall be installed in the banked parking area.
  3. The banked parking shall meet all ordinance requirements if constructed; based on parking needs or observation, construction of the deferred parking area may be initiated by the owner or required by the city manager or designee. Such an action shall require administrative approval of an amended site plan.
- E. **Prohibited uses.** Except as may be approved as a special land use, the following are prohibited for areas designated for parking, access and maneuvering:
1. outdoor storage or display of merchandise;
  2. motor vehicle sales, except on properties where vehicle sales are allowed as the principal use;
  3. trucks or equipment, unless being used for a permitted construction project on the same site;
  4. wrecked, junked or unlicensed vehicles;
  5. vehicle repair.

### Section 15.6. Residential Districts

In a residential district, parking or storing commercial vehicles, trucks, vans, and similar vehicles that exceed the capacity or weight as specified by this section (regardless if it is a commercial vehicle or not), and vehicles without current

license plates are subject to the following limitations:

A. Commercial vehicle, truck, or van parking or storage in a residential district. The parking or storage in a residential zone district of a commercial vehicle, or of a truck, van, or similar vehicle as specified by this section is not permitted, except under the following conditions:

1. A commercial vehicle used personally by an occupant of the premises in going to work may be parked or stored on the premises, provided that the vehicle does not exceed a gross vehicle weight rating of 7,500 pounds. No more than one commercial vehicle per dwelling unit shall qualify as an accessory use under this section.
2. Parking or storing trucks (including, but not limited to, pick-up trucks and panel trucks), vans, or similar vehicles with a rated capacity of more than one ton, or with a gross vehicle weight rating of more than 8,500 pounds, is prohibited in any residential zone district.
3. This prohibition does not apply to a recreational vehicle that is stored as permitted under subparagraph B, below; to school buses if parked at a school or school facility; or to buses owned or leased and exclusively used by an institution, or quasi-public organization and parked at their facility.

B. Storage of recreational vehicles. The restrictions for the storage of recreational vehicles, including, but not limited to, flatbed/enclosed trailers, vehicles, boats, boat trailers, travel trailers, motorized trailer dwellings, pick-up caps, pick-up campers, and motor homes are listed below.

1. Storage shall not be permitted in the front yard. Recreational equipment may be parked on a paved driveway in the front yard for a period not to exceed 72 hours before and after trips. At no time shall a recreational vehicle block a sidewalk.

2. Storage is permitted in one side or in the rear yard, provided it is located at least two feet from the side and/or rear property lines and is screened from neighboring properties by either a solid fence or evergreen trees or shrubs as described below. A solid fence may be used and shall be the height of the stored equipment, but shall not exceed six feet in height. Tightly spaced evergreen trees and/or shrubs that are at least six feet tall when planted may also be used to screen views. Storage shall be located behind a line that extends across the front façade of the residence. Storage is not permitted in a side yard adjacent to a street unless all side yard requirements can be maintained and the vehicle is screened as required above.
  3. A recreational vehicle shall not exceed eight and one-half feet in width, 13- 1/2 feet in height, and 40 feet in length.
  4. Only one recreational vehicle shall be stored or parked outside per lot or parcel.
  5. Stored or parked recreational vehicles shall be maintained in good repair, and the open storage of disassembled or component parts for such items is prohibited at all times. Required vehicle licenses shall be kept current.
  6. Recreational vehicles shall not be used for lodging, housekeeping or storage and shall be locked at all times to prevent entry except with permission or supervision by the owner.
  7. All recreational vehicles shall be moved from a lot no less than semi-annually.
- C. **Nonlicensed vehicles.** A motor vehicle without current license plates shall not be parked or stored in any residential zone district except within a completely

enclosed building.

- D. **Front yard.** No vehicle shall be parked or stored within a front yard in a residential district, except upon a residential driveway that meets the requirements of this ordinance.

### **Section 15.7. Transition zone parking.**

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

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

### **Section 15.8. Schedules of off-street parking requirements.**

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

#### **A. Determination of Required Spaces.**

1. When units or measurements determining the number of required parking spaces result in a fraction over one-half ( $\frac{1}{2}$ ), a full parking space shall be required.
2. When parking space requirements are based on the number of employees, they shall be calculated upon the number of employees present during the peak shift or work period.
3. When parking requirements are based on the number of seats and seating is provided using benches or pews, each seat shall be 24 inches of bench or pew length. In buildings where no fixed seating is provided, the number of seats shall be based upon the seating capacity as determined by the Building Inspector.

- B. **Uses not Listed.** Parking requirements for a use not specified in this ordinance shall be the same as the most similar use, as determined by the city manager or designee during initial review of the parking lot plan and as subsequently approved by the planning commission.

### **Section 15.9. Off-street loading.**

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

- A. Each space shall be at least ten feet wide and 50 feet long.
- B. A loading space may be located within a required side or rear yard, except for required landscape areas, and except that a loading space shall not be located in a side yard that

abuts a street if it is a corner lot. Loading spaces shall not be located in a required front yard.

- C. The design and screening of off-street loading areas shall be reviewed at the time of site plan approval to ensure adjacent properties, especially residential districts, are protected from any disruptions normally associated with such a facility.
- D. Off-street loading facilities that make it necessary to back directly into a public road are prohibited. All truck or vehicle maneuvering shall take place on site and not within a public right-of-way.

## Landscaping and Exterior Lighting

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# Article 16



### Section 16.1. Purpose and scope.

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

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

### Section 16.2. General landscaping provisions.

- A. **Applicability.** The requirements of this article shall apply to all zoning districts; however, in the form-based districts, any additional or more restrictive requirements, as listed in *Article 10*, shall apply.
- B. All plants shall be hardy and maintained in a neat and orderly manner. Withered or dead plants shall be replaced

within a reasonable period of time, but not to exceed one growing season. The owner of property shall maintain landscaping in a strong and healthy condition, free from refuse, debris, and insects.

- C. All unpaved areas shall be landscaped with grass or other similar ground cover. Wood chips, decorative stone or similar landscape material is permitted as an accent or mulching material, and must be contained within curbs or other means to prevent the materials from blowing or otherwise falling into parking areas, grass areas, etc.
- D. Landscaping within or adjacent to parking areas shall be protected by a raised concrete curb or anchored landscape timbers that are designed to prevent motor vehicles from infringing upon landscaped areas and to ensure that the landscaping materials remain within a defined area.
- E. Landscaping shall be arranged to simulate a natural setting such as staggered rows or clusters. The planning commission may, if requested by the applicant, approve a formal landscaping arrangement if it complements the character of a site or building.
- F. Landscaping shall be designed to blend with adjacent sites where a road, walkway or other pathway flows between parcels.
- G. A bond, letter of credit, or escrow account may be required in the amount of the cost of landscaping and shall be recorded with the city, to be released only after landscaping is completed.
- H. All required landscaping shall be planted before a Certificate of Occupancy can be obtained and/or any financial guarantees can be released. All landscaping shall be planted and grading performed in a sound workmanlike manner, according to accepted planting and grading procedures.

- I. Minimum plant sizes at time of installation shall be according to Table 16.1:.

Plant Type	Minimum Size
Deciduous Canopy Tree	2.5 inch caliper
Deciduous Ornamental Tree	2 inch
Evergreen Tree	6 feet in height
Deciduous Shrub	2 feet in height
Upright Evergreen Shrub	3 feet in height
Spreading Evergreen Shrub	18 to 24 inch spread

- J. A mix of plants such as evergreen and deciduous trees and shrubs is recommended as a protective measure against insect and disease infestation. The overall landscape plan shall not contain more than 25 percent of any one plant species.
- K. A berm shall have a maximum slope of one foot of vertical rise to three feet of horizontal distance (1:3) with a crest area at least four feet wide.
- L. The following tree species (Table 16.2) 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. These trees may be permitted to remain in their natural setting but cannot be transplanted. The planning commission, however, may allow trees from this list when associated with an appropriate ecosystem, such as a wetland area.

Common Name	Genus Species
American Elm	Ulmus Americana
Ash (All Varieties)	Fraxinus Spp.

Common Name	Genus Species
Box Elder	Acer Negundo
Eastern Red Cedar	Juniperus Virginiana
European Barberry	Berberis Thunbergii
Horse Chestnut (Nut Bearing)	Aesculus Hippocastanum
Mulberry	Morus Spp.
Northern Catalpa	Catalpa Speciosa
Poplar (All Varieties)	Populus Spp.
Soft Maple (Silver)	Acer Sacharinum
Tree of Heaven	Ailanthus Altissima
Willow	Salix Spp.

**Section 16.3. Landscape Plans**

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

- A. Location of natural features, wetlands, natural drainage areas, woodlots, existing free-standing trees outside of a woodlot over 12 inches in diameter, and vegetation to be preserved.
- B. Location, spacing, size and common description and Latin of each proposed plant type.
- C. Turf areas or other ground cover and method of planting.
- D. A typical cross-section including slope, height, and width of berms and swales, or height and type of construction of wall or fence, including footings.
- E. Engineering details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- F. Description of a landscape maintenance program including

a statement that all diseased, damaged, or dead plants shall be replaced in accordance with the standards of this section.

**G. General Landscaping Requirements:**

1. Some landscaping requirements may be waived if existing vegetation is preserved and as a result ordinance requirements for landscaping, screening or buffering are either met or exceeded.
2. Using landscaping to address alternative stormwater management techniques, such as green roofs, rain gardens and vegetative swales, is encouraged. Where such measures are incorporated into a site plan and the planning commission finds that the proposed techniques meet the intent of this section and that the low-impact stormwater management improves drainage or protects sensitive natural features (such as streams, lakes or wetlands) on the site and/or within the surrounding area some of the requirements of this section may be waived.

**3. Existing Landscaping:**

- a. Existing trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If labeled "To Be Saved", protective measures shall be implemented, such as installing a construction fence around a tree(s) and vegetation at the critical root zone. Vehicles or other construction equipment shall not be parked or stored within such a protected area.
- b. Efforts will be made to preserve existing healthy trees on a property outside the immediate building area that are greater than 12 inches in diameter, measured four and one half feet above the ground. In order to preserve landmark trees the planning commission shall review and approve tree protection measures and may also require changes

to a site plan.

- c. Should trees and plants, intended to meet the requirements of this section, be cut down, damaged or destroyed, they shall be replaced with the same species or an approved substitute. The planning commission may require up to three new trees, each with at least a three and one-half inch caliper, to replace any tree over 12 inches in diameter that has been cut down, damaged or destroyed.

**Section 16.4. Landscaping in required setbacks.**

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

**Section 16.5. Parking lot landscaping.**

Parking lots with 10 or more parking spaces shall be landscaped according to the following:

**A. Interior lot landscaping.**

1. Parking lots exceeding 10 parking spaces shall provide the equivalent of one landscape island for every 15 parking spaces.

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

### **Section 16.6. Bufferyards.**

A bufferyard is a designated open area that includes required plants, barriers, or fences. The required land area and the type and amount of landscaping specified by these provisions lessen impacts between adjoining land uses and minimize potential nuisances such as noise, glare, activity, dirt, or unsightly parking lots. Bufferyard standards must be flexible and respond to the particular circumstances associated with different land uses and activities. A single standard applied to

all circumstances could promote monotony and may impose unnecessary hardships. Accordingly, the following provisions provide flexibility by allowing four basic elements to be manipulated: distance, type of plant, density, and land forms.

- A. Bufferyards required.** When required, bufferyards shall be located along exterior lot lines and extend to the boundary of a lot or parcel. Bufferyards shall not extend into or be located within an existing street right-of-way.
- B. General bufferyard requirements:**
1. *When Required.*
    - a. A bufferyard is required whenever a property in a conventional Commercial or Industrial zoning district abuts property in an R1, R-2 or R3 residential district or the PB Prairie/Barrett Form-based District, or when a property in an R-3 District abuts any property in the R1 districts, R2 districts or the PB District.
    - b. The planning commission may also require a landscaped bufferyard in conjunction with site plan review, Planned Unit Development or Special Land Use. When a bufferyard is required, it shall be located on the multi-family or nonresidential district property. The planning commission shall approve the location, size, shape, landscape design, materials and other bufferyard specifications subject to the general requirements of this section.
  2. A bufferyard may contain berms, landscaping as required by this section, additional plants where the required landscaping is insufficient, walls, fences, or any combination of these elements.
  3. *Front yards.* Except as otherwise required by this section, when a property in a different zoning district, as defined in subparagraph 1.a, above, is located

across a street right-of-way, a bufferyard shall be located within the required front yard setback. In addition to the setback landscaping requirements in section 16.4, the bufferyard shall be landscaped with at least one evergreen tree for every 20 lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Evergreen trees within a bufferyard shall be at least six feet tall at the time of planting.

4. *Bufferyards along all other property lines.* Bufferyard(s) shall be located within the required side or rear setback. In addition to the setback landscaping requirements listed in *Section 16.4*, the bufferyard shall contain four shrubs for every 20 lineal feet of property line and grass, ground cover, or other natural landscape materials.
5. Areas that do not contain trees or planting beds shall be planted with grass or other living ground cover.
6. Detention/retention areas shall be permitted within the required bufferyard, except as may be prohibited elsewhere in this section. However, they must not hamper screening or jeopardize plant survival.
7. The planning commission may reduce the landscaping requirements when berms, fences or walls are used as buffers; however, there shall be no gaps between trees or shrubs greater than 50 feet along a property line. Trees located behind a fence or wall shall count toward this requirement.
8. *District Specific Bufferyard Requirements:*
  - a. OS-2 District:
    - (1) A bufferyard adjacent to 44th Street shall be landscaped as follows:
      - (a) At least six canopy or coniferous trees for every 100 lineal feet of bufferyard; and
      - (b) At least 15 shrubs for every 100 lineal feet of bufferyard.
    - (2) C-4 District:
      - (a) A portion of the site that abuts a public street shall have a 50 foot bufferyard within the setback area adjacent to the road right-of-way. The bufferyard shall be landscaped with:
        - (i) At least six canopy or coniferous trees for every 100 lineal feet of bufferyard; and
        - (ii) At least 15 shrubs for every 100 lineal feet of bufferyard.
      - (b) Landscaping within a bufferyard shall be clustered to achieve a natural planting pattern and to maximize screening. The bufferyard may include an undulating berm with a maximum height of six feet and with a maximum slope of 3:1.
      - (c) The area between a driveway, off-street parking area, and a street right-of-way shall be landscaped and maintained in a neat and orderly condition. Berms are encouraged to help screen parking and loading areas from public view.
      - (d) Heating, ventilation, or air conditioning units, or similar electrical or mechanical appurtenances shall be properly screened. All roof-mounted heating, ventilation, or air conditioning units and similar electrical or mechanical appurtenances shall be screened from street level views.

## Section 16.7. Exterior lighting requirements

- A. Outdoor lighting shall be shielded to reduce glare and shall be placed so that it does not create a nuisance for adjacent residences.
- B. With the exception of ground-based lights that illuminate government flags, outdoor lighting shall be directed down toward the ground and shall not impair traffic safety on any street, public or private. Only the flag shall be illuminated, therefore, lights shall be placed so that glare is not directed toward streets or adjacent properties.
- C. Commercial, industrial and new residential parking lots shall be illuminated but lights shall not be attached to a building.
- D. **Height.**
  1. In a residential district, light fixtures shall be no more than 15 feet high.
  2. In a nonresidential district, fixtures shall be no more than 20 feet high when the use or zoning district is adjacent to a residential district. In all other cases, light fixtures shall be no more than 25 feet high.
  3. Fixture height shall be measured from the parking lot grade to the light source. No part of a fixture shall extend more than one foot above maximum fixture heights.
- E. The planning commission shall require roads that are being constructed as part of, or in advance of a new development, to be illuminated and that all street lights shall be at a pedestrian or human scale. Lights shall be full cutoff fixtures and any decorative fixtures shall be shielded.
- F. Security lighting shall be permitted but must be shielded. The planning commission may prohibit constant

illumination of a site or building, allowing instead only some of the lights to be in use during a 24 hour period. This requirement does not apply to residential subdivisions where it may be necessary to operate interior street lighting 24 hours per day.

### G. Under-Canopy Lighting

1. Canopy lighting shall be mounted flush with the canopy surface.
2. A light fixture shall not protrude below the underside (fascia) of a canopy.

### H. Fixtures

1. Light fixtures shall direct light down and be full sharp cutoff.
2. Protruding lenses are prohibited.

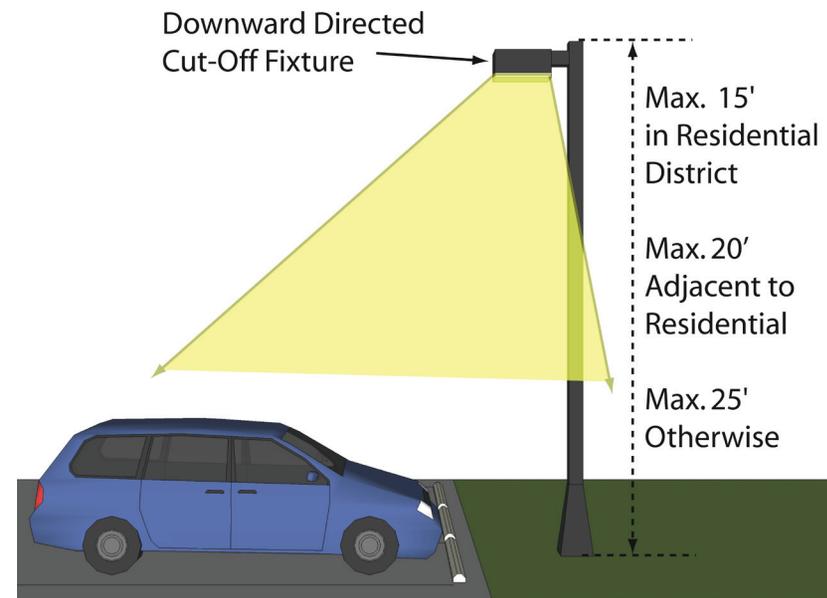


Figure 9: Lighting Requirements

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

Signs

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Article  
17



City of Grandville Zoning Ordinance

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### Section 17.1. Intent and purpose.

This article controls identity and information signs related to all land uses, encourages the effective use of signs as a means of communication, improves pedestrian and traffic safety, and maintains and enhances aesthetics in a manner that is consistent with public health, safety, and welfare.

### Section 17.2. Applicability.

- A. Signs shall be allowed as an accessory use in all zone districts (and also as a permitted principal use in the C-5 district.) However, a sign may be erected, placed, established, painted, created, or maintained only in compliance with the standards, procedures, and requirements of this article.
- B. In addition to applicable requirements of this article, signs in the Form-based districts are subject to the requirements in *Article 10*.
- C. All signs that are not expressly authorized by this article are prohibited.

### Section 17.3. Definitions.

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

**Abandoned sign.** A sign that no longer identifies or advertises a bona-fide business, owner, lessor, person, service, product, or activity, or for which a legal owner cannot be found.

**Accessory sign.** (See: *Incidental sign*)

**Advertising copy.** Copy that directly or indirectly, advertises,

names, or calls attention to a business, profession, product, service, or other commercial activity.

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



Figure 11: Awning Sign

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

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

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

**Billboard.** (See: *Off-premise sign*)

**Building marker.** (See: *Incidental sign*)

**Building sign.** A sign attached to any part of a building, as contrasted to a freestanding sign.

**Changeable Message Sign.** A sign where the message is changed mechanically, electronically or manually, including time/temperature signs and electronic message signs.

**Commercial message sign.** A sign with wording, a logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, profession,

product, service, or other commercial activity.

**Construction site sign.** (See: *Incidental sign*)

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

**Directional sign.** (See: *Incidental sign*)

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



Figure 12: Electronic Message Sign

**Flag.** A fabric, banner, or bunting containing distinctive colors, patterns, or symbols associated with a government or political subdivision.

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

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

**Governmental sign.** A sign erected and maintained by the city, county, state, or federal government for a public purpose, without any commercial message or advertising copy, including, without limitation, the following signs:

- A. Traffic control, street, or highway signs, or directional signs erected by the state, county, or city;

- B. Signs erected by a governmental agency to designate hours of activities or conditions of use for parks, parking lots, recreational areas, other public space, or governmental buildings;



Figure 12: Ground Sign

- C. Signs designating sites that have been recognized by local, state, or federal agencies or commissions as historic landmarks, historic districts, or as otherwise being of historic significance (e.g., centennial farms);
- D. Signs designating the location of essential services, such as utility lines, or indicating hazards or precautions in connection with essential services; or
- E. Signs containing public notices or warnings required by a federal, state, or local law, regulation, or ordinance.

**Ground sign.** A freestanding sign, supported by uprights or braces in or upon the ground surface or mounted on a base, and consisting of two (2) or more sides containing a message, or the name of a business, group of businesses or a development.

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

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

- A. Accessory sign. A sign that is incidental to the primary use.

- B. Building marker sign. A sign indicating the name of a building and incidental information about its construction, such as a date or information about a historic site, which is integral to an exterior surface or made of a permanent material and placed flat against the face of the building.
- C. Construction site sign. A temporary sign placed on development site that only conveys information related to the ownership, location, design, financing, or construction of the project.
- D. Direction sign. A traffic control sign erected in conjunction with a drive, curb cut, or off-street parking area.
- E. Nameplate sign. A sign giving only the name, address, and/or occupation of the occupant or group of occupants.
- F. Political sign. A temporary sign containing a political or social (noncommercial) message.
- G. Real estate sign. A temporary sign pertaining to the lease or sale of the property on which it is located.
- H. Residential sign. A temporary ground sign pertaining to a permitted garage sale, estate sale, or similar type of sale within a residential zone district, that does not contain a commercial message except for goods or services legally offered on the premises where the sign is located.

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

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

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

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



Figure 13: Mansard Sign

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

**Nameplate sign.** (See: *Incidental sign*)

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

**Off-premise Sign.** A sign that contains a message unrelated to a business or profession conducted or unrelated to a commodity, service, or activity sold or offered upon the premises where such sign is located. A Billboard is a type of off-premises sign.

**On-premise sign.** A sign pertaining solely to the use of the property on which it is located, such as to an establishment, product, merchandise, good, service, or entertainment which is located, sold, offered, produced, manufactured, or furnished at the property on which the sign is located.

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

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

**Political sign.** (See: *Incidental sign*)

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

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

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

**Real estate sign.** (See: *Incidental sign*)

**Residential sign.** (See: *Incidental sign*)

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



Figure 14: Projecting Sign



Figure 15: Pylon Sign

the roof line at that location.

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

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

**Sign.** A device, fixture, placard, or structure that uses a color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service, or activity, or to communicate information of any kind to the public.

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

**Subdivision identification sign.** A freestanding or wall sign identifying a recognized and approved subdivision, condominium project, or residential planned unit development.

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

**Temporary sign.** A sign that is not permanently attached to the ground, a building, or another structure and that is used

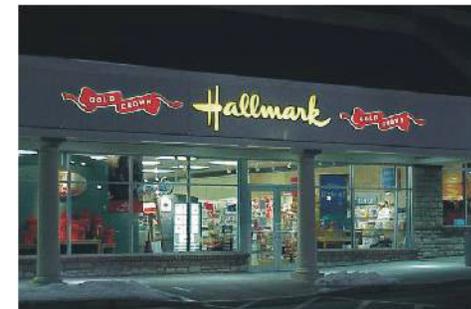


Figure 16: Wall Sign

only temporarily.

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

**Section 17.4. Signs Exempt From Permit.**

The following signs are specifically exempt from the permit requirements of this article, provided such signs are outside of the public street right-of-way and are located to ensure adequate sight distance.

Table 17.4 Signs Exempt from Permit	
Type of Sign	Requirements
Incidental Sign	See <i>Section 17.7.A</i>
Device Sign	Permanent signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices, provided that the sign area of each device shall not exceed three square feet in area, limit of one (1) sign per vending machine, gas pump or ice container.
Employment Sign	"Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be six square feet with a maximum height of four feet.
Flag	The maximum height of the flagpole is 35 feet, measured from the average surrounding grade.

Table 17.4 Signs Exempt from Permit	
Type of Sign	Requirements
Garage And Estate Sale	Garage sale and estate sale signs announcing the sale of household goods, provided the following: there is only sign per premises; that they are on premises only, entirely on private property; that they do not exceed six square feet in area; and that they erected no more than three business days before and are removed within one business day after the announced sale.
Historic Marker	Historical marker including plaques or signs describing a property's designation as a historical site or structure and containing narrative, not exceeding 12 square feet in area.
Interior Sign	A sign that is located completely within an enclosed building, and that is not visible from outside the building or which is primarily directed at persons within the premises.
Memorial Sign	Memorial signs or tablets not exceeding four square feet in area, having the name of the building and/or the date of erection and cut, cast or engraved into a masonry or metal surface and made an integral part of the structure.
Public art and murals	Artwork, statuary and murals meant for viewing by the public that do not contain any advertising

**Section 17.5. Signs prohibited under this article.**

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

<b>Table 17.5 Prohibited Signs</b>
<b>Any sign not expressly permitted.</b>
<b>Illegal Signs.</b> Any sign unlawfully installed, erected, or maintained.
<b>Moving Signs.</b>
<b>Obsolete signs.</b>
<b>Portable signs.</b>
<b>Roof Signs,</b> except mansard signs and integral roof signs as allowed by this article.
<b>Signs that Confuse Traffic.</b> A sign that uses the words "stop", "look", or "danger", or any words, phrases, symbols, or characters that may interfere with, or mislead or confuse traffic; a sign that in any way simulates or could be confused with emergency vehicle or traffic signal lights; red, yellow, or green lights on a sign located in the same line of vision as a traffic control device; and a sign that interferes with clear vision along a highway, street, or road or at any intersection.
<b>Signs that Obstruct Access.</b> Signs that obstruct free access to or from a building.
<b>String Lights and Pennants.</b> String lights and pennants used for commercial purposes, other than holiday decorations.
<b>Temporary banner signs,</b> except for public uses

**Table 17.5 Prohibited Signs**

**Unsafe Signs.** A sign or sign structure that:

- a. is structurally unsafe;
- b. constitutes a hazard to safety or health because of poor maintenance, dilapidation, or abandonment;
- c. is capable of causing an electric shock; or
- d. it has broken parts, missing letters, or lights that do not work.

**Section 17.6. General regulations.**

- A. **Permit required.** Unless specifically exempted from permit requirements in this article, no sign shall not be erected unless a sign permit, in accordance with section 17.11, has been issued by the city manager or designee.
- B. **Design, construction, and maintenance.** All signs shall be designed, constructed, altered, and maintained in accordance with the following:
  1. Signs shall comply with the provisions of this article and applicable building and electrical codes, and shall be maintained in good structural condition.
  2. Except as otherwise allowed by this article, signs and supporting structures shall be constructed of lasting and quality materials and shall be permanently attached to the ground, a building, or a structure directly attached to a rigid wall, frame, or other structure. Sign support systems and related attachments shall be designed by a qualified professional.
  3. Except as otherwise allowed by this article, a sign shall not be placed on or attached to a pole supporting utilities or street signs.
  4. Signs using glass shall not create a hazard if broken.
  5. Illuminated signs shall be constructed and maintained

in full compliance with applicable electrical codes.

- a. Except for electronic message signs allowed by this article, lights shall not be intermittent, oscillate, or flash.
- b. Glare and direct light from a sign shall not trespass onto an adjacent residentially zoned lot, and except as otherwise allowed, lights shall be shielded from neighboring uses.
- c. Exposed neon lights are permitted only in the C-1, C-3, C-4 and C-5 districts.

C. **Sign area and sign height.** The following shall control sign area (individual sign area and maximum allowed sign area per lot) and sign height calculations.

1. Computing the area of an individual single-faced sign: The area of a sign is determined by measuring the smallest right-angled polygon that can completely cover all sign text, logo, emblem, image or other figure, and the color, frame or other background material that differentiates the sign from its backdrop or the structure against which it is placed. Supporting structures (such as a brace, pole, fence or wall) are not included in calculations if they otherwise meet the applicable requirements of this zoning ordinance, they are clearly incidental to the sign, and do not contain advertising copy.
2. Computing the area of a multi-faced sign. The area of a sign is determined by adding together the area of all sign faces visible from a single location on the ground. When two identical sign faces are placed back to back so that both cannot be simultaneously viewed from a single location and when the sign faces are contained by the same structure and are not more than 42 inches apart, sign area is determined by measuring one of the faces. If back-to-back sign faces are of unequal area,

the larger of the two shall be used for the calculation.

3. Computing sign height. Sign height is determined by measuring the distance from the base of the sign or supporting structure at normal grade to the top of the highest sign component. Normal grade is the lower of either the existing grade before the sign was constructed or the new grade after construction of the sign, exclusive of any filling, berming or excavating associated with locating the sign.

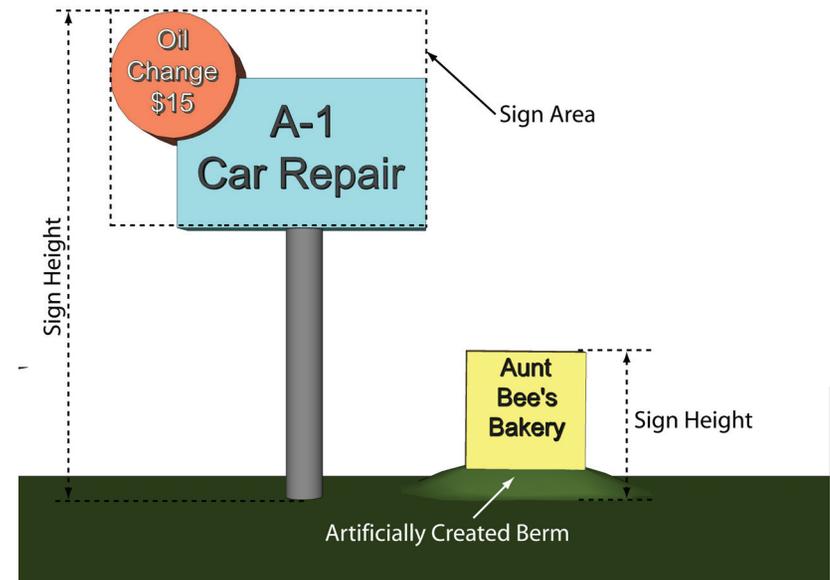


Figure 17: Sign Height and Area

- D. **Clear vision requirements for intersections and entrance ways.** In addition to the setback requirements of this article signs must also meet the clear vision requirements of section 3.18.
- E. **Signs that project over a public right-of-way.** An awning sign, marquee sign, projecting sign, or suspended sign may project over a right-of-way; complying with the requirements of Table 17.9.B. The owner of the sign must

maintain liability insurance in an amount of \$500,000.00 per occurrence per sign. The city must be named as an additional insured party and insurance must be in a form and in an amount deemed necessary by the city manager or designee.

- F. **Responsibility for signs.** All signs shall be erected, altered, and maintained at the risk of the sign owner who shall assume full responsibility for consequences of any damage caused by the sign.
- G. **Removal of signs notice.** A sign that is deemed unsafe, improperly maintained, or otherwise does not comply with the requirements of this article shall be removed by the owner within 24 hours of receiving a notice from the city manager or designee. The notice shall state that the sign will be removed unless the owner corrects the problem within 24 hours of receiving the notice. If not corrected the city manager or designee shall take whatever action is necessary to have the sign removed or abate the unsafe or improper condition. In addition, the city manager or designee shall take whatever action is necessary to recover from the sign owner all costs to remove and dispose the sign or abate the unsafe or improper condition.
- H. **Abandoned signs.** A sign that the city manager or designee determines to be abandoned shall be removed by the owner. If the owner does not remove the sign, or if an owner cannot be found, the city may remove the sign. If the owner is known, the city shall have the right to recover all costs to remove and dispose the sign.

### **Section 17.7. Specific sign requirements**

- A. **Incidental Signs.** Incidental signs, as defined by this article, shall be subject to the requirements of Table 17.9.A. The area of incidental signs shall not be counted toward the maximum total allowed sign area for the

property on which they are located.

- B. **Ball field signs.** Seasonal sponsorship signs are allowed; however, they may only be located on outfield fences of baseball fields on city property and receive annual approval from the Planning Commission.
- C. **Projecting Signs.** Projecting signs, where permitted, shall not project more than six feet from the mounting surface to which the sign is attached. A projecting sign shall also comply with the requirements of *Table 17.9.B*.
- D. **Sidewalk signs.** Sidewalk signs are permitted only in the CBD Central Business form-based district.
- E. **Off-premise Signs.** Where permitted, off-premise signs are subject to the following requirements:
  1. *Maximum sign area.* A sign panel shall not exceed 300 square feet.
  2. *Height.* Maximum sign height shall be 28 feet.
  3. *Limitations.*
    - a. A two sided off-premise sign that is visible from I-196 shall not be allowed.
    - b. An off-premise sign shall contain no more than two sign panels.
  4. *Placement of off-premise signs.*
    - a. An off-premise sign shall only be allowed within 100 feet of I-196.
    - b. A lot containing an off-premise sign shall meet minimum C-5 zone district lot area requirements.
    - c. An off-premise sign shall meet C-5 zone district yard requirements and shall be located at least 30 feet from the I-196 right-of-way.
    - d. An off-premise sign shall be located at least 500 feet from a residential zoning district or an existing residence.

- e. An off-premise sign shall be located at least 1,000 feet from another off-premise sign that faces the same direction of traffic on either side of an interstate highway. For purposes of this subsection, the distance between off-premise signs on opposite sides of an interstate highway shall be measured as the distance between lines projecting from each off-premise sign, drawn perpendicular to the interstate highway, and their intersection with the highway centerline.
  - f. An off-premise sign shall be located at least 500 feet from all other freestanding signs that are located on the same side and visible from the traveled portion of an interstate highway. The separation distance between off-premise signs are governed by subpart e. above.
5. *Illumination.* For an off-premise sign that is illuminated, to minimize glare light shall be directed upon the sign and not be visible to motorists on an interstate highway, except as reflected from the sign.
6. *Off-premise electronic message sign.* An off-premise sign may be wholly or in part an electronic message sign, subject to the requirements of section 17.7.F, below, except as modified herein:
- a. A message shall be static and not animated in any way.
  - b. Minimum duration of a message shall be seven seconds.
  - c. Transition from one message to the next shall be instantaneous and shall not fade, scroll or otherwise be animated.
  - d. Maximum brightness of the electronic graphic display sign shall not exceed illumination of 5,000 nits (candelas per square meter) during daylight hours, nor 540 nits between dusk and dawn, as measured from the sign's face at maximum brightness. The sign shall have an automatic dimmer switch control to produce a distinct illumination change from a higher illumination level to a lower illumination level for the period of time between one-half hour before sunset and one-half hour after sunrise.
  - e. An off-premise electronic message sign shall be equipped with automatic dimmer features to adjust brightness levels for ambient light during daylight hours. The illumination system shall be set to "automatic" in order to comply with levels of brightness as set forth in this section.
  - f. An off-premise electronic message sign may only be constructed to replace an existing off-premise sign.
- F. **Changeable Message Signs.**
- 1. Up to 40 percent of a freestanding or wall sign may consist of a changeable message sign.
  - 2. If the changeable message portion of the sign is an electronic message sign, it shall also be subject to the requirements of section 17.7.E, below.
  - 3. A changeable message sign may consist of a manually changed message board or a mechanical or electronically changed message center, but not both.
  - 4. Changeable message signs in the C-4 commercial shopping center district shall also be subject to the requirements of section 17.10.
- G. **Electronic Message Signs.** Where permitted, an electronic message sign shall be subject to the following requirements:

1. An electronic message sign displaying only time and temperature shall be exempt from these requirements, provided that maximum area requirements for a changeable copy sign are met.
2. An electronic message sign shall not be allowed within 300 feet of an intersection or interchange of regional, primary or minor arterial streets, as designated by the Grandville master plan.
3. Electronic message signs shall be located at least 100 feet apart from each other.
4. Minimum duration of a message shall be 15 seconds.
5. The message shall only consist of letters and logos.
6. Signs that scroll, flash, or convey the appearance of movement or animation of a message or picture shall not be permitted.
7. If a message display is not working properly its use will be discontinued until repaired.
8. Electronic message sign displays shall have a black background.

### **Section 17.8. Signs within the public right-of-way.**

- A. **Signs allowed.** Except as otherwise allowed by this article, the following signs shall only be allowed within the public right-of-way:
1. Signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, provide emergency warnings, or direct or regulate pedestrian or vehicular traffic, or as otherwise required for public health, safety, or welfare;
  2. Information signs regarding poles, lines, pipes, or facilities, or emergency warning signs erected by or on behalf of a public utility or a contractor doing

authorized or permitted work within the public right-of-way;

3. Bus stop signs erected by an authorized public transit agency;
  4. Awning, marquee, projecting, and suspended signs projecting over a public right-of-way, subject to the requirements of *Table 17.9.B*;
  5. Residential signs subject to all applicable limitations and requirements provided by this article.
- B. **Other signs illegal.** A sign installed or placed in the public right-of-way or otherwise on public property, except in compliance with the provisions of this article, is illegal and shall be forfeited to the public and subject to confiscation. Such a sign may be immediately removed by the city manager or designee. In addition to other available remedies, the city shall have the right to recover from the owner or person placing an unauthorized sign the full costs to remove and dispose the sign.

### **Section 17.9. Signs allowed on private property.**

Signs on private property shall be in accordance with the requirements applicable to the zone district in which the property is located, or to the type of use in question as provided by *Tables 17.9.A* and *17.9B*.

- A. **Incidental Sign Requirements.** Where permitted, an incidental sign shall not deviate from the requirements outlined in *Table 17.9.A*.

<b>Table 17.9.A Incidental Sign Requirements</b>						
Incidental Sign Type	Districts Permitted (conventional zone districts only)	Location	Number Allowed Per Location	Maximum Area (sq. ft.)	Maximum Height (ft.)	Other Requirements
Accessory	Commercial and industrial	any structure	no limit	4	3	
Building Marker	All	principal building	1	4	n/a	
Construction Site	Residential	lot	2	4	3	Must be removed prior to issuance of occupancy permits
	Commercial and industrial		2	32	10	
Directional	Residential <sup>(1)</sup>	curb cut to public street	2	4	3	May not contain logos or advertising
	Commercial and industrial		2	4	3	
Nameplate	Residential	principal building	1	1	n/a	
	Commercial and industrial		1	4	n/a	
Political	Residential	lot	1 per candidate or issue	4	3	Must be removed no more than 7 days after the election
	Commercial and industrial			32	10	
Real Estate	Residential	lot	1	6	5	Must be removed no more than 7 days after sale or lease
	Commercial and industrial		1	32	10	
Residential	Residential	lot	1	4	3	Must display the dates of the sale and shall be removed within 24 hours after the sale has ended.

**Notes to Table 17.9.A:**

(1) In conventional residential zone districts, directional signs are only permitted for the following uses: Cemeteries, higher education institutions, places of worship, private or parochial schools, public and private parks, playgrounds and community centers, public libraries and museums, recreational facilities, manufactured home parks, multiple family complexes or senior housing developments.

- B. **Sign Requirements by District.** Except as otherwise provided by this article, permitted signs on a lot (other than signs expressly exempted from permit requirements) shall not exceed the applicable requirements outlined in Table 17.9.B. An empty cell in the table indicates that the sign is not permitted within that district, or that the requirement is not applicable to the sign and/or the district.

<b>Table 17.9.B Sign Requirements by Zoning District</b>																
	R1-A	R1-B	R1-C	R2-A	R2-B	R3-A	R3-B	RMH	OS-1	OS-2	C-1	C-3	C-4	C-5	I-1	I-2
<b>Incidental Signs</b>																
Allowed in District (Y/N)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Requirements	See Table 17.9.A															
<b>Subdivision Identification Sign</b>																
Allowed in District (Y/N)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Requirements	Allowed only with an approved subdivision, condominium or residential planned unit development															
Maximum Area (sq. feet)	32	32	32	32	32	32	32	32	32	32	32	32		32	32	32
Maximum Height (feet)	6	6	6	6	6	6	6	6	6	6	6	6		6	6	6
Minimum Setback (feet)	5	5	5	5	5	5	5	5	5	5	5	5		5	5	5
Number of Signs Allowed Per Major Entrance	1	1	1	1	1	1	1	1	1	1	1	1		1	1	1
<b>Freestanding Signs</b>																
Allowed in District (Y/N)	(1)	(1)	(1)	(1)	(1)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Permitted Types: G = Ground; P = Pylon	G	G	G	G	G	G	G	G	G, P	G, P	G, P	G, P	G, P <sup>(2)</sup>	G, P	G, P	G
Maximum area (sq. ft.)	32	32	32	32	32	24	24	24	80	80	100	100	<sup>(5)</sup>	100	100	100
Minimum Area (sq. feet)									32	32	32	32				
Maximum Height (feet)	6	6	6	6	6	6	6	6	6 <sup>(6)</sup>	6 <sup>(6)</sup>	20 <sup>(7)</sup>	20 <sup>(7)</sup>	35	20 <sup>(7)</sup>	20 <sup>(7)</sup>	20 <sup>(7)</sup>
Minimum Setback (feet)	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Number of Signs Allowed Per Site <sup>(4)</sup>	1	1	1	1	1	1	1	1	1	1	1	1	<sup>(5)</sup>	1 <sup>(8)</sup>	1	1

**Table 17.9.B Sign Requirements by Zoning District**

	R1-A	R1-B	R1-C	R2-A	R2-B	R3-A	R3-B	RMH	OS-1	OS-2	C-1	C-3	C-4	C-5	I-1	I-2	
<b>Off-Premise Sign</b>																	
Allowed in District (Y/N)	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	
Requirements	See Section 17.7.C																
<b>Wall Signs</b>																	
Allowed in District (Y/N)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	Y	Y	Y	Y	Y	Y	Y	Y	
Maximum Area Based on Percent of Wall Area	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	(5)	15%	15%	15%
Maximum Width Based on Percent of Wall Width	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	(5)	75%	75%	75%
Maximum Height Based on percent of Wall Height	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	(5)	25%	25%	25%
<b>Awning, Mansard and Integral Roof Signs</b>																	
Allowed in District (Y/N)	Awning	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N
	Mansard	N	N	N	N	N	N	N	N	N	N	Y	Y	Y <sup>(9)</sup>	Y	N	N
	Integral Roof	N	N	N	N	N	N	N	N	N	N	Y	Y	Y <sup>(9)</sup>	Y	N	N
Number of Signs Allowed Per Principal Building	Awning										1	1	1	1	1	1	
	Mansard											2 <sup>(10)</sup>	2 <sup>(10)</sup>	1	2 <sup>(10)</sup>		
	Integral Roof											2 <sup>(10)</sup>	2 <sup>(10)</sup>	2 <sup>(10)</sup>	2 <sup>(10)</sup>		
Maximum Area Based on Percent of Fascia Area <sup>(11)</sup>											15%	15%	15%	15%	15%	15%	15%
Maximum Width Based on Percent of Fascia Width <sup>(11)</sup>											75%	75%	75%	75%	75%	75%	75%

<b>Table 17.9.B Sign Requirements by Zoning District</b>																	
		R1-A	R1-B	R1-C	R2-A	R2-B	R3-A	R3-B	RMH	OS-1	OS-2	C-1	C-3	C-4	C-5	I-1	I-2
Maximum Height Based on percent of Fascia Height <sup>(11)</sup>											25%	25%	25%	25%	25%	25%	25%
<b>Marquee and Projecting Signs<sup>(13)</sup></b>																	
Allowed in District (Y/N)	Marquee	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N
	Projecting	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N
Number of Signs Allowed Per Principal Building	Marquee											1	1		1	1	
	Projecting											1	1				
Maximum Area												24	24		24	24	
Maximum Height												20	20		20	20	
Vertical Clearance of Projecting Signs	From Sidewalk or Private Drive of Parking in Feet											9	9		9	9	
	From Public Street in Feet <sup>(12)</sup>											12	12		12	12	
<b>Suspended Signs</b>																	
Allowed in District (Y/N)		N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N	N
Number of Signs Allowed Per Entrance												1	1		1		
Maximum Area												4	4		4		

**Table 17.9.B Sign Requirements by Zoning District**

	R1-A	R1-B	R1-C	R2-A	R2-B	R3-A	R3-B	RMH	OS-1	OS-2	C-1	C-3	C-4	C-5	I-1	I-2
Vertical Clearance from Sidewalk or Private Drive of Parking in Feet											9	9		9	9	
<b>Changeable Message Signs</b>																
Allowed in District (Y/N)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	Y	Y	Y	Y	Y	Y	Y	Y
Requirements	See Section 17.7.D															

**Notes to Table 17.9.B:**

- (1) In the R1-A, R1-B, R1-C, R2-A and R2-B districts, a ground sign is only permitted for the following uses: Cemeteries, higher education institutions, places of worship, private or parochial schools, public and private parks, playgrounds and community centers, public libraries and museums, and recreational facilities. Up to 40% of the area of a permitted ground sign may consist of a changeable message sign, subject to the requirements of Section 17.7.E. An allowed ground sign may be illuminated, except between the hours of 12:00 a.m. and 5:00 a.m.; (if an electronic message sign is utilized, it shall not be operated during the stated hours).
- (2) Pylon signs shall only be allowed for shopping center identification signs, and not for anchor store identification signs or outparcel signs.
- (3) In the conventional residential zone districts, a wall sign is only permitted for the following uses: Cemeteries, higher education institutions, places of worship, private or parochial schools, public and private parks, playgrounds and community centers, public libraries and museums, recreational facilities, manufactured home park office, utility building for laundry and storage space serving manufactured home park residents, and an office or clubhouse serving a multiple family complex or senior housing development. An approved home occupation may display one non-illuminated wall sign, with a maximum area of four square feet.
- (4) Lots that front on two or more principal or minor arterial streets, as designated by the Grandville master plan, may accommodate allowed signs along each fronting street, but signs cannot be accumulated and installed along one fronting street in excess of that which is allowed for a lot with one fronting street.
- (5) See Section 17.10 for applicable provisions in the C-4 District.
- (6) For property that abuts Rivertown Parkway, the maximum height of a ground sign is 10 feet.
- (7) The maximum height of a pylon sign is 20 feet; however, one additional foot of height shall be allowed for each additional two feet of setback from the right-of-way line, to a maximum height of 28 feet.
- (8) One freestanding sign is allowed; however, a permitted use in the C-5 zone district that is located within 1,000 feet of the intersection of a street with an exit ramp on Interstate Highway I-196 shall be permitted one additional pylon sign, with a maximum area of 200 square feet and a maximum height of 75 feet.
- (9) Mansard and integral roof signs are allowed only for outparcels, and not for mall signage.
- (10) Only one mansard sign or one integral roof sign shall be allowed per each side of the building and visible from a single location.
- (11) For the purposes of this section, "fascia" shall mean the area visible from and facing directly to the front of the awning, mansard or roof upon which the sign is attached.
- (12) Although an awning sign, marquee or projecting sign, as applicable, may project over the street right-of-way, in no case may such a sign be located closer than four feet to the back of the adjacent curb, nor located over the street itself.
- (13) See Section 17.7.B for specific requirements for projecting signs.

### **Section 17.10. Sign requirements in the commercial shopping center district (C-4).**

- A. **Types of signs allowed.** The following signs are allowed in the C-4 zone district
1. Incidental signs. All types of incidental signs.
  2. Freestanding signs (other than allowed incidental signs). The following freestanding signs are allowed:
    - a. Ground signs, and
    - b. Pylon signs, provided that a pylon sign shall only be allowed for a mall and not outparcels.
  3. Building signs (other than allowed incidental signs). The following types of building signs are allowed:
    - a. Awning signs;
    - b. Integral roof signs, provided that integral roof signs shall be allowed only for an outparcel and not for a mall;
    - c. Mansard signs, provided that mansard signs shall only be allowed for an out-parcel and not for a mall; and
    - d. Wall signs, as regulated by this section.
- B. **Sign number, size, area, and placement.** Signs are subject to the following limitations and requirements:
1. *Incidental signs.* Controlled by the requirements outlined in *Table 17.9.A* for incidental signs in conventional commercial zone districts.
  2. *Signs used to identify a regional shopping center:*
    - a. A regional shopping center shall be identified by a maximum three signs that may be wall, awning, ground, or pylon signs. A sign shall not exceed 300 square feet and the height of a ground or pylon

sign shall not exceed 35 feet.

- b. Two additional changeable message signs shall be allowed, provided that they are integrally designed within an allowed shopping center identification sign. The combined area of both changeable message signs shall not exceed 150 square feet.
3. *Signs used to identify anchor stores within a regional shopping center:*
  - a. An anchor store may have one store identification wall sign per building face.
  - b. An anchor store identification wall sign shall not exceed ten percent of the total area of the wall to which it is attached.
4. *Signs for outparcels:* Outparcels can have the same signs that are permitted in the OS-1 and OS-2 districts, according to *Table 17.9.B*.
5. *Minimum sign setbacks.* Signs shall be located at least five feet from a front street right-of-way line and a side or rear lot line. Signs shall comply with applicable clear vision requirements for intersections as provided by *Section 3.18*.
6. *Wall sign for permitted exterior entrances.*
  - a. A regional shopping center shall be allowed one exterior wall sign on each wall with an approved exterior tenant entrance.
  - b. The maximum area of the sign shall not exceed 2.25 percent of the gross floor area of the tenant space, except that the minimum size of the sign can be up to 40 square feet but no sign shall be greater than 200 square feet.

### **Section 17.11. Sign permits required.**

Under the provisions of this article, if a permit is required to construct, erect, or modify a sign, a sign permit shall first be obtained in accordance with the requirements of Section 17.12. A permit shall not be issued unless the sign meets the requirements of this article; a property owner is required to maintain a valid sign permit at all times.

### **Section 17.12. Sign permit procedures.**

- A. **Applications.** An application for a sign permit, on a form provided by the city clerk, shall be submitted to the city manager or designee.
- B. **Fees.** An application for a sign permit shall be accompanied by an applicable fee that is established by the city council.
- C. **Required drawings and information.** An application shall be accompanied by detailed drawings and accompanying text to show and describe the dimensions, design, structure, and location of each sign. An application and permit may include multiple signs on the same lot or development, as determined appropriate by the city manager or designee.
- D. **Completeness.** Within ten days of receiving an application for a sign permit, the city manager or designee shall review it for completeness. If the city manager or designee determines that it is complete, the application shall then be processed. If the city manager or designee determines that it is incomplete, the city manager or designee shall send to the applicant a written notice specifying how the application is deficient.
- E. **Issuance or rejection.** Within ten days of receiving a complete application the city manager or designee shall either:

1. Issue the sign permit, if the sign conforms in every respect with the requirements of this article; or
2. Reject the sign permit if the sign fails to conform to the requirements of this article. If rejected, the city manager or designee shall specify which provisions have not been met.

### **Section 17.13. Nonconforming signs.**

- A. **Continuance.** Notwithstanding other provision of this ordinance to the contrary, a sign that was erected legally and which lawfully exists at the time of the enactment of this article may continue to be used subsequent to that time, provided that there is no increase in the nature or degree of the nonconformity, and provided that the sign shall be brought into full compliance with all applicable provisions and requirements of this article prior to any modification proposed for the sign.
- B. **Modification.** As used in Section 17.13.A above, the term modification means any change or alteration to a sign, including any change to its dimensions, shape, area, height, number, or orientation of sign faces, structural support, location on the property, materials, or lighting. A change solely in the wording of the copy of a nonconforming sign shall not constitute a modification unless the result of the change would cause the sign to be reclassified to a type of sign subject to different or more restrictive regulations (e.g., a change from an on-premise to an off-premise sign). Further, routine repair to maintain a nonconforming sign in a safe and aesthetic condition exactly as it existed at the time of the enactment of this article shall not constitute a modification unless the estimated cost of repair exceeds 50 percent of the appraised replacement cost of the entire sign prior to the repair, as determined by the building official.

- C. **Damage or destruction.** If a nonconforming sign is damaged or destroyed by fire, explosion, flood, wind, or other calamity, the sign may be restored to the condition exactly as it existed immediately prior to the damage or destruction, unless the estimated cost of restoration or replacement exceeds 50 percent of the appraised replacement cost of the entire sign prior to the loss, as determined by the building official. If the estimated cost of restoration or replacement exceeds 50 percent of that appraised replacement cost, the right to continue using the nonconforming sign shall immediately terminate and the sign shall be brought into full compliance with all applicable provisions and requirements of this article prior to further use.

#### **Section 17.14. Violations.**

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- A. Any of the following is a violation of this article and shall be subject to the enforcement remedies and penalties provided by this article, by this zoning ordinance, and by state law:
1. To install, create, erect, or maintain any sign in a way that is inconsistent with a plan or permit governing the sign or the lot on which the sign is located;
  2. To install, create, erect, or maintain a sign requiring a permit without a permit;
  3. To fail to remove a sign that is installed, created, erected, or maintained in violation of this article; or
  4. To continue any violation.
- B. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this article.
- C. Each sign installed, created, erected, or maintained in violation of this article shall be considered a separate violation when applying the penalty portions of this article.

Zoning Board of Appeals

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Article  
18



City of Grandville Zoning Ordinance

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### **Section 18.1. Creation and membership.**

- A. A zoning board of appeals (also referred to hereafter as "ZBA") is hereby established, having the powers authorized by the Zoning Act, as amended, and in accordance with the City Charter.
- B. **Membership.** The ZBA shall consist of seven members appointed by the city council, one of whom shall be a member of the planning commission, and two alternate members.
- C. **Terms.** Members shall be appointed for a term of three years, except that the terms for the planning commission or city council members shall be the same as that for their office. All vacancies for unexpired terms shall be filled for the remainder of the term.
- D. **Alternates.** The city council shall appoint two alternate members to serve on the ZBA, appointed by the city council to serve a three year term. The alternate members shall, have the same voting rights as a regular member of the ZBA and shall:
  - 1. Sit as regular members of the ZBA in the absence of a regular member or for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
  - 2. Once an alternate has been called to serve in a particular case, he/she shall continue to participate in that case until a decision has been rendered.
- E. **Removal.** Members of the ZBA or alternates shall be removable by the city council for malfeasance, misfeasance or nonfeasance in office, upon filing of written charges and after public hearing.
- F. **Conflict of Interest.** A member shall disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify

themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office. Any planning commissioner or city council member on the ZBA shall abstain from any vote on an issue which they have previously voted upon as a member of the planning commission or city council.

### **Section 18.2. Officers.**

The board shall elect from its membership a chairman, a vice-chairman, and such other officers as it may deem necessary.

### **Section 18.3. Rules of procedure.**

The board shall adopt rules and regulations. Copies of such regulations shall be made available to the public at the office of the board.

- A. Meetings of the board shall be held once each month, and at such additional times as the board may determine. The time of regular meetings shall be specified in the rules and regulations. There shall be a fixed place of meeting, and all meetings shall comply with the Open Meetings Act, Act 267 of the Public Acts of 1976, as amended.
- B. The presence of four members shall constitute a quorum. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of the city manager or designee, or to decide in favor of the applicant on any matter upon which it is required to pass by this ordinance, or to grant variation from the requirements of the ordinance, except that a concurring vote of five members shall be necessary to grant a land use variance.
- C. The board shall keep minutes of its proceedings, showing the action of the board and the vote of each member upon each question, or, if absent or failing to vote, indicate such

fact, and shall keep records of its examinations and other official action, all of which shall be filed promptly in the office of the city clerk and shall be a public record.

- D. The board may call on other city departments or contracted city consultants for assistance in the performance of its duties and it shall be the duty of such other city departments or consultants to render such assistance to the board as may be reasonably required.
- E. The board may appoint an investigating committee of not more than three members of the board to review an application and the affected site(s).
- F. Applications submitted to the ZBA shall consist of the following, as applicable:
  - 1. A signed and dated application form, as provided by the city.
  - 2. A scaled drawing with sufficient detail to indicate the nature and necessity of the request.
  - 3. Payment of a fee, as may be prescribed from time to time by the city council, by resolution.
  - 4. The city or ZBA, in furtherance of decisions related to the application, may request other materials deemed necessary, including but not limited to, traffic impact studies, market studies or environmental assessments.

**Section 18.4. Powers and Duties**

The ZBA shall have jurisdiction and powers granted by the Zoning Act, jurisdiction and powers prescribed in other articles of this ordinance and the following specific jurisdiction and powers:

**A. Powers**

- 1. The ZBA shall not have the power to alter or change

the zoning district classification of any property, nor to make any change in the terms of this ordinance.

- 2. The decision of the ZBA shall be final. However, a person having an interest affected by this ordinance may appeal to the circuit court for review pursuant to the Zoning Act.
- 3. In granting a variance the ZBA may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this ordinance.

**B. Appeals of Administrative Decisions**

- 1. The ZBA shall hear and decide appeals where it is alleged by the appellant that there is error in any order, interpretation, requirement, permit, decision or refusal made by any administrative official or body in enforcing any provision of this ordinance. Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the state or city. In order to be aggrieved by a decision of the city, the person or other entity making the appeal must have a property interest and sufficient standing as recognized under the law to challenge the decision.
- 2. *Filing and Hearing of Appeal*
  - a. Appeals shall be filed within 60 days of the action being appealed.
  - b. The city manager or designee and any person from whom the appeal is taken shall transmit to the ZBA all of the documents and records related to the appeal.
  - c. The ZBA shall fix a reasonable time for the hearing of the appeal and shall provide notice as required by the Zoning Act.

- d. The applicant, or their duly authorized agent, must appear in person at the hearing in order for the ZBA to take action. Failure to appear may result in tabling or denial of the application.

### 3. *Decisions on Appeal*

- a. An appeal to an administrative decision may be reversed by the ZBA only if it finds that the action or decision appealed meets one (1) or more of the following requirements:
  - (1) Was arbitrary or capricious.
  - (2) Was based on an erroneous finding of a material fact.
  - (3) Constituted an abuse of discretion.
  - (4) Was based on erroneous interpretation of the Zoning Ordinance or zoning law.
- b. If a determination is made that the administrative official or body making the decision did so improperly, the Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make an order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal was taken.

- C. **Interpretation.** Upon request of the planning commission, city council, city manager or designee, or applicant, the ZBA may interpret and clarify the meaning of ordinance text. The ZBA may also be requested to interpret boundaries of zoning districts where the zoning district classification cannot be clearly discerned on the zoning map

## D. **Special Land Uses and Planned Unit Developments (PUDs)**

1. The ZBA may grant dimensional or other site plan related variances for special land uses; however, the ZBA shall not have the power to reverse or modify the planning commission's decision to approve or deny a special land use permit nor grant variances to any conditions placed on special land use approval.
2. The ZBA shall not have the authority to grant variances to the PUD regulations of *Article 11*, Planned Unit Developments (PUDs) or any requirements placed on PUD approval. However, the ZBA shall have the authority to hear and decide appeal requests by individual lot owners for variances from other sections of this ordinance following final approval of the PUD, provided such variances do not affect the terms or conditions of the original PUD approval or constitute a variance to the PUD regulations of *Article 11*, Planned Unit Developments (PUDs).

- E. **Approvals.** To hear and decide requests for other decisions that this ordinance specifically authorizes the ZBA to pass.

## F. **Dimensional Variances**

1. The ZBA, after holding a public hearing in accordance with the requirements of the Zoning Act, shall have the power to grant requests for dimensional variances from the provisions of this ordinance where it is proved by the applicant that there are practical difficulties in the way of carrying out the strict letter of this ordinance relating to the construction, equipment, or alteration of buildings or structures, or of storm water management requirements so that the spirit of this ordinance shall be observed, public safety secured and substantial justice done.

2. A dimensional variance may be allowed by the ZBA only in cases where the applicant has shown a practical difficulty in the official record of the hearing. The applicant must prove that all of the following conditions have been met:
  - a. Extraordinary Circumstances. There are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions may include:
    - (1) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this ordinance.
    - (2) By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure.
    - (3) By reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this ordinance would involve practical difficulties.
  - b. Substantial Justice. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. Any variance granted shall be the minimum necessary

to allow the preservation of these substantial property rights. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

- c. Impact on Surrounding Neighborhood. The variance will not be detrimental to adjacent property and the surrounding neighborhood or interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood as compared to other uses in the neighborhood.
- d. Public Safety and Welfare. The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the city.
- e. Not Self Created. The immediate practical difficulty causing the need for the variance request was not self-created by the applicant.

#### G. Use Variances

1. *Application Requirements.* In addition to the information required for other variance requests, an application for a use variance shall include a plan drawn to scale detailing the specific use and improvements proposed by the applicant, and a summary of the facts which support each of the following conclusions:
  - a. Applicant's property cannot be used for the purposes permitted in the zoning district;
  - b. Applicant's plight is due to unique circumstances peculiar to his property and not to general

- neighborhood conditions;
- c. Applicant's suggested use would not alter the essential character of the area;
  - d. Applicant's problem has not been self-created;
  - e. Unavailability of administrative relief which may afford reasonable use of applicant's property.
  - f. At the end of each statement (a) through (e) above, identify all persons who will testify at the hearing with respect to each of the facts and, separately, identify all persons who will testify at the hearing relative to the respective conclusion (and if any person is to be offered as an expert witness, include with the application a resume which shows the education and experience of such person within the particular area of expertise).
2. *Use Variance -- Pre-Hearing Conference.*
- a. Prior to the scheduling of a hearing, the applicant shall contact the city manager or designee for the purpose of scheduling a pre-hearing conference.
  - b. The purposes of the pre-hearing conference shall be to:
    - (1) Review the procedure for the hearing and identify all persons who will testify (directly or through affidavit) and the evidence to be offered on behalf of the applicant;
    - (2) Attempt to secure a statement of agreed-upon facts to be used to narrow the matters of dispute and shorten the hearing;
    - (3) Explore a means of providing relief to the applicant by way of non-use variance from the ZBA, or other relief which may require action by persons or bodies other than the ZBA which will afford an adequate remedy for the applicant;
- (4) Discuss the need, desirability, and the terms of providing a verbatim record of the hearing.
- c. The city manager or designee shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking into consideration the discussion with the applicant or the applicant's representative.
  - d. The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-hearing conference stated above.
3. *Use Variance -- Hearing Procedure.*
- a. The applicant will have the burden of proof. In order to be entitled to relief, the applicant must demonstrate each of the five factors in *subsection 5* of this section.
  - b. Manner of Presentation
    - (1) Community representatives shall present an overview of the zoning regulations involved. This may include an indication of the objectives sought to be achieved in the zoning district, and any planning, engineering, financial, environmental or other considerations which are generally relevant within the zoning district and/or in the general area of the property at issue.
    - (2) The applicant may present witnesses, including the applicant, or may submit affidavits, for the purpose of attempting to prove facts or conclusions. The applicant shall be provided with the opportunity to present all testimony

and evidence proposed to be presented at the pre-hearing conference, either through witnesses or affidavits; however, the chairperson of the ZBA may restrict testimony and evidence which would result in unreasonable duplication. In addition, by motion made on its own or at the request of a person at the hearing, the ZBA may require the presence of any witness who has offered either testimony by affidavit on a material question of fact or testimony of an expert nature, with the view of permitting members of the ZBA to ask questions of such witnesses.

- (3) At the conclusion of the applicant's presentation, interested persons attending the hearing shall be provided with the opportunity to present testimony and evidence in the same manner and subject to requiring the presence and questioning of witnesses, as provided above for the applicant.
- c. When interested persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the community in the same manner, and subject to requiring the presence and questioning of witnesses, as provided above for the applicant. The purpose of such presentation shall be to ensure that a full picture, including all relevant information, is before the ZBA for consideration as it relates to the specific application presented.
  - d. If testimony or evidence has been offered by or on behalf of interested persons and/or the community, the applicant shall have the opportunity to make a responsive presentation, restricted to answering the

points raised by interested persons and community representatives. The manner of presenting witnesses, and requirement of their presence and questioning, shall be the same as provided above for the applicant's principal case.

- e. At the hearing, the ZBA may establish other rules of procedure, such as meeting hours on any given day, procedure for presentations by interested persons and/or on behalf of the community, or other rules found to be necessary or appropriate by the board. When questions of procedure arise during the hearing, the chairperson of the ZBA may solicit the recommendation of the representatives of both the applicant and the community.
  - f. If a hearing is not completed at a given meeting within the time period allowed by the ZBA, the board shall adjourn the hearing to a date certain for continuation.
4. *Use Variance -- Decision of the zoning board of appeals*
- a. The ZBA may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.
  - b. At the conclusion of the hearing, the ZBA may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision.
  - c. If the ZBA determines to grant variance relief, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. Such relief may

be in the form of one or more non-use variances and/or in the form of a use variance. The motion may include conditions that are authorized by law.

- d. If the ZBA adopts a motion to grant variance relief, such a motion may be made as a tentative grant of relief, subject to review by the planning commission, planning director/consultant, engineer or other person or official with expertise, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. If such a tentative grant of relief is approved, the ZBA shall request the completion of all reviews by other boards or persons by a specific date, so that relief may be expeditiously finalized.
5. *Use Variance Standards for Review.* A use variance may be allowed by the ZBA only in cases where the applicant has shown an unnecessary hardship in the official record of the hearing. The applicant must prove that all of the following conditions have been met:
- a. *Hardship.* The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The ZBA may require professionals or certified experts to submit documents to substantiate this finding.
  - b. *Unique Circumstances.* That the condition or situation of the specific parcel of property or the intended use of such property for which the variance is sought is unique to that property and not commonly present in the general vicinity or in the zone district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. Such unique conditions or situations include:
    - (1) Exceptional narrowness, shallowness or shape of a specific property on the effective date of the ordinance from which this chapter is derived.
    - (2) Exceptional topographic conditions or other extraordinary situation on the land, building or structure.
    - (3) The use or development of the property immediately adjoining the property in question.
    - (4) Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.
  - c. *Character of Neighborhood.* The use variance will not alter the essential character of the neighborhood or the intent of the comprehensive development plan, or be a detriment to adjacent properties.
  - d. *Capacity of Roads, Infrastructure and Public Services.* The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised.
  - e. *Not Self Created.* The immediate practical difficulty causing the need for the variance request was not self-created by the applicant.

### **Section 18.5. Procedure.**

The following procedures shall be followed:

- A. An application for decision by the board for all matters

delegated to the board by this ordinance, or for interpretation of the provisions herein, or of the zoning map, may be filed with the city clerk for a hearing by the ZBA.

- B. The appeal or application shall be accompanied by the required fees, established by resolution of the city council, payable to the city treasurer.
- C. A request for a variance or special exception that has been denied by the board shall not be re-submitted within one year after the decision by the board, unless the applicant can show that conditions have changed to the extent that reconsideration is merited, and the ZBA agrees to rehear the case.

**Section 18.6. Decision of the board.**

Within 30 days after a final hearing the ZBA shall make a decision on an application and appeal. A copy of the board’s decision shall be transmitted to the applicant or appellant, and to the city manager or designee. Such a decision shall be binding upon the city manager or designee and observed by him/her, and he/she shall incorporate its terms and conditions in a permit to the applicant or appellant whenever a permit is authorized by the board.

**Section 18.7. Stay of proceedings.**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the city manager or designee certifies to the board after notice of appeal shall have been filed with him, that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause

shown, be granted by the board or by the Circuit Court, on application, after notice to the city manager or designee.

**Section 18.8. Hearings.**

When an application for a hearing or appeal has been filed with the required data, in proper form, and the fee paid, the secretary of the board shall immediately schedule the application or appeal for a hearing, and serve notices stating the time, date, place, and purpose of the hearing. The notice shall be given to all property owners and to the occupants of residential dwellings within 300 feet of the subject property. The names of owners shall be determined from the last assessment roll. If a tenant’s name is not known, the term “occupant” may be used. The notices shall be served by first-class mail or by personal delivery and shall be served at least three days prior to the hearing. Any interested party may appear and be heard at the hearing in person or by agent or attorney. The board may adjourn the hearing in order to obtain additional information, or to provide further notice as it deems proper. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the resumption of the hearing.

Amendments

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Article  
19



City of Grandville Zoning Ordinance

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### **Section 19.1. Initiation of rezoning and zoning ordinance text amendments.**

The city may, from time to time, amend, modify, supplement, or delete any provision of this Ordinance (text amendment) or change the zoning district boundaries shown on the Official Zoning Map (rezoning) pursuant to the provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006).

- A. **Initiation of Rezoning.** An amendment to the zoning district boundaries contained on the Official Zoning Map (rezoning) may be initiated by the city council, the planning commission, the owner or owners of property, or with permission of the owner which is the subject of the proposed amendment.
- B. **Initiation of Text Amendment.** Amendments to the text provisions of this ordinance may be initiated by the city council, the planning commission, or by petition of one (1) or more residents or property owners of the city.

### **Section 19.2. Application procedure.**

A rezoning or text amendment request, except those initiated by the city council or planning commission, shall be initiated by submission of a completed application on a form supplied by the city, including an application fee to cover publication, administrative costs, and fees for any consultant reviews. Such fees and escrow amounts shall be established from time to time by resolution of the city council.

- A. **Application for Rezoning.** The following information shall accompany the rezoning application form:
  1. A legal description and street address of the subject property.
  2. A map identifying the subject property in relation to

surrounding properties.

3. The name, signature, and address of the owner of the subject property; a statement of the applicant's interest in the subject property if not the owner in fee simple title, and proof of consent from the property owner.
4. The existing and proposed zoning district designation of the subject property.
5. A site analysis at a scale not less than 1"=100', or aerial photograph illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, topography, drainage patterns, existing buildings, adjacent land uses, any sight distance limitations, and access points on both sides of the streets within two hundred (200) feet of the subject site.
6. A written description of the environmental characteristics of the site prior to development and following development. Supporting information may be required such as topography, soils, geology, wildlife, woodlands, mature trees (eight inch caliper or greater), ground water (depth to aquifer(s), impermeable soil layers and identification of nearby wells), wetlands, drainage, lakes, streams, creeks, ponds, and surface and ground water quality; documented wetlands. Written material may be accompanied by reduced copies of the site analysis or aerial photographs.
7. A written evaluation to support that the request addresses consistency with the city's master plan, demonstrates all uses in the requested zoning district will be compatible with the surrounding area, and other similar factors.
8. Traffic Impact Analysis. The planning commission and/or city council may require a traffic impact analysis for a rezoning that results in potential uses that would

be expected to have 50 or more peak hour directional trips or 500 or more vehicle trips daily.

**B. Application for Zoning Ordinance Text Amendment.**

An application for a text amendment shall include a general description and indication of the purpose of the proposed amendment.

**Section 19.3. Rezoning and zoning ordinance text amendment procedure.**

- A. Pre-application conference (optional).** An optional pre-applicant conference with the city manager or designate to review the amendments, discuss the level of environmental information, land uses, and need for a traffic study, may be requested by the applicant.
- B. Public Hearing.** Upon initiation of a rezoning or zoning ordinance text amendment, a public hearing on the proposed amendment shall be scheduled before the planning commission. Notice of the hearing shall be provided in accordance with the Zoning Act.
- C. Planning commission review and recommendation.** Following the public hearing, the planning commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the city council. In the case of a rezoning request, the planning commission shall consider the criteria contained in section 19.4) in making its finding and recommendation.
- D. City council review and action.** Following receipt of the findings and recommendation of the planning commission, the city council shall consider the proposed amendment.
1. In the case of a rezoning request, the city council shall approve or deny the request, which may be based on the consideration of the criteria contained in *Section 19.4 Criteria for Amendment of the Official Zoning Map*

(Rezoning).

2. In the case of a text amendment, the city council may modify or revise the proposed amendment, prior to enactment.
- E. Notice of Adoption.** Following adoption of a zoning map amendment (rezoning) or text amendment by the city council, a notice will be published in accordance with the provisions of the Zoning Act and the City of Grandville Charter.
- F. Resubmittal.** A petition for rezoning or zoning ordinance text amendment that has been denied by the city council shall not be resubmitted for a period of one (1) year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial, found to be valid by the planning commission.

**Section 19.4. Criteria for amendment of the official zoning map (rezoning)**

- A.** In considering a rezoning application, the planning commission and the city council shall consider the following criteria in making their findings, recommendations, and decisions:
1. Consistency with the goals, policies and future land use map of the Grandville master plan, including all applicable subarea and corridor studies. If conditions have changed since the master plan was adopted, then consistency with recent development trends in the area shall be evaluated.
  2. Whether development under current zoning is impractical or less reasonable than the requested or other zoning district given factors such as development trends and other factors.

3. Capability of the site's physical, geological, hydrological, and other environmental features to accommodate the potential uses allowed in the proposed zoning district.
  4. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, infrastructure, impact on the ability to develop adjacent properties under existing zoning, and potential influence on property values.
  5. Capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the city.
  6. The apparent need for the types of uses permitted in the requested zoning district in the city in relation to the amount of land in the city currently zoned to accommodate that need.
  7. Other factors as determined by the planning commission and the city council.
- B. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

### **Section 19.5. Amendments required to conform to court decree.**

An amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the city council and published, without necessity of a public hearing or a referral to any other commission or agency.

### **Section 19.6. Conditional zoning agreement.**

- A. **Conditional Zoning Agreement.** An applicant requesting a rezoning may voluntarily offer a conditional zoning agreement along with an application for rezoning before or following the public hearing for a proposed rezoning. A decision to submit a conditional zoning agreement shall be pursuant to the Zoning Act and this article.
- B. The conditional zoning agreement shall be in writing, executed by the applicant and the city and recorded with the Kent County Register of Deeds.
- C. The conditional zoning agreement may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use; may impose greater restrictions on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features; or may provide for financing and installation of public works necessary to serve the proposed project.
- D. **Compliance with ordinance requirements.**
1. The conditional zoning agreement shall not authorize uses or developments of greater intensity or density, or which are not permitted in the proposed zoning district;
  2. The conditional zoning agreement may not permit variations from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district; however, any variance approved by the zoning board of appeals in accordance with article 18 may be allowed as part of a conditional rezoning agreement.
  3. If a special land use or site plan review is required by

this ordinance for use proposed or subject to conditions within the rezoning agreement, the use(s) shall comply with the review and approval requirements as applicable prior to establishing or commencing the use(s).

- E. The conditional zoning agreement shall include conditions that bear a reasonable and rational relationship and/or benefit to the property in question. The conditional zoning agreement may include conditions related to the use and development of the property that are necessary to:
1. Serve the property with improvements, including but not limited to, the extension, widening, or realignment of streets; construction or extension of utilities, other infrastructure improvements serving the site; or the construction of recreational facilities serving the site or uses thereon;
  2. Minimize the impact of the development on surrounding properties and the city overall; or,
  3. Preserve natural features and open space beyond what is normally required.
- F. **Content of Agreement.** In addition to any limitations on use or development of the site, preservation of site features or improvements described above, the conditional zoning agreement shall also include the following:
1. An acknowledgement that the conditional zoning agreement was proposed voluntarily by the applicant.
  2. A statement that the property shall not be developed or used in any manner that is not consistent with the conditional zoning agreement.
  3. A statement that the approval of the rezoning and the conditional zoning agreement shall be binding upon and inure to the benefit of the property owner and the city, and also their respective heirs, successors, assigns, receivers or transferees. Where the applicant for rezoning is acting on behalf of the landowner through some form of purchase agreement or other mechanism, then the landowner must also consent and sign the agreement.
4. A statement that, if a rezoning with a conditional zoning agreement becomes void in accordance with this section, that no further development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established.
5. A statement that no part of the conditional zoning agreement shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district.
6. A legal description of the land to which the agreement pertains.
7. Any other provisions as are agreed upon by the parties.
- G. **Process.** The conditional zoning agreement shall be reviewed concurrently with the petition for rezoning following the process in *Section 19.3* and the following:
1. The conditional zoning agreement may be submitted prior to or following the planning commission public hearing. If the agreement is provided following the public hearing it must be reviewed by the planning commission prior to planning commission making its recommendation on the rezoning to the city council. The conditional zoning agreement shall be reviewed by the city attorney to determine that the conditional zoning agreement conforms to the requirements of this section and the Zoning Act and shall confirm that the conditional zoning agreement is in a form acceptable for recording with the Kent County Register of Deeds.

2. Following the public hearing for a proposed zoning amendment, the planning commission shall make a recommendation to the city council based upon the criteria listed in *Section 19.4*. In addition, the planning commission shall consider whether the proposed conditional zoning agreement:
    - a. Is consistent with the intent of this section;
    - b. Bears a reasonable and rational connection or benefit to the property being proposed for rezoning;
    - c. Is necessary to insure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties;
    - d. Is necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed conditional zoning agreement;
    - e. Leads to a development that is more compatible with abutting or surrounding uses than would have been likely if the property had been rezoned without a conditional zoning agreement, or if the property were left to develop under the existing zoning classification; and,
    - f. Is clearly in the public interest and not inconsistent with the recommendations of the Grandville master plan.
  3. If a conditional zoning agreement has been offered by the applicant and recommended for approval by the planning commission, the city council may approve the conditional zoning agreement as a condition to the rezoning if it meets all requirements of *subsection 2*, above. The conditional zoning agreement shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city council to accomplish the requested rezoning.
  4. If the rezoning and conditional zoning agreement are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, and a reference to the conditional zoning agreement. The Official Zoning Map shall specify the new district, plus a parenthetical "CZ" to indicate that the property is subject to a conditional zoning agreement (i.e., "R1-A (CZ)"). The city clerk shall maintain a listing of all properties subject to conditional zoning agreements and shall provide copies of the agreements upon request.
  5. The approved conditional zoning agreement shall be recorded with the Kent County Register of Deeds.
  6. Any uses proposed as part of a conditional zoning agreement that would otherwise require approval of a special land use or site plan approval shall be subject to the applicable review and approval requirements of *Articles 13 and 14*.
- H. Expiration**
1. The rezoning and conditional zoning agreement shall expire one year after adoption of the rezoning and conditional zoning agreement, unless substantial construction on the approved development of the property, pursuant to building and other required permits issued by the city commences within the one year period and proceeds diligently to completion, unless extended by the city council for good cause.
  2. In the event that substantial construction on the approved development has not commenced within one year, the conditional zoning agreement shall be void.

3. Should the conditional zoning agreement become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the city is taken to bring the property into compliance with the conditional zoning agreement, the city may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
4. Notwithstanding the above, if the property owner applies in writing for an extension of the conditional zoning agreement at least 30 days prior to the expiration date, the city council may grant an extension of up to one year. Further extensions may be granted by the city council, although the number of previous extensions granted to a particular conditional zoning agreement shall be considered in relation to the diligent effort of the land owner to satisfy the conditions of the agreement.
  - I. **Reversion of zoning.** If the rezoning and conditional zoning agreement becomes void as previously outlined, then the land shall revert back to its prior zoning classification as set forth in the Zoning Act. The city manager or designee shall initiate the rezoning to the prior zoning classification and advise the land owner and/or developer, by registered letter, of the reversion of zoning.
  - J. **Continuation.** Provided that all development and/or use of the property in question is in compliance with the conditional zoning agreement, an authorized use or development may continue indefinitely, provided that all terms of the conditional zoning agreement continue to be met.
  - K. **Amendment.** The conditional zoning agreement may be amended by the city with the landowner's consent in the same manner as was prescribed for the original rezoning and conditional zoning agreement.
- L. **Violation of agreement.** Failure to comply with the conditional zoning agreement at any time after approval will constitute a breach of the agreement and also a violation of this Ordinance and further use of the property may be subject to legal remedies available to the city.
- M. **Subsequent rezoning of land.** Nothing in the conditional zoning agreement, nor any statement or other provision, shall prohibit the city from later rezoning all or any portion of the property that is the subject of the conditional zoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Zoning Act.
- N. **Failure to offer conditions.** The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this ordinance.
- O. **City not obligated.** The city is not required or obligated to accept any or all conditions offered by a developer on a rezoning application. In no way is an offer of a conditional zoning agreement the basis for requiring the city to approve a rezoning application.

Administration and Enforcement

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Article  
20



City of Grandville Zoning Ordinance

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**Section 20.1. Building permit required.**

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- A. It shall be unlawful for a person to commence excavation for, or construction of, any building, structure, or parking area, or to make structural changes in any existing building or structure without first obtaining a building permit from the city manager or designee. A permit shall not be issued to construct, alter, or remodel a building or structure until an application has been submitted in accordance with provisions of this ordinance, showing that the construction proposed is in compliance with the provisions of this ordinance and with the building code.
- B. Fees for all required permits shall be determined by resolution of the city council. Plumbing, electrical, or drainage permit shall not be issued until the city manager or designee has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this ordinance. A site plan, approved by the planning commission, pursuant to *Article 14*, is required before a building permit, for all uses except one- and two-family dwellings can be issued.

**Section 20.2. Administrative officials.**

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Except as otherwise provided in this ordinance, the city manager or designee shall administer and enforce this ordinance, including receiving an application, inspecting the premises and issuing a building permit.

**Section 20.3. Permits.**

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All applications for a building permit shall be made as required by the building code, and shall designate the existing or intended use of the structure or premises, or any part, that which is proposed to be altered, erected, or extended, and the number of dwelling units, if any, to occupy it. The application

shall be accompanied by two copies of drawings, drawn to scale, showing the actual lines, angles, and dimensions of the lot to be built upon or used, and the exact size and location on the lot of all existing and proposed structures and uses, together with specifications. The applications shall contain such other information with respect to the lot and adjoining property as may be required by the city manager or designee, in addition to those requirements of this ordinance. One copy of both plans and specifications shall be filed in and retained by the office of the city manager or designee, and the other shall be returned to the applicant when the city manager or designee has approved the application and issued the permit. Only in cases of minor alterations, the city manager or designee may waive the requirements of this section, which, in his/her estimation, are not necessary determine compliance with this ordinance. A building permit shall expire within six months after issuance, except where construction is being diligently pursued.

**Section 20.4. Occupancy.**

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It shall be unlawful to use or permit the use of any structure or premises hereafter altered, extended, or erected, until the city manager or designee shall have made an inspection of the premises and shall have approved it for occupancy.

**Section 20.5. Violations and penalty.**

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Any building erected, altered, razed, or converted, or any use carried on in violation of any provision of this ordinance, is hereby declared to be a nuisance per se. A person, firm, or corporation that violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this ordinance shall be punished for each offense upon conviction by a fine of not more than \$500.00 and costs of prosecution, or imprisonment in the county jail for a period not exceeding 90 days, or both a fine and imprisonment, at the discretion of the court. Each day

that a violation is permitted to exist shall constitute a separate offense.

### **Section 20.6. Enforcement.**

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It shall be the duty of the city manager or designee to investigate any alleged violation of the zoning ordinance. The city manager or designee is hereby authorized to issue and serve appearance tickets (as defined in Section 9f of Chapter IV of Act No. 175 of the Public Acts of 1927, as amended) on persons whom the inspector has reasonable cause to believe have violated the provisions of this zoning ordinance. The city manager or designee is also authorized to take all other actions permitted by law to terminate violations of this zoning ordinance. It shall be the further duty of the city manager or designee to keep all records of all applications for building permits and of all such permits issued, with a notation of all special conditions involved. The city manager or designee shall file and safely keep copies of all plans and specifications, and fees submitted, and the same shall be a part of the records of his/her office and shall be available to the city council and all other officials of the city.

Use Table and Zoning Map

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Appendix



City of Grandville Zoning Ordinance

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Table A.1 Table of Uses

Use	R1-A	R1-B	R1-C	R2-A	R2-B	R3-A	R3-B	RMH	OS-1	OS-2	C-1	C-3	C-4	C-5	I-1	I-2	PB	CBD
<b>Accessory Uses</b>																		
Accessory buildings or uses that are customarily incidental to any of the allowed principal uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Adult foster care small group homes	SLU	NP	P															
Adult foster care family homes	P	P	P	P	P	P	P	P	NP	P	NP							
Cafeteria facilities located on the premises of and for the employees of the allowed principal use	NP	P	P	NP	NP													
Child care center	NP	NP	NP	NP	NP	SLU	SLU	SLU	P	P	P	P	NP	P	NP	NP	NP	P
Child care facilities located on the premises of and for the employees of the allowed principal use	NP	P	P	NP	NP													
Corporate office facilities incidental to the allowed principal use	NP	P	P	NP	NP													
Drive up or drive through facilities accessory to any use, excluding those serving restaurants	NP	SLU	NP	SLU	SLU	SLU	NP	NP	NP	NP								
Family daycare homes	P	P	P	P	P	P	P	P	NP	P	NP							
Group child daycare homes	SLU	NP	P															
Home occupations	P	P	P	P	P	P	P	P	NP	P	P							
Manufactured home park office	NP	P	NP															
Nursing homes or group adult foster care facilities	NP	P	NP															
Processing, packaging, assembly and indoor storage of goods, incidental to the principal use	NP	P	NP	P	NP	NP	NP	NP										
Retail and service components that are accessory to a principal use, such as eyeglass sales, pharmacies, and similar	NP	SLU	SLU	P	P	P	P	NP	NP	NP	NP							
Retail sales incidental to the allowed principal use	NP	P	P	NP	NP													
Swimming pools	P	P	P	P	P	P	P	P	NP	P	P							
Utility building for laundry and storage space serving manufactured home park residents	NP	P	NP															
Wind energy conversion systems (WECS) 50 ft. high or less/greater than 50 feet high	P/SLU																	

**Table A.1 Table of Uses**

Use	R1-A	R1-B	R1-C	R2-A	R2-B	R3-A	R3-B	RMH	OS-1	OS-2	C-1	C-3	C-4	C-5	I-1	I-2	PB	CBD
<b>Office and Service Uses</b>																		
Banks and other financial services	NP	P	P	P	P	P	NP	NP	NP	P								
Banks and financial services with drive up or drive through services	NP	SLU	NP	SLU	SLU	SLU	NP	NP	NP	SLU								
Business services	NP	P	P	P	P	P	NP	NP	NP	NP	P							
Laundromats	NP	P	P	P	NP	P	NP	NP	NP	P								
Medical, dental and similar offices providing care on an outpatient basis	NP	P	P	P	P	NP	P	NP	NP	NP	P							
Medical, dental and optical laboratories	NP	P	P	NP														
Personal service establishments	NP	P	P	P	P	P	P	NP	NP	NP	P							
Photographic and artistic studios	NP	P	NP	P	P	P	NP	NP	NP	NP	P							
Professional offices	NP	P	P	P	P	NP	P	NP	NP	NP	P							
Radio, TV and multi-media studios	NP	NP	NP	NP	NP	NP	NP	NP	P									
<b>Residential Uses</b>																		
Single family detached dwellings	P	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP
Single family attached dwellings	NP	NP	NP	NP	NP	NP	NP	NP	P									
Two-family dwellings	SLU	SLU	NP	P	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	SLU	NP
Manufactured home parks	NP	P(1)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP						
Multiple family dwellings	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P
Residential dwellings above the first floor within mixed-use buildings	NP	NP	NP	NP	NP	NP	NP	NP	P									
Senior housing	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P
<b>Restaurants, Entertainment, and Hospitality</b>																		
Assembly halls, recreational clubs, fraternal order halls, private clubs, lodge halls or other similar places of assembly	NP	NP	NP	NP	NP	NP	NP	NP	P									
Banquet facilities	NP	SLU	NP	P	P	NP	NP	NP	NP	P								
Bed and breakfast inns	NP							NP	NP	SLU	P							
Hotels and motels	NP	NP	P	NP	P	NP	NP	NP	NP									
Hotels, limited service	NP	SLU	NP	P	NP	NP	NP	NP	NP	P								
Indoor recreation centers, health or fitness centers and sports training centers	NP	P	P	P	P	P	P	NP	NP	NP	P							

Table A.1 Table of Uses

Use	R1-A	R1-B	R1-C	R2-A	R2-B	R3-A	R3-B	RMH	OS-1	OS-2	C-1	C-3	C-4	C-5	I-1	I-2	PB	CBD	
<b>Restaurants, Entertainment, and Hospitality</b>																			
Licensed amusement and recreation establishments	NP	P	P	NP	NP	NP	NP	P											
Restaurants, casual	NP	P	P	P	P	NP	NP	NP	P										
Establishments serving food and beverages, including restaurants (casual or standard), taverns, bars, delicatessen, carryout, and similar establishments, with or without outdoor seating	NP	P																	
Restaurants, casual, with drive in or drive through facilities	NP	SLU	SLU	NP	SLU	NP	NP	NP	P										
Restaurants, standard	NP	SLU	SLU	P	P	SLU	NP	NP	NP	P									
Theaters	NP	P	P	NP	NP	NP	NP	P											
<b>Retail Uses</b>																			
Regional shopping centers, not less than 300,000 square feet gross leasable area	NP	P	NP	NP	NP	NP	NP												
Retail establishments: drugstores, hardware, novelties and gifts, books and music, video recording rental and sales, and similar stores	NP	P/SLU	P	P	SLU	NP	NP	NP	NP										
Retail establishments within an enclosed building Floor area 30,000 sq. ft. or less	NP	P/SLU	P	P	SLU	NP	NP	NP	P										
Retail establishments within an enclosed building Floor area above 30,000 sq. ft.	NP	P/SLU	P	P	SLU	NP	NP	NP	SLU										
Retail food establishments: stores and markets selling groceries, baked goods, produce, dairy, meats and similar	NP	P/SLU	P	P	P	NP	NP	NP	NP										
<b>Civic Uses</b>																			
Places of worship	SLU	SLU	SLU	SLU	SLU	NP	SLU	P											
Cemeteries	SLU	SLU	SLU	SLU	SLU	NP	SLU	NP											
Higher education institutions	SLU	SLU	SLU	SLU	SLU	NP	NP												
Public, private or parochial schools	SLU	SLU	SLU	SLU	SLU	NP	SLU	NP											
Public libraries and museums	SLU	SLU	SLU	SLU	SLU	NP	SLU	SLU											
Public or municipal buildings	NP	P	P	P	P	P	P	P	P	P	SLU	SLU							
Public utility buildings and substations	SLU	SLU	SLU	SLU	SLU	NP	NP	NP	P	NP	P	P	NP	NP	P	P	P	SLU	SLU
Wireless communication facilities	P/SLU	P	P																
Public and private parks, playgrounds and community centers	SLU	SLU	SLU	SLU	SLU	P	P	P	NP	SLU	P								

**Table A.1 Table of Uses**

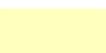
Use	R1-A	R1-B	R1-C	R2-A	R2-B	R3-A	R3-B	RMH	OS-1	OS-2	C-1	C-3	C-4	C-5	I-1	I-2	PB	CBD
<b>Automotive Related Uses</b>																		
Automobile service stations	NP	NP	NP	NP	NP	P	NP	SLU	NP	NP	NP	NP						
Vehicle wash establishments	NP	NP	NP	NP	NP	P	NP	SLU	NP	NP	NP	NP						
Automobile, boat, motorcycle, recreational vehicle, and truck dealerships	NP	NP	NP	NP	NP	SLU	NP	SLU	NP	NP	NP	NP						
Repair garage and body shops	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Truck and tractor sales, services, and repair	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Truck terminals	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Vehicle repair, major	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Vehicle repair, minor	NP	NP	NP	NP	NP	P	NP	SLU	NP	NP	NP	NP						
<b>Manufacturing Uses</b>																		
Assembly and manufacture of automotive, electrical fixtures, and hardware	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Breweries and distilleries	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Cardboard products fabrication	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP						
Central dry cleaning or laundry	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Machine shops	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP						
Manufacturing, compounding, processing, packaging, or treatment, or the assembling from previously prepared materials	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP						
Metal stamping, pressing, and buffing	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Paint, rustproofing, and rustcoating	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Publishing and printing operations	NP	NP	SLU	NP	NP	P	NP	NP	P	P	NP	NP						
Research laboratories and technology centers	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP						
Structural steel fabrication (excluding stamping, saw mills, or planing mills)	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP						
Sheet metal shops	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Tool and die shops	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP						
Wholesale warehousing and distribution centers	NP	NP	NP	NP	NP	P	NP	SLU	P	P	NP	NP						

Table A.1 Table of Uses

Use	R1-A	R1-B	R1-C	R2-A	R2-B	R3-A	R3-B	RMH	OS-1	OS-2	C-1	C-3	C-4	C-5	I-1	I-2	PB	CBD
<b>Other Uses</b>																		
Agriculture operations and greenhouses	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Boat sales, service, and repair	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Chemical or bulk oil product storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Commercial radio or television antennas	NP	NP	NP	NP	NP	NP	NP	NP	SLU	SLU	NP	NP						
Commercial schools, including art, beauty, music, dance and trade schools	NP	NP	P	P	P	P	NP	NP	NP	NP	NP	NP						
Contractor or decorator showroom	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP						
Designed industrial parks or developments	NP	NP	NP	NP	NP	NP	NP	NP	SLU	SLU	NP	NP						
Funeral homes	NP	NP	SLU	P	SLU	P	NP	NP	NP	NP	NP	NP						
Golf courses	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Hospitals, 24hour urgent care centers & rehabilitation centers	NP	NP	SLU	P	SLU	NP	NP	NP	NP	NP	NP	NP						
Indoor recreation centers and health or fitness centers	NP	NP	NP	NP	NP	NP	NP	NP	SLU	SLU	NP	NP						
Industrial sales and showrooms	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP						
Laboratories and technology centers	NP	NP	NP	NP	NP	NP	NP	SLU	SLU	SLU	NP	NP						
Manufactured home and implement sales	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP						
Mineral Extraction (as a principal use)	NP	NP	NP	NP	NP	NP	NP	NP	NP	SLU	NP	NP						
Nonmanufacturing research and development establishments, including accessory laboratories, offices, and other related facilities	NP	NP	NP	NP	NP	NP	NP	NP	SLU	SLU	NP	NP						
Office and studio uses in residential structures	SLU	SLU	SLU	SLU	SLU	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Off-premise signs as a principal use	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP						
Processing, packaging, treatment or assembly of products not manufactured on the site	NP	NP	NP	NP	NP	NP	NP	SLU	NP	NP	NP	NP						
Sexually oriented businesses	NP	NP	NP	NP	NP	NP	NP	NP	NP	SLU	NP	NP						

# Zoning Map

April 1, 2010

- |  |  |
|--|--|
|  PB   |  OS-2 |
|  CBD  |  R1-A |
|  C-1  |  R1-B |
|  C-3  |  R1-C |
|  C-4  |  R2-A |
|  C-5  |  R2-B |
|  I-1  |  R3-A |
|  I-2  |  R3-B |
|  OS-1 |  |

0 500 1,000 2,000 Feet

