

PART TWELVE - PLANNING AND ZONING CODE

CHAPTER 1210 General Provisions

1210.01 TITLE.

This chapter shall be officially known, cited, and referred to as the "Site Condominium Ordinance of the City of Coopersville".

(Ord. 381. Passed 2-28-05.)

1210.02 POLICY.

- (1) Pursuant to authority conferred by the Condominium Act, as amended, and the Home Rule City Act, as amended, all site condominium projects and subdivisions must be approved by the City of Coopersville Council, upon recommendation from the Planning Commission.
- (2) This chapter is intended to facilitate the uniform treatment of site condominium projects and developments within the City.
- (3) This chapter requires preliminary review by the Planning Commission followed by final review and approval by the City Council of site condominium project plans to ensure compliance with this chapter. Site condominium projects may be approved as provided by this chapter in any zoning district for the uses permitted in the zoning district in which the project is located.

(Ord. 381. Passed 2-28-05.)

1210.03 PURPOSES.

This chapter is adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and welfare of the City residents both existing and future.
- (2) To guide the future growth and development of the City in accordance with the Comprehensive Plan.
- (3) To establish reasonable standards of design and procedures for site condominiums in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of divided lands.
- (4) To lessen the pollution of air, streams, and ponds; to provide for adequate drainage facilities; to maintain the integrity of the water table, and to encourage the wise management of natural resources throughout the City.
- (5) To create healthy neighborhoods that accommodate and encourage the circulation of non-vehicular traffic, as well as vehicle traffic.

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- (6) To provide for open spaces throughout an efficient design and layout of the land.
 - (7) To encourage multiple points of access while allowing cul-de-sacs under special circumstances of topography or compatibility with outside development.

(Ord. 381. Passed 2-28-05.)

1210.04 AUTHORITY.

This chapter is adopted in accordance with Act 59 of the Public Acts of Michigan of 1978, as amended and Act No. 279 of the Public Acts of Michigan of 1909, as amended.

(Ord. 381. Passed 2-28-05.)

1210.05 JURISDICTION.

- (1) This chapter applies to all site condominium developments, as defined in this chapter located within the corporate limits of the City or lands under joint ownership with another municipality.
- (2) All site condominium subdivisions and developments shall be processed subject to the terms of this chapter and State law.
- (3) No building permit or certificate of occupancy shall be issued for any site condominium unit except in conformity with this chapter.

(Ord. 381. Passed 2-28-05.)

1210.06 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building envelope means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. (In a single-family residential site condominium project, for example, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.)

Building site means either:

- (1) The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
- (2) The area within the condominium unit (as described in subsection (1) of this definition), taken together with any contiguous and appurtenant limited common element. For purposes of determining compliance with the applicable requirements of this chapter, including, without limitation, height, area, yard and density requirements, or with other applicable laws, ordinances or regulations, a "building site" shall be considered to be the equivalent of a "lot".

Condominium Act means Act No. 59 of the Public Acts of Michigan of 1978, as amended.

Exempt change means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this chapter. Exempt changes shall be limited to the following:

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- (1) A change in the name of the project, in the name of a public or private street within the project, or in the developer of the project;
 - (2) A change in the voting rights of co-owners or mortgagees; or
 - (3) Any other change in the site condominium project which, as determined by the Planning Commission, does not constitute a major or minor change and will not otherwise change the site configuration, design, layout, topography, or any other aspect of a project which is subject to regulation under this chapter.

Limited common element means an area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium project for the exclusive use of the owner of the site condominium unit.

Major change means a change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any changes that could result in:

- (1) An increase of twenty percent or more in the number of site condominium units;
- (2) A reduction of five percent or more in the area of the building site for any site condominium unit;
- (3) A reduction of five percent or more in the total combined area of the general common elements of the site condominium project;
- (4) A reduction of five percent or more in the total combined area of all limited common elements of the site condominium project; or
- (5) Any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this chapter, including, without limitation, a change in the location of public or private streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Planning Commission to constitute a major change to the site condominium project.

Minor change means a change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any changes that will result in:

- (1) An increase of less than twenty percent in the number of site condominium units or a decrease in the number of site condominium units;
- (2) A reduction of less than five percent in the area of the building site for any site condominium unit;
- (3) A reduction of less than five percent in the total combined area of the general common elements of the site condominium project;
- (4) A reduction of less than five percent in the total combined area of all limited common elements of the site condominium project; or
- (5) Any other minor variation in the site configuration, design, layout, topography or other aspect of the project which is subject to regulation under this chapter, and which, as determined by the planning commission, does not constitute a major change.

Site condominium project means a plan or project consisting of two or more site condominium units established in compliance with the Condominium Act.

Site condominium project plan means the plans, drawings and information prepared for a site condominium project as required by the Condominium Act and as required by this chapter for review of the project by the Planning Commission and the City Council.

Site condominium unit means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate

ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

Except as otherwise provided by this chapter, the following words and phrases, as well as any other words or phrases used in this chapter which are specifically defined in the Condominium Act, shall conform to the meanings given to them in the Condominium Act: common elements, condominium documents, condominium unit, contractible condominium, convertible area, expandable condominium, general common elements and master deed.

Yard means an open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. Figures 1 and 2 below shows the visual depiction of yard definitions.

- (1) Front: The open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line. On a corner lot the front yard shall be the yard separating the narrowest street frontage from the street.
- (2) Secondary front: On a corner lot, the secondary front yard faces the lot's secondary street. The secondary front yard includes the area from the lot line abutting the secondary street to the face of the building and from the front line of the building (boundary of the front yard) to the rear lot line. The street in which the structure is addressed shall be deemed the front yard.
- (3) Rear: The open area extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.
- (4) Side: The open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

Figure 1 (Corner Lot)

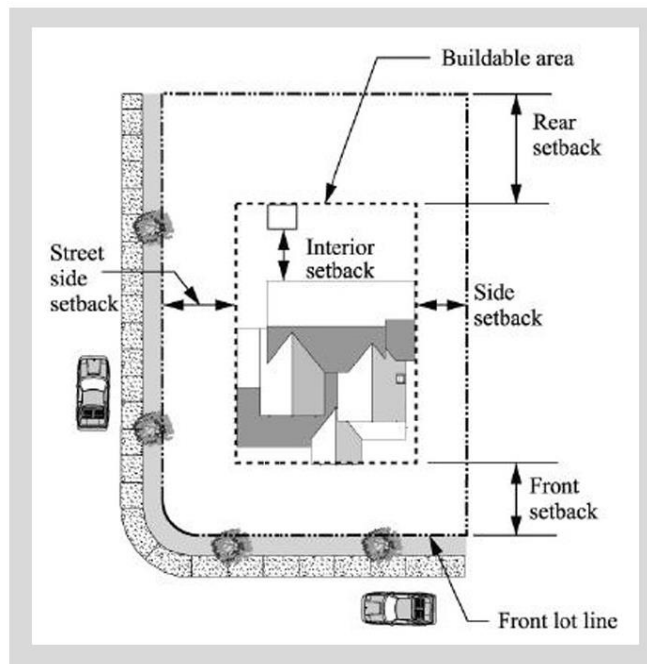


Figure 2 (Regular Lot)



(Ord. 381. Passed 2-28-05; Ord. 486. Passed 5-13-19 .)

1210.07 PRELIMINARY REVIEW.

- (a) Prior to final review and approval of a site condominium project plan by the City Council, a preliminary site condominium project plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided by this chapter.
- (b) Application for review and approval of a site condominium project plan shall be initiated by submitting to the Planning Director:
 - (1) A minimum of fourteen copies of a preliminary site condominium project plan which complies with the requirements of this chapter.
 - (2) A filing fee in accordance with the fee schedule established by resolution of the City Council. The Zoning Administrator shall forward the copies of the preliminary plan to the Planning Commission.
- (c) The Planning Commission shall review the preliminary site condominium project plan in accordance with the standards and requirements contained in this chapter, and in accordance with the following additional standards and requirements:
 - (1) In its review of a site condominium project plan, the Planning Commission may consult with the Zoning Administrator, City Attorney, City Engineer, relative fire personnel, City Planning Director or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems, public and private streets, project layout and design, or other aspects of the proposed project.
 - (2) Except as otherwise provided herein, the building site for each site condominium unit shall comply with all applicable provisions of the underlying zoning district in which the site condominium project is located, including, without limitation, minimum lot area, minimum lot width, required front, side and rear yards, maximum building height, and public and private street frontage requirements. For example, the area and width of the building site shall be used to determine compliance with the

minimum lot area and lot width requirements. Compliance with required front, side and rear yards shall be determined by measuring the distance from the equivalent front, side or rear yard boundaries of the building site to the closest respective front, side or rear boundary of the building envelope. On private roads, the front yard boundary of the building site shall be at least thirty feet from the centerline of the adjoining private street (and this thirty-foot setback shall be required even if a modification is approved under this chapter regarding the width of the private road easement or paved surface of the private road).

- (3) Except with respect to private roads approved for a site condominium project under this chapter, site condominium projects shall comply with all design standards and improvement requirements for platted subdivisions set forth in the City's adopted ordinances, which ordinances are incorporated by reference, provided that references therein to "subdivision" and "lot" shall be construed to mean "site condominium project" and "building site", respectively.
- (d) The City may require, as part of its review process, that portions of the preliminary plan be submitted by the applicant to the County Health Department, County Road Commission, County Drain Commission, State Department of Natural Resources, State Department of Public Health and other appropriate state and county review and enforcement agencies having direct approval or permitting authority over any aspect of the proposed site condominium project.
- (e) After reviewing the preliminary site condominium project plan, the Planning Commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the plan, and, if the recommendation is to deny approval, the reasons for denial. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the City Council. A recommendation by the Planning Commission to approve (or approve with conditions) a preliminary project plan shall not constitute a final approval of the plan and shall not confer any rights upon any applicant.

(Ord. 381. Passed 2-28-05.)

1210.08 FINAL REVIEW.

- (a) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Planning Director a minimum of fifteen copies of a final site condominium development plan which complies with the requirements of this chapter. The Planning Director shall forward the copies of the final plan to the City Council.
- (b) The final site condominium project plan submitted by the applicant shall incorporate all of the recommendations from the City's review of the preliminary plan. Any Commission recommendation not incorporated in the final plan shall clearly be identified in writing along with reasons for those recommendations not being incorporated. Except for identified necessary changes, the final plan shall otherwise be identical to the preliminary plan. Changes made to the plan must be approved and reviewed by the Planning Commission prior to approval of the plan by the City Council.
- (c) After receiving the Planning Commission's recommendations on the final site condominium development plan from the applicant, the City Council shall proceed to review and may approve, deny or approve with conditions the plan in accordance with the standards provided by this chapter.
- (d) As a condition of approval of a final site condominium project plan:
 - (1) The City Council may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the City Council covering the estimated cost of required improvements associated with the site condominium project for which approval is sought be deposited with the City as provided by State law.

(2) The City Council may impose additional conditions of approval as provided by section site.

(Ord. 381. Passed 2-28-05.)

1210.09 CONTENTS OF SITE CONDOMINIUM PLAN.

A complete condominium project plan must include all of the documents and information required by Section 66 of the Condominium Act, including, without limitation:

- (a) A survey plan.
- (b) A floodplain plan, if the project lies within or abuts a floodplain area.
- (c) A utility plan, showing all sanitary sewer, water and storm sewer lines and related easements for installation, repair and maintenance of all utilities.
- (d) The size, location, area and horizontal boundaries of each condominium unit, and the vertical boundaries and volume for each unit comprised of enclosed air space.
- (e) A number assigned to each condominium unit.
- (f) Building sections showing the existing and proposed structures and improvements, including their location on the land. Any proposed structure or improvement shown should be labeled either "must be built" or "need not be built". To the extent that the developer is contractually obligated to deliver utility conduits, buildings, sidewalk, driveways, landscaping and access roads, the same shall be shown and designated as "must be built", but the obligation to deliver such items exists whether or not they are so shown and designated.
- (g) The location of all proposed drains, drainage ditches, ravines, culverts, changes in grade and other natural or artificial drainage facilities or improvement's including, without limitation, a drainage plan showing the general flow of surface water from each building site within the site condominium project to any adjacent building site or lot or to an approved drainage course.
- (h) The nature, location and size of the general and limited common elements (including any information required to be submitted for private roads as provided by City ordinances, building envelopes and building sites).
- (i) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed (including, without limitation, the maintenance provisions which will apply to any proposed private roads).
- (j) A narrative describing the overall objectives of the proposed site condominium project, and a copy of the proposed bylaws for the project. The condominium project plan and associated documents and information shall be provided at the level of detail as determined necessary by the Planning Commission for review of a preliminary plan or by the City Council for review of a final plan.
- (k) Such other information as requested by the City.

(Ord. 381. Passed 2-28-05.)

1210.10 CONSTRUCTION COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM PROJECT PLAN.

No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site condominium project plan approved by the City Council, including any conditions of approval.

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- (a) Commencement of Construction; Issuance of Permits. No construction, grading, tree removal, soil stripping, or other site improvements or changes shall be commenced by any person and no building, construction or grading permit shall be issued by the Building Inspector for a site condominium project until:
- (1) A final site condominium project plan has been approved by the City Council;
 - (2) All conditions to commencement of construction imposed by the City Council have been met; and
 - (3) All applicable approvals or permits from appropriate County and State review and enforcement agencies have been obtained for the project.
- (b) Consistency With Approved Drainage Plan Required.
- (1) Excavation, construction, erection, conversion or repair of any land, building or structure proposed for a building site within a site condominium project for which a final site plan has been approved shall not occur until a building permit application has been submitted and approved, which application shows that the effect of the proposed work is substantially consistent with the drainage plan approved for the project regarding flow of surface water from the building site to any adjacent building site or lot or to an approved drainage course.
 - (2) A certificate of occupancy for the use or occupancy of any building or structure on a building site shall not be issued until the building official determines that the work completed on the building site pursuant to a building permit issued by the City is substantially consistent with the drainage plan approved for the project regarding flow of surface water from the building site to any adjacent building site or lot or to an approved drainage course.
 - (3) The requirements of subsections (a) and (b) shall be clearly and legibly reproduced verbatim in the master deed for the site condominium project.
 - (4) No work shall be conducted on a building site, except in compliance with the drainage plan approved for the project, and conditions on the building site after completion of the work shall be maintained at all times in compliance with the approved plan.
 - (5) This section applies only to building sites within site condominium projects for which a drainage plan has been approved for the site condominium project as provided by this chapter. Any building site for which a drainage plan has not previously been approved under this chapter is subject to the surface water drainage plan requirements under City ordinances.

(Ord. 381. Passed 2-28-05.)

1210.11 EXPANDABLE OR CONVERTIBLE CONDOMINIUM PROJECTS.

Approval of a final site condominium project plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the City Council in compliance with the procedures, standards and requirements of this chapter. Any change proposed in connection with a project for which a final site condominium project plan has previously been approved by the City Council shall be subject to review as provided by this section:

- (1) Major Changes. A major change shall be reviewed by the Planning Commission and reviewed and approved, denied, or approved with conditions by the City Council as provided by this chapter for the original review and approval of preliminary and final plans in accordance with the standards provided by this chapter and other applicable procedures, standards and requirements.

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- (2) Minor Changes. A minor change shall be reviewed and approved, denied, or approved with conditions by the Planning Commission alone, in accordance with the standards provided by this chapter and other applicable procedures, standards and requirements, without the need for further review and approval by the City Council.
 - (3) Exempt Changes. Any change which constitutes an exempt change shall not be subject to review by the City under this chapter, but a copy of the changes proposed, and of any changes subsequently made if at all different than proposed, shall be filed with the Planning Director as soon as the changes are proposed or made.

(Ord. 381. Passed 2-28-05.)

1210.12 INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED.

All provisions of a final site condominium project plan approved by the City Council as provided by this chapter shall be incorporated by reference in the master deed for the site condominium project, which shall be submitted for review and approval by the City. All major changes to a project shall be incorporated by reference in the master deed. A copy of the master deed as filed with the county register of deeds for recording shall be provided to the City within ten days after filing the plan with the County.

(Ord. 381. Passed 2-28-05.)

1210.13 PRIVATE ROADS.

In general, private roads may be approved in place of public streets for site condominium projects as part of the site condominium project approval process as provided by this chapter, and subject to the standards and requirements provided by this section. Private roads will be allowed in a site condominium project only under the provisions of the Private Road Ordinance described in the Coopersville Codified Ordinances [Chapter 1030].

(Ord. 381. Passed 2-28-05.)

CHAPTER 1220 General Provisions

1220.01 TITLE.

This ordinance shall officially be known, cited and referred to as the "Subdivision Ordinance of City of Coopersville" (hereafter "City").

(Ord. No. 309. Passed 3-23-98.)

1220.02 POLICY.

- (1) It is declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the Comprehensive Plan of the City for the orderly, planned, efficient, and economical development of the municipality.

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- (2) Land shall not be subdivided until adequate public facilities, improvements, and services are available for the property.
 - (3) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, Planning and Zoning Code, Current Zoning Map, and Future Land Use Map, and the City's Capital Improvement Budget.
 - (4) Land that has been subdivided prior to the effective date of this ordinance should, whenever possible, be brought within the scope of this ordinance to further the purposes of regulation(s) identified in Section 1220.03.

(Ord. No. 309. Passed 3-23-98.)

1220.03 PURPOSES.

This ordinance is adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the City residents, both existing and future.
- (2) To guide the future growth and development of the City in accordance with the Comprehensive Plan.
- (3) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (4) To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and nonresidential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development.
- (5) To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (6) To balance public and private interests and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements, facilities, and services.
- (7) To provide a beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- (8) To establish reasonable standards of design and procedures for subdivisions and replats in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- (9) To lessen the pollution of air, streams, and ponds; to provide for adequate drainage facilities; to maintain the integrity of the water table, and to encourage the wise use and management of natural resources throughout the City.
- (10) To preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features.

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- (11) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the municipality.
 - (12) To establish a means of determining whether land is appropriate for subdividing.
 - (13) To remedy problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.
 - (14) To coordinate the City's development with regional planning goals and purposes.

(Ord. No. 309. Passed 3-23-98.)

1220.04 AUTHORITY.

This ordinance is adopted in accordance with Act No. 285 of the Public Acts of 1931, as amended; Act No. 279 of the Public Acts of 1909, as amended; Act No. 207 of the Public Acts of 1921, as amended; and Act No. 288 of the Public Acts of 1967, as amended.

(Ord. No. 309. Passed 3-23-98.)

1220.05 JURISDICTION.

- (1) This ordinance applies to all subdivision of land, as defined in Section 1222.02 located within the corporate limits of the City.
- (2) No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Council in accordance with this ordinance.
- (3) No land described in this ordinance shall be subdivided or sold, leased, transferred or developed until each of the following conditions has occurred in accordance with this ordinance:
 - (a) The proprietor or his agent has submitted a conforming sketch plat of the subdivision to the City's Planning Director; and
 - (b) The proprietor's sketch plat, a preliminary plat, and a final plat has been approved by the Council; and
 - (c) The proprietor or his agent files the approved plats with the Clerk and Register of Deeds for Ottawa County.
- (4) No building permit or certificate of occupancy shall be issued for any parcel or plat of land created by subdivision and no excavation of land or construction of any public or private improvement within a subdivision shall take place or be commenced except in conformity with this ordinance.

(Ord. No. 309. Passed 3-23-98.)

1220.06 ENACTMENT.

All applications for subdivision approval, including final plats, pending on the effective date of this ordinance shall be reviewed under this ordinance except that this ordinance will not apply if preliminary plat approval was obtained prior to the effective date of this ordinance and the subdivider has constructed subdivision improvements prior to submission of the final plat as required by the municipality unless the Planning Commission determines on the record that application of this ordinance is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

(Ord. No. 309. Passed 3-23-98.)

1220.07 INTERPRETATION, CONFLICT, AND SEPARABILITY.

- (1) Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance shall be construed broadly to promote the purposes for which they are adopted.
 - (a) Public Provisions. This ordinance is not intended to interfere with, abrogate, or annul any other ordinance rule or regulation, statute, or other provision of law except as provided in this ordinance. Where any provision of this ordinance imposes restrictions different from those imposed by any other provision of this ordinance or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
 - (b) Private Provisions. This ordinance is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this ordinance is more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this ordinance shall govern.
- (2) Reserved.
- (3) Separability. If any part or provision of this ordinance or the application of this ordinance to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgement shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgement shall be rendered and it shall not affect or impair the validity of the remainder of this ordinance or the application of them to other persons or circumstances. The Council hereby declares that it would have enacted the remainder of this ordinance even without any such part, provision, or application which is judged to be invalid.

(Ord. No. 309. Passed 3-23-98.)

1220.08 SAVING PROVISION.

This ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of this ordinance, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the City except as shall be expressly provided for in this ordinance.

(Ord. No. 309. Passed 3-23-98.)

1220.09 RESERVATIONS AND REPEALS.

Upon the adoption of this ordinance according to law, the Subdivision Ordinance of the City of Coopersville adopted January 17, 1972, as amended, are hereby repealed.

(Ord. No. 309. Passed 3-23-98.)

1220.10 PUBLIC PURPOSE.

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this City. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the municipality and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

(Ord. No. 309. Passed 3-23-98.)

1220.11 VARIANCES, EXCEPTIONS, AND WAIVER OF CONDITIONS.

- (1) General. Where, upon review, the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with this ordinance and/or the purposes of this ordinance may be served to a greater extent by an alternative proposal, it may recommend exceptions and/or waivers of conditions to this Subdivision Ordinance so that substantial justice may be done and the public interest secured, provided that the exception or waiver conditions shall not have the effect of nullifying the intent and purpose of this ordinance; and further provided the Planning Commission shall not recommend exceptions and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (a) The granting of the exception or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - (b) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 - (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this ordinance is carried out;
 - (d) The relief sought will not in any manner vary the provisions of the Zoning Ordinances or Comprehensive Plan, except that those documents may be amended in the manner prescribed by law;
 - (e) Any variance, exception or waiver recommended by the Planning Commission is subject to approval of Council.
- (2) Conditions. In recommending exceptions or waivers of conditions, the Planning Commission may require such conditions as will, in its judgement, secure substantially the purposes described in Section 1220.03.
- (3) Procedures. A petition for an exception or waiver of conditions shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(Ord. No. 309. Passed 3-23-98.)

1220.12 ENFORCEMENT, VIOLATIONS, AND PENALTIES.

- (1) General.
 - (a) In addition to the methods for enforcement available in accordance with Act No. 288 of the Public Acts of 1967, as amended, the City may prosecute a violation of this ordinance in the manner, and to the extent, provided for herein.

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- (b) The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.
 - (c) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this ordinance, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of this ordinance.
- (2) Penalty. Whoever violates or fails to comply with any provision of this ordinance is responsible for a Municipal Civil Infraction and shall be subject to the penalties provided in Section 202.99(b) and (c) of the Administration Code. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 309. Passed 3-23-98.)

CHAPTER 1222 Definitions

1222.01 USAGE.

- (1) For the purpose of this ordinance, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth in this chapter.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.

(Ord. No. 309. Passed 3-23-98.)

1222.02 WORDS AND TERMS DEFINED.

The words and phrases used herein shall have the same meaning defined by Act No. 288 of the Public Acts of 1967, as amended, except as otherwise provided.

- (1) Alley. A public or private right-of-way, shown on plat, primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- (2) Applicant. The owner of land proposed to be subdivided or its representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.
- (3) Area of Benefit. An area of land which is designated by the Planning Commission as receiving benefits from or creating the need for the construction, acquisition, or improvement of a Public Facilities Project.
- (4) Area-related Facility. A capital improvement which is designated in the capital improvements program as serving new development and which is not a site-related facility. Area-related facility may include land dedication or construction of an oversized capital improvement, whether located offsite, or within or on the perimeter of the development site.
- (5) Arterials. Streets designed to provide relatively rapid transportation between nearby communities or between major activity centers of the city.
- (6) As-built Plans. Revised construction plans in accordance with all approved field changes.

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- (7) Capital Improvement. A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the local government.
 - (8) Capital Improvement Program. A plan setting forth, by category of public facilities, those capital improvements and that portion of their costs which are attributable to serving new development within designated service area for such public facilities over a period of specified years (10—20). Capital improvements program may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.
 - (9) Caption. The name by which the plat is legally and commonly known.
 - (10) Central Sewerage System. A community sewer system including collection and treatment facilities (if needed) established by the developer to serve a new subdivision in an outlying area.
 - (11) Certify. Whenever this ordinance requires that an agency or official certify the existence of some fact or circumstance, the City by administrative rule may require that such certification be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification.
 - (12) Cluster Zoning. A technique which allows lots to be reduced in size and building sited closer together provided the total development density does not exceed that which could be constructed on the site under conventional zoning and the remaining land is utilized for open space or public purposes.
 - (13) Collector Roads. Road designed to channel traffic from local streets serving various land use areas to the arterial streets. Maintaining efficient traffic flow is important along collector roads to prevent frequent use of local streets by through traffic.
 - (14) Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockbroker, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.
 - (15) Comprehensive Plan. A plan adopted by the City for the physical development of the City showing the general location for roads, streets, parks, public building sites, land use and other similar information. The plan may consist of maps, data, requirements and other descriptive matter.
 - (16) Construction Plan. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.
 - (17) Cross-walkway (Pedestrian Walkway). Right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets, parks, schools and other properties.
 - (18) Cul-de-Sac. A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.
 - (19) External Buffer. A naturally vegetated area or vegetated area along the exterior boundaries of an entire development processed in accordance with a multiphase or phased subdivision application which is landscaped and maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.
 - (20) Final Subdivision Plat. The map of a subdivision to be recorded after approval by the Planning Commission and Council and other required agencies and any accompanying material as described in this ordinance.
 - (21) Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot; but it shall not be considered as the ordinary side of a corner lot.

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- (22) Governing Body. The Council of the City of Coopersville.
 - (23) Greenbelts. A strip or parcel of land, privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the environment.
 - (24) Health Department and Health Officer. The agency and person designated to administer the health regulations of the local government.
 - (25) Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device.
 - (26) Infill Development. Development designed to occupy scattered or vacant parcels of land which remain after the majority of development has occurred in an area.
 - (27) Local Government Attorney. The licensed attorney designated by the Council to furnish legal assistance for the administration of this ordinance.
 - (28) Local Government Engineer. The licensed engineer designated by the Council to furnish engineering assistance for the administration of this ordinance.
 - (29) Local Streets. Streets designed to serve the internal traffic movement within specific areas and connect those areas with the major streets. Generally, they are not continuous for any great length. The local street is intended to provide immediate access to adjacent property. They constitute the major percentage of the streets of the community, but carry a small proportion of the vehicle-miles of travel.
 - (30) Model Home. A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision and which will not be permanently occupied during its use as a model.
 - (31) Notice of Noncompliance. A notice issued by the Planning Director to the applicant and Planning Commission informing the applicant that the sketch plat is not in compliance with this ordinance and that the applicant may not apply for preliminary plat approval.
 - (32) Notice to Proceed. A notice issued by the Planning Director advising the applicant that the sketch plat is in compliance with this ordinance and that the applicant may proceed to apply for preliminary plat approval.
 - (33) Parcel or Tract. A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act.
 - (34) Performance Criteria. Regulation of development based on open space ratio, impervious surface ratio, density, and floor area ratio.
 - (35) Perimeter Street. Any existing street to which the parcel of land to be subdivided abuts on only one (1) side.
 - (36) Phased Subdivision Application. An application for subdivision approval submitted pursuant to a Master Preliminary Plat, or at the option of the subdivider, pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, nonresidential development projects, planned unit developments, mixed-use projects, and residential developments.
 - (37) Planning Commission. The City of Coopersville Planning Commission.
 - (38) Plat. A map or chart of a subdivision of land.
 - (39) Preliminary Plat. The preliminary drawing or drawings, described in this ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for

approval. That portion of a preliminary plat submitted in connection with a multiphase or phased subdivision application which provides the information and graphics meeting the requirements of this ordinance for the purpose of implementing an integrated development scheme for all phases of the proposed subdivision.

- (40) Property Owners Association. An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision, be it a lot, parcel site, unit plot, condominium, or any other interest, is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expense of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.
- (41) Proprietor. (See Subdivider)
- (42) Public Facility. Means a utility [such] as gas, electricity, water, sanitary sewer, storm sewer, telegraph, telephone, telecommunications, TV cable, and other improvements, such as streets, roads, parks, schools, and other similar in nature.
- (43) Public Facility Improvements Program. The adopted plan, as may be amended from time to time, which identifies the public facilities and their costs for each public facility benefit area or subarea, which serve new development for a period not to exceed ten years, which are to be financed in whole or in part through the imposition of public facilities fees pursuant to this article.
- (44) Public Facilities Project. Any and all public improvements the need for which arises from the subdivision, including but not limited to the following:
 - (a) Water mains, pipes, conduits, tunnels, hydrants, and other necessary works and appliances for providing water service.
 - (b) Lines, conduits, and other necessary works and appliances for providing electric power service.
 - (c) Mains, pipes, and other necessary works and appliances for providing gas service.
 - (d) Poles, posts, wires, pipes, conduits, lamps, and other necessary works and appliances for lighting purposes.
 - (e) Sidewalks, crosswalks, steps, safety zones, platforms, seats, statuary, fountains, culverts, bridges, curbs, gutters, tunnels, subways or viaducts, parks and parkways, recreation areas, including all structures, buildings, and other facilities necessary to make parks and parkways and recreation areas useful for the purposes for which intended.
 - (f) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels, or other appurtenances.
 - (g) Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels, and appurtenances.
 - (h) Pipes, hydrants, and appliances for fire protection.
 - (i) Breakwaters, levees, bulkheads, groins and walls of rock, or other material to protect the streets, places, public ways, and other property from overflow by water, or to prevent beach erosion or to promote accretion to beaches.
 - (j) Retaining walls, embankments, buildings, and any other structures or facilities necessary or suitable in connection with any of the work mentioned in this section.

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- (k) Compaction of land, change of grade or contours, construction of caissons, retaining walls, drains, and other structures suitable for the purpose of stabilizing land.
 - (l) Works, systems, or facilities for the transportation of people, including rolling stock and other equipment appurtenant thereto.
 - (m) All other work auxiliary which may be required to carry out that work, including terminal and intermediate stations, structures, platforms, or other facilities which may be necessary for the loading of people into and unloading of people from such transportation facilities.
 - (n) The grading or regarding [regarding], the paving or repaving, the planking or replanking, the macadamizing or remacadamizing, the graveling or regraveling, and the oiling or reoiling of streets.
 - (o) Acquisition, construction, improvement, and equipping of temporary and permanent school buildings.
 - (p) Acquisition, construction, and installation of traffic signs, signals, lights, and lighting.
 - (q) Public works maintenance facilities.
 - (r) All other work auxiliary to any of the above which may be required to carry out that work including, but not limited to, the maintenance of public facilities projects and administrative, engineering, architectural, and legal work performed in connection with establishing, implementing, and monitoring public facilities projects.
 - (s) Acquisition of any and all property, easements, and rights-of-way which may be required to carry out the purposes of the project.
- (45) Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which local government responsibility is established.
- (46) Registered Engineer. An engineer properly licensed and registered in the State.
- (47) Registered Land Surveyor. A land surveyor properly licensed and registered in the State.
- (48) Replat. Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
- (49) Right-of-Way. Rights-of-way intended for streets, crosswalks, watermains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated in fee by the proprietor.
- (50) Road Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.
- (51) Security. The letter of credit or cash escrow provided by the applicant to secure its promises in the subdivision improvement agreement.
- (52) Sketch Plat. A sketch preparatory to the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the City as to the form of the plat and the objectives of this ordinance.
- (53) Sponsor. An applicant seeking approval for construction of an office development project subject to Section 1228.09 of this ordinance, such applicant's successors and assigns, and/or any entity which controls or is under common control with such applicant.

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- (54) Subdivide. The act or process of creating a subdivision.
 - (55) Subdivider. Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision; or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision; and who (4) is directly or indirectly controlled by, or under direct common control with any of the foregoing.
 - (56) Subdivision Agent. Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.
 - (57) Subdivision Improvement Agreement. A contract entered into by the applicant and the City by which the applicant promises to complete the required public improvements within the subdivision within a specified time period following final subdivision plat approval.
 - (58) Subdivision Plat. The final map or drawing, described in this ordinance, on which the subdivider's plan of subdivision is presented to the Planning Commission and the Council for approval and which, if approved, may be submitted to the County Recorder of Deeds for filing.
 - (59) Tract. A lot. The term "tract" is used interchangeably with the term "lot," particularly in the context of subdivision, where a "tract" is subdivided into several lots, parcels, sites, units, plots, tracts, or interests.

(Ord. No. 309. Passed 3-23-98.)

CHAPTER 1224 Subdivision Application Procedure and Approval Process

1224.01 GENERAL PROCEDURE.

- (1) Classification of Subdivisions. Before any land is subdivided the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures, which include three principal steps for subdivision:
 - (a) Sketch Plat.
 - (b) Preliminary Plat.
 - (c) Final Subdivision Plat.
- (2) Official Submission Dates. For the purpose of this ordinance, sixty days after the proprietor has submitted the completed application and paid the fee, shall constitute the Official Submission Date of the plat.
- (3) Coordination of Flexible Zoning Application with Subdivision Approval.
 - (a) It is the intent of this ordinance that subdivision review be carried out simultaneously with the review of Planned Unit Development (PUD) applications under the Zoning Ordinances. The plans required for PUD applications shall be submitted in a form to satisfy the requirements of the subdivision regulations and Zoning Ordinances.

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- (b) General Requirement. Whenever the Zoning Ordinances authorize PUD applications which permit uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated, and the application entails the subdivision of land, site plan approval by the Planning Commission shall be required in addition to all other procedures and approvals required under the Zoning Ordinances.
 - (c) Referral for Approval. After completing its review the Planning Commission shall refer the sketch plat and preliminary plat with its recommendation for approval, conditional approval, or disapproval, together with such recommendations and reviews of use, density, and bulk standards as it was required to make under the PUD regulation of the Zoning Ordinances, to the Council. Application shall then be made to the Planning Commission for final plat recommendation and Council approval. No building permits or certificates of occupancy shall be issued for the project until the zoning application has been finally approved, the final subdivision plat is recorded with the Ottawa County Plat Board, and as required by Act No. 288 of the Public Acts of 1967, as amended.

(Ord. No. 309. Passed 3-23-98.)

1224.02 SKETCH PLAT.

- (1) Discussion of Requirements. Before preparing the sketch plat for a subdivision, the applicant should schedule an appointment and meet with the Planning Director to discuss the procedure for approval of a subdivision plat and the requirements as to general layout of streets, blocks, and for reservations of land, street improvements, drainage, sewerage, fire protection, characteristics of the land on and adjacent to the site, and similar matters, as well as the availability of existing services. The Planning Director shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.
- (2) Application Procedure and Requirements. Prior to subdividing land and after meeting with the Planning Director, the owner of the land, or his authorized agent, shall file an application for review of a sketch plat with the Planning Commission. The application shall:
 - (a) Be made on forms available at the office of the Planning Director.
 - (b) Include all contiguous holdings of the owner including land "common ownership" as defined in this ordinance, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the liber and page where each conveyance to the present owner is recorded in the Ottawa County Recorder of Deeds Office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date the contract of sale was executed, and, if any corporations are involved, a complete list of all directors, officers, and stockholders of each corporation owning more than five percent of any class of stock.
 - (c) Be accompanied by [a] minimum of fifteen copies of the sketch plat as described in this ordinance and complying in all respects with this ordinance.
 - (d) Be accompanied by a fee as established by resolution of the Council.
 - (e) The application shall include an address and telephone number of an agent who shall be authorized to receive all notices required by this ordinance.
 - (f) The Planning Commission will review the plan with the subdivider or his agent.
 - (g) The Planning Commission shall inform the subdivider or his agent of the City's development policies and make appropriate comments and suggestions concerning the proposed development.

(h) The Planning Director shall inform the Council of the results of the review of the sketch plat.

(Ord. No. 309. Passed 3-23-98.)

1224.03 PRELIMINARY PLAT.

No sooner than thirty days and no later than 180 days after the date of the Notice to Proceed, the applicant may apply for preliminary plat approval. If the applicant fails to apply for preliminary plat approval within the 180-day period, a new sketch plat must be submitted.

- (1) Application Procedure and Requirements. Based on the Notice to Proceed, the applicant shall file in duplicate with the Planning Director an application for approval of a preliminary plat if the applicant elects to proceed. The preliminary plat shall conform substantially with the sketch plat submitted by the applicant and which formed the basis for the Notice to Proceed. The application shall:
 - (a) Be made on forms available at the Office of the Planning Director together with a fee as established by the Council.
 - (b) Include all land which the applicant proposes to subdivide giving the numbers of section, township and range and all land immediately adjacent extending 300 feet from the street frontage of opposite land, with the names of owners as shown in the Assessor's files and the land use and existing zoning of adjacent tracts.
 - (c) Be accompanied by a minimum of fifteen copies of the preliminary plat on a topographic map with contours shown of two foot intervals as described in this ordinance.
 - (d) Name, addresses, one telephone number of the engineers and surveyors preparing the plat.
 - (e) The preliminary plat may be on paper and shall not be less than twenty-four inches by thirty-six inches, at a scale of at least one inch to 100 feet showing date and north arrow.
 - (f) A map showing the location of the subdivision to the City in general.
 - (g) If the proposed plat is a portion of a larger holding intended for subsequent development, a map of the entire area scheduled for development.
 - (h) The preliminary plat will include streets, street names, rights-of-way, roadway widths, lot lines, total number of lots by block, utility and other easements showing location, width and purpose.
 - (i) Five copies of proposed protective covenants and deed restrictions, or state in writing that none are proposed.
 - (j) Soil erosion and sedimentation plan for the construction period.
 - (k) Grading plan for the entire site.
 - (l) Be accompanied by a minimum of five copies of construction plans as described in this ordinance.
 - (m) Be presented to the Planning Director at least thirty days prior to a regular meeting of the Planning Commission.
- (2) Public Hearing. Upon receipt of a formal application for preliminary plat approval and, if the applications and accompanying material meets all requirements of this ordinance, the Planning Director shall call a public hearing for the next regular meeting of the Planning Commission. The Planning Director shall submit a notice for publication in one newspaper of general circulation to be published at least fifteen days prior to the public hearing and mail notices to all property owners, as specified in Section 1224.03(1)(b), and shall maintain file copies of the plat and construction plans when appropriate for public review prior to the hearing.

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- (3) Preliminary Plat Review. After the Planning Commission has reviewed the preliminary plat and construction plans, the report of the Planning Director, any Municipal recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Commission shall give its report to the Council within sixty days of the official submission date with recommendations to approve, conditionally approve, or disapprove the preliminary plat. The Council must act on the application within ninety days of filing.
- (4) Council.
- (a) After Planning Commission action, the subdivider shall submit to the Planning Director fifteen copies of the preliminary plat for distribution to Council and City staff.
 - (b) The Council shall not review, approve or reject the preliminary plat until it has received the Planning, Commission report and recommendations.
 - (c) The Council shall consider the preliminary plat at its next meeting, but no later than thirty days after receipt from the Planning Commission.
 - (d) The Council shall within twenty days either approve, approve with conditions, or reject the preliminary plat. If the plat is rejected or conditions imposed, the Council's reasons shall be set forth in writing.
- (5) Standards for Approval of Preliminary Plats. No preliminary plat of a proposed subdivision shall be recommended by the Planning Commission or approved by the Council unless the applicant proves by clear and convincing evidence that:
- (a) Definite provisions have been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
 - (b) If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;
 - (c) All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;
 - (d) The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;
 - (e) The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

The Council is authorized to disapprove the preliminary plat even though the land proposed for subdivision is zoned for the use to which the proposed subdivision will be put and the proposed use is consistent with the Comprehensive Plan if these standards are not met.

- (6) Public Improvements. The Council shall require the applicant to indicate on the plat all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be established or extended, and any other special requirements deemed necessary by the Council in order to conform the subdivision plat to the Comprehensive Plan of the City.
- (7) Distribution to Authorities. The proprietor shall submit to the various approving authorities the number of copies of the preliminary plat required by Act No. 288 of the Public Acts of 1967, as amended, plus two copies which will be distributed to the Coopersville Public School District. The proprietor shall then file with the City Clerk a list of all authorities to whom validated copies of the preliminary plat were distributed.

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- (8) Effective Period of Preliminary Plat Approval. The approval of a preliminary plat shall be effective for a period of two years from the date that the preliminary plat is approved by the Council, at the end of which time the applicant must have submitted a final subdivision plat for approval. If a subdivision plat is not submitted for final approval within the two-year period, the preliminary approval shall be null and void, and the applicant shall be required to submit a new plat for sketch plat review subject to the then existing zoning restrictions and subdivision regulations.
 - (9) Zoning and Subdivision Regulations. Every preliminary plat shall conform to existing zoning regulations and subdivision regulations applicable at the time that the proposed preliminary is submitted for the approval of the Council unless the Planning Commission; provided, however, that if pertinent zoning ordinance or subdivision ordinance provisions are amended prior to the preliminary plat's approval, the preliminary plat must comply with any such amendments.
 - (10) Grading of Site Prior to Final Approval. Subsequent to preliminary approval, and approval of grading plan by the City Engineer, the Building Inspector may issue a permit to allow construction to the grades and elevations required by the approved preliminary plat.

(Ord. No. 309. Passed 3-23-98.)

1224.04 AMENDMENTS TO PRELIMINARY PLAT.

At any time after preliminary plat approval and before submission of a final plat, the applicant may request of the Planning Director that an amendment be made in the approval or conditional approval of the preliminary plat. Under regulations established by the City, the Planning Director may agree to proposed amendments that are deemed to be minor. If the proposed amendment is major, the Planning Commission shall hold a public hearing on the proposed major amendment in accordance with the same requirements for preliminary plat approval found in Section 1224.02. Any public hearing on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved. The Commission shall make recommendation to the Council to approve or disapprove any proposed major amendment and may make recommendations or any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment. The Council shall act on the amendment within twenty days of receiving the report from the Planning Commission. The Council shall approve, approve with conditions or disapprove. A major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space in the subdivision by ten percent or more or increasing density in the subdivision by ten percent or more or requires the approval of other governmental agencies. The Council shall render a decision on the proposed major amendment within thirty days after the meeting at which the public hearing was held, including any adjourned session, was closed.

(Ord. No. 309. Passed 3-23-98.)

1224.05 FINAL SUBDIVISION PLAT.

- (1) Application Procedure and Requirements. Following the approval of the preliminary plat, the applicant, if he wishes to proceed with the subdivision, shall file with the Planning Director an application for final approval of a subdivision plat. The application shall:
 - (a) Be made on forms available at the Office of the Planning Director, together with a fee as established by Council.
 - (b) The City Clerk must receive copies of approval from all approving authorities as required by Act No. 288 of the Public Acts of 1967, as amended.
 - (c) Final plats shall be proposed and submitted as provided for in the Act No. 288 of the Public Acts of 1967.

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- (d) The subdivider shall submit proof of ownership of the land included in final plat form of an abstract of title certified to the date of the proprietor's certificate, or a policy of title insurance currently in force.
 - (e) Be accompanied by a minimum of fifteen copies of the final subdivision plat and the construction plans, as described in this ordinance.
 - (f) Comply in all respects with the preliminary plat, as approved.
 - (g) Be presented to the Planning Director at least four weeks prior to a regular meeting of the Council in order that the required fifteen days public notice and personal notice to the owners listed in Section 1224.05(1)(h) may be given. The notice shall advise the public that the final plat and all conforming documents have been received by the Council and may be reviewed by members of the public who may then submit written comments to the Council concerning whether final approval should be granted. The notice shall include a deadline for receipt of comments and shall include the date of the public meeting at which final plat will be considered.
 - (h) Be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the City Attorney; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as follows:

The owner, or his representative, hereby irrevocably offers for dedication to the local government all the streets, local government uses, easements, parks, and required utilities shown on the subdivision plat and construction plans in accordance with an irrevocable offer of dedication dated _____, and recorded in the Ottawa County Record of Deeds Office.

By
(Owner or Representative)

Date _____

The applicant shall deliver a full covenant and warranty deed to all dedicated lands and improvements in proper form for recording, together with a title policy for the local government in the sum not less than twenty dollars (\$20.00) per parcel created, which sum shall be determined by the City Attorney before signing of the final subdivision plat.

- (i) Be accompanied by the subdivision improvement agreement and security, if required, in a form satisfactory to the City Attorney and in an amount established by the Council upon recommendation of the City Engineer and shall include a provision that the subdivider shall comply with all the terms of the resolution of final subdivision plat approval as determined by the Council and shall include, but not be limited to, the performance of all required improvements.
 - (j) Be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of this ordinance and by written assurance from the public utility companies and improvement districts that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Council upon preliminary plat approval.
- (2) Notice of Requirements. Upon receipt of formal application and all accompanying material, the Planning Director shall schedule action at the next meeting of the Council to be held at least thirty days after the date of the application. The Planning Director shall submit a notice for publication in one newspaper of general circulation to be published at least fifteen days prior to the meeting and mail notices to all property owners, as specified in Section 1224.05(1)(h), and shall maintain file copies of the plat and construction plans for public review prior to the meeting. All notices shall advise that the final plat for the subdivision and related documents are on file with the Council and may be reviewed by members of the public who may then submit written comment on whether final plat approval should be granted. The notices shall include a deadline for

receipt of comments and shall include the date, time and place of the public meeting at which final plat approval will be considered.

- (3) Council and Determination. The Council shall, within thirty days from the Official Submission Date for the final subdivision plat, examine the plat for conformance with:
- (a) The provisions of the Subdivision Control Act.
 - (b) The provisions of this ordinance.
 - (c) The preliminary plat, as approved.

The time for review and recommendations by the Council may be extended by agreement with the subdivider.

- (4) Council. The Council shall review the final plat at its next regular meeting, or at a meeting to be called within twenty days of receipt from the Planning Director. The Council shall approve the plat, or disapprove it. If disapproved, the Council shall give the subdivider its reasons in writing and rebate the recording fee and whatever portion of the review fee is provided for in this ordinance. The Council shall instruct the Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the Municipal certificate on the approved plat in behalf of the Council.
- (5) Improvements and Facilities Required by the City. The Council may require all improvements and facilities to be completed before it approves the final plat. If improvements and facilities are not required to be completed by the Council before plat approval, the final plat may be accompanied by an agreement between the subdivider and the Council for completion of all required improvements and facilities. Performance of the contract shall be guaranteed by either a cash deposit, certified check, surety bond, or irrevocable bank letter of credit. The Council shall not require a bond duplicating any bond required by an other governmental agency.

(Ord. No. 309. Passed 3-23-98.)

1226.06 VESTED RIGHTS AND DEVELOPMENT AGREEMENTS.

- (1) Effect of Approval. Except as otherwise provided in this Section 1224.06, no vested rights shall accrue to the owner or developer of any subdivision by reason of preliminary or final plat approval until the actual signing of the final plat by the Clerk of the City.
- (2) Effect of Recordation. Except as otherwise provided in this Section 1224.06, no vested rights shall accrue to the owner or developer of any subdivision by virtue of the recordation of a final plat.
- (3) Applicable Laws. To obtain final plat approval, the applicant shall be in compliance with all federal and state laws applicable at the time that the final plat is considered for approval by the Council. The application shall also be in compliance with all local laws and regulations applicable at the time that the preliminary plat was submitted to the Council in accordance with Section 1224.03(9). If the Council required the applicant to complete public improvements in the subdivision prior to final plat approval, and the improvements have, in fact, been completed, the applicant may be required to comply with local laws and regulations in effect at the time that the final plat is considered for approval only if the Council makes a finding on the record that such compliance is necessary to prevent a substantial risk of injury to public health, safety and general welfare.

(Ord. No. 309. Passed 3-23-98.)

1224.07 SIGNING AND RECORDATION OF SUBDIVISION PLAT.

(1) Signing of Plat.

- (a) When a subdivision improvement agreement and security are required, the City Clerk shall endorse approval on the final plat after the agreement and security have been approved by the Council, and all the conditions of the resolution pertaining to the final plat have been satisfied.
- (b) When installation of improvements is required prior to recordation of the final plat, the City Clerk shall endorse approval on the final plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the City as shown by a certificate signed by the applicant's engineer stating that the necessary dedication of public lands and improvements has been accomplished and providing gravel, sand, and bituminous compaction test results and water and sanitary sewer test results to the City Engineer.

(2) Recordation of Plat.

- (a) The City Clerk will sign the reproducible mylar original of the final subdivision plat and two sepia prints of the final subdivision plat. The sepia prints will be returned to the applicant's engineer.
- (b) It shall be the responsibility of the City Clerk to file the final plat with the Ottawa County Plat Board Office within ten days of the date of signature. Simultaneously with the filing of the final plat, the City Clerk shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney.

- (3) Sectionalizing Subdivision Plats. Prior to granting final approval of a subdivision plat, the Council may permit the plat to be divided into two or more sections and may deem necessary to assure the orderly development of the plat. The Council may require that the subdivision improvement agreement and security be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining amount of the security until the remaining sections of the plat are offered for filing. The developer may also file irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedication for the remaining sections until those sections, subject to any conditions imposed by the Council shall be granted concurrently with final approval of the plat. If sectionalizing is approved, the entire approved subdivision plat including all sections shall be filed within ninety days after the date of final approval with the City Clerk's Office and such sections as have been authorized by the Council shall be filed with the Ottawa County Plat Boards Office. Such sections must contain at least ten percent of the total number of lots contained in the approved plat. The approval of all remaining sections not filed with the Plat Board's Office shall automatically expire unless such sections have been approved for filing by the Council all fees paid, all instruments and offers of dedication submitted and subdivision improvement agreements, security and performance bonds, if any, approved and actually filed with the Plat Board's Office within three years of the date of final subdivision approval of the subdivision plat.

(Ord. No. 309. Passed 3-23-98.)

1224.08 SUSPENSION AND INVALIDATION OF FINAL PLAT.

If the municipality suspends final plat approval for any subdivision plat under this ordinance, it shall record a document with the Ottawa County Plat Board's Office declaring that final approval for the subdivision is suspended and that the further sale, lease, or development of property within the subdivision is prohibited except that this prohibition shall not apply to persons or parties who have acquired property from the subdivider unless the person or party acquiring property meets the definition of "common ownership" in Section 1222.02(26). If any court of competent jurisdiction invalidates final plat approval for any subdivision the municipality shall record a document

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with the Ottawa County Plat Board's Office declaring that the final plat for the subdivision is no longer valid and that further subdivision activity is prohibited.

(Ord. No. 309. Passed 3-23-98.)

CHAPTER 1226 Assurance for Completion and Maintenance of Improvements

1226.01 IMPROVEMENTS AND SUBDIVISION IMPROVEMENT AGREEMENT.

- (1) Completion of Improvements. Before the final subdivision plat is signed by the City Clerk, all applicants shall be required to complete, in accordance with the Council's decision and to the satisfaction of the City Engineer, all the street, sanitary and other public improvements, including lot improvements on the individual lots of the subdivision, as required in this ordinance, specified in the final subdivision plat and as approved by the Council, and to dedicate those public improvements to the City, free and clear of all liens and encumbrances on the dedicated property and public improvements.
- (2) Subdivision Improvement Agreement and Guarantee.
 - (a) Agreement. The Council may waive the requirement that the proprietor complete and dedicate all public improvements prior to approval of the final subdivision plat and, in the alternative, permit the proprietor to enter into a subdivision improvement agreement by which the proprietor covenants to complete all required public improvements within a set time period.
 - (b) Covenants to Run. The subdivision improvement agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs, and assignees of the subdivider. The subdivision improvement agreement will be adopted by the Council, pursuant to applicable state and local laws and shall be recorded in the Ottawa County Recorder of Deeds.
 - (c) Security. Whenever the Council permits an applicant to enter into a subdivision improvement agreement, it shall require the applicant to provide a letter of credit or cash escrow as security for the promises contained in the subdivision improvement agreement. Either security shall be in an amount equal to 100 percent of the estimated cost of completion of the required public improvements, including lot improvements.
 1. Letter of Credit. If the applicant posts a letter of credit as security for its promises contained in the subdivision improvement agreement, the credit shall: (1) be irrevocable; (2) be for a term sufficient to cover the completion, maintenance and warranty periods in Section 1226.01(2)(a); and (3) require only that the City present the credit with a sight draft and an affidavit signed by the City Attorney attesting to the municipality's right to draw funds under the credit.
 2. Cash Escrow. If the applicant posts a cash escrow as security for its promises contained in the subdivision improvement agreement, the escrow instructions shall provide: (1) that the subdivider will have no right to a return of any of the funds except as provided in Section 1226.02(2)(b); and (2) that the escrow agent shall have a legal duty to deliver the funds to the City whenever the City Attorney presents an affidavit to the agent attesting to the City's right to receive funds whether or not the subdivider protests that right. If and when the municipality accepts the offer of dedication for the last completed required public improvement, the municipality shall execute a waiver of its right to receive all but twenty-five percent of the funds represented by the letter of credit or cash escrow if the subdivider is not in breach of the subdivision improvement agreement.

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- (3) Temporary Improvement. The applicant shall build and pay for all costs of temporary improvements required by the Council and shall maintain those temporary improvements for the period specified by the Council. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate subdivision improvement agreement and a letter of credit or cash escrow in an appropriate amount for temporary facilities, which agreement and credit or escrow shall ensure that the temporary facilities will be properly constructed, maintained, and removed.
 - (4) Costs of Improvements. All required improvements shall be made by the developer, at its expense, without reimbursement by the City or any special assessment district except that, as may be allowed under state law, the developer may form or cause to be formed a special assessment district or districts to construct and finance the construction of required public improvements excluding lot improvements on individual lots. If the subdivider does form or cause to be formed a special assessment district for the purposes identified in this section, the City shall not release the subdivider from its obligations under any subdivision improvement agreement nor shall the City release any security, in whole or in part, until the special assessment district has sold bonds or otherwise certifies to the City that it has an absolute right to raise revenues sufficient to construct, maintain, and warrant the quality of the required public improvements. The City, in lieu of the contract and security, may pass a certified resolution or ordinance from the Council agreeing to comply with the provisions of this article.
 - (5) Failure to Complete Improvement. For subdivisions for which no subdivision improvement agreement has been executed and no security has been posted, if the improvements are not completed within the period specified by the Council in the resolution approving the plat, the sketch plat or preliminary plat approval shall be deemed to have expired. In those cases where a subdivision improvement agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the City may avail itself of all remedies permitted under the Security Improvement Agreement.
 - (6) Acceptance of Dedication Offers. Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be by ordinance of the Council. The approval of a subdivision plat by the Council, whether preliminary or final, shall not be deemed to constitute or imply the acceptance by the City of any street, easement, or park shown on plat. The Council may require the plat to be endorsed with appropriate notes to this effect.

(Ord. No. 309. Passed 3-23-98.)

1226.02 INSPECTION OF IMPROVEMENTS.

- (1) General Procedure and Fees. The applicant shall provide for inspection of required improvements during construction and ensure their satisfactory completion. The applicant shall provide to the City inspection and test results for gravel, sand, and bituminous compacting for road construction and all required for water and sanitary sewer. During construction, Council may require the inspecting of improvements by the City Engineer; inspection fees based on the cost of inspections shall be paid prior to final plat approval. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. If the City Engineer finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the municipality's construction standards and specifications, the applicant shall be responsible for properly completing the improvements.
- (2) Release or Reduction of Security.
 - (a) Certificate of Satisfactory Completion. The Council will not accept dedication of required improvements, nor release nor reduce the amount of any security posted by the subdivider until the applicant's engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until: (1) the applicant's engineer or surveyor has certified to the City

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Engineer, through submission of a detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the City Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision, and (2) a title insurance policy has been furnished to and approved by the City Attorney indicating that the improvements have been completed, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the City Engineer, and City Attorney, the Council shall thereafter accept the improvements for dedication in accordance with the established procedure.

- (b) Reduction of Escrowed Funds and Security. If the security posted by the subdivider was a cash escrow, the amount of that escrow shall be reduced upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. At the end of the maintenance and warranty periods, all escrowed funds, if any, shall be released to the subdivider. If the security provided by the subdivider was a letter of credit, the City Attorney shall execute waivers of the municipality's right to draw funds under the credit upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision.

(Ord. No. 309. Passed 3-23-98.)

1226.03 ESCROW DEPOSITS FOR LOT IMPROVEMENTS.

- (1) Acceptance of Escrow Funds. Whenever, by reason of the season of the year, any lot improvements required by this ordinance cannot be performed, the Building Inspector may issue a certificate of occupancy, provided there is no danger to health, safety, or general welfare upon accepting a cash escrow deposit in an amount to be determined by the City Engineer for the cost of the lot improvements. The subdivision improvement agreement and security covering the lot improvements shall remain in full force and effect.
- (2) Procedures on Escrow Fund. All required improvements for which escrow monies have been accepted by the Building Inspector at the time of issuance of a certificate of occupancy shall be installed by the subdivider within a period of nine months from the date of deposit and issuance of the certificate of occupancy. If the improvements have not been properly installed at the end of the time period, the Building Inspector shall give two weeks written notice to the developer requiring it to install the improvements, and if they are not then installed properly, the Building Inspector may request the governing body to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit. At the time of the issuance of the certificate of occupancy for which escrow monies are being deposited with the Building Inspector, the developer shall obtain and file with the Building Inspector prior to obtaining the certificate of occupancy a notarized statement from the purchaser or purchasers of the premises authorizing the Building Inspector to install the improvements at the end of the nine-month period if the improvements have not been duly installed by the subdivider.

(Ord. No. 309. Passed 3-23-98.)

1226.04 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS.

- (1) The Council may defer or waiver at the time of final approval; subject to appropriate conditions, the provision of any or all public improvements as, in its judgement, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of the inadequacy or inexistence of connecting facilities. Any determination to defer or waive the provision of any public improvement must be made on the record and the reasons for the deferral or waiver also shall be expressly made on the record.

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- (2) Whenever it is deemed necessary by the Council to defer the construction of any improvement required under this ordinance because of incompatible grades, future planning, inadequate or nonexistent connecting facilities, or other reasons, the subdivider shall pay his share of the costs of the future improvements to the City prior to signing of the final subdivision plat by the City Clerk, or the developer may execute a separate subdivision improvement agreement secured by a letter of credit guaranteeing completion of the deferred improvements upon demand of the City.

(Ord. No. 309. Passed 3-23-98.)

1226.05 ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY.

- (1) When a subdivision improvement agreement and security have been required for a subdivision, no certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the required public improvements and the acceptance of the dedication of those improvements by the City, as required in the Council's approval of the final subdivision plat.
- (2) The extent of street improvement shall be adequate for vehicular access by the prospective occupant(s) and by police and fire equipment prior to the issuance of an occupancy permit. The developer shall, at the time of the offer of dedication, submit monies in escrow to the City in a sum determined by the City Engineer for the necessary final improvement of the street.

(Ord. No. 309. Passed 3-23-98.)

CHAPTER 1228 Requirements for Improvements, Reservations, and Design

1228.01 GENERAL IMPROVEMENTS.

- (1) Conformance to Applicable Rules and Regulations. In addition to the requirements established in this ordinance, all subdivision plats shall comply with the following laws, rules, and regulations:
 - (a) All applicable statutory provisions.
 - (b) The City Zoning Ordinances, City approved building codes, and all other applicable laws of the appropriate jurisdictions.
 - (c) The Comprehensive Plan and Capital Improvements Program of the local government, including all streets, drainage systems, and parks shown in the Comprehensive Plan as adopted.
 - (d) The special requirements of this ordinance and any rules of the Department of Public Health and/or appropriate state or substate agencies.
 - (e) The rules of the State Highway Department or the Ottawa County Road Commission if the subdivision or any lot contained therein abuts a state highway, connecting street or county road.
 - (f) The standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City.
 - (g) Plat approval may be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies as well as the purposes of this ordinance established in Section 1220.03.
- (2) Adequate Public Facilities. No preliminary plat shall be approved unless the Council determines that public facilities will be adequate to support and service the area of the proposed subdivision. The applicant shall, at

the request of the Council, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities by possible uses of said subdivision. Public facilities and services to be examined for adequacy will include roads, sewerage, water service, and emergency services.

- (a) The applicant for preliminary plat must, at the request of the Planning Commission, or Council, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities and services by possible uses of said subdivision.
 - (b) Comprehensive Plan Consistency Required. Proposed public improvements shall conform to and be properly related to the City's Comprehensive Plan and all applicable capital improvements plans.
 - (c) Water. All inhabitable buildings and buildable lots shall be connected to a public water system capable of providing water for health and emergency purposes, including adequate fire protection.
 - (d) Wastewater. All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment.
 - (e) Stormwater Management. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in downstream flooding. The City will require the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed developments wherever required by the City Engineer.
 - (f) Roads. Proposed roads shall provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation; shall be properly related to the Comprehensive Plan; and shall be appropriate for the particular traffic characteristics of each proposed development. Roadway design shall be submitted to the City Engineer for approval.
 - (g) Extension Policies. All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure.
- (3) Self-Imposed Restrictions. If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinances or this ordinance, such restrictions or reference to those restrictions may be required to be indicated on the subdivision plat.
- (4) Plats Straddling Municipal Boundaries. Whenever access to the subdivision is required across land in another local government, the Planning Commission or Council may request assurance from the City Attorney that access is legally established, and from the City Engineer that the access road is adequately improved, or that a guarantee has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross Municipal boundary lines.
- (5) Character of the Land. Land that the Planning Commission or Council finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Council, upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare.
- (6) Subdivision Name. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in area covered by this ordinance. The City Council shall have final authority to designate the name of the subdivision, which shall be determined at sketch plat approval.

(Ord. No. 309. Passed 3-23-98.)

1228.02 LOT IMPROVEMENTS.

- (1) Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinances and health regulations and in providing driveway access to buildings on the lots from an approved street.
- (2) Lot Dimensions. Lot dimensions shall comply with the minimum standards of the Zoning Ordinances. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require area that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the Zoning Ordinances and this ordinance. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinances.
 - (a) Maximum Width to Depth Ratio:
 1. No lot or parcel shall be created the depth of which exceeds four times its width.
 2. The width to depth ratio requirements of this section shall not apply to lots or parcels that have more than one-half of their street frontage on a cul-de-sac. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the remainder of the lot. Such lots shall have a minimum lot width of forty feet at the front property line.
 3. For corner lots, the depth of the lot shall be measured along the longest front lot line which is parallel or generally parallel to the public or private street right-of-way or easement. The width of the corner lot shall be that front lot line which is parallel or generally parallel to the public or private street right-of-way or easement and is the shorter of the two front lot lines. Where such lot lines are of equal length, the Planning Director shall determine the measurement of lot width to depth for purposes of this section.
- (3) Lot Orientation. The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.
- (4) Double Frontage Lots and Access to Lots.
 - (a) Double Frontage Lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
 - (b) Access from Arterials. Lots shall not, in general, derive access exclusively from an arterial street. Where driveway access from an arterial street may be necessary for several adjoining lots, the Council may require that such lots be served by a combined access drive in order to limit possible traffic hazards on the street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials.
- (5) Soil Preservation, Grading, and Seeding.

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- (a) **Soil Preservation and Final Grading.** No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved final subdivision plat and the lot precovered with soil with an average depth of at least six inches which shall contain no particles more than two inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six inches of cover on the lots and at least four inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.
 - (b) **Lot Drainage.** Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- (6) **Debris and Waste.** Debris and waste shall not be stored on a lot outside of a waste receptacle, unless approved by the City Building Inspector, while construction activities are occurring. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of the issuance of a certificate of occupancy, and removal of those items and materials shall be required prior to issuance of any certificate of occupancy on a subdivision. No items and materials as described in the preceding sentence shall be left or deposited in any area of the subdivision at the time of expiration of any subdivision improvement agreement or dedication of public improvements, whichever is sooner.
- (7) **Waterbodies and Watercourses.** If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Council may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a City responsibility. No more than twenty-five percent of the minimum area of a lot required under the Zoning Ordinances may be satisfied by land that is underwater. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of design approved by the City Engineer.

(Ord. No. 309. Passed 3-23-98.)

1228.03 ROADS.

- (1) **General Requirements.**
- (a) **Frontage on Improved Roads.** No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street.
 - (b) **Grading and Improvement Plan.** Roads shall be graded and improved and conform to the City construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted prior to final plat approval.
 - (c) **Classification.** All roads shall be classified as either e.g., arterial, collector, or local. In classifying roads, the City shall consider projected traffic demands after twenty years of development.
 - (d) **Topography and Arrangement.**
 - 1. Roads shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many building sites as possible at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades

and curves shall be avoided. Specific standards are contained in the design standards of this ordinance

2. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way.
 3. All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
 4. Local streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
 5. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets may be used where such use will result in a more desirable layout.
 6. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracks.
 7. In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- (e) Blocks.
1. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.
 2. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,300 feet nor be less than 600 feet in length. Wherever practicable, blocks along arterial and collector streets shall not be less than 1,000 feet in length.
 3. In long blocks the Planning Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
 4. Pedestrianways or crosswalks, not less than ten feet wide, may be required by the Council through the center of blocks more than 800 long where otherwise deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. The Planning Commission may recommend blocks designed for industrial uses of such length and width as may be determined suitable by the Planning Commission for prospective use.
- (f) Reserved.
- (g) Access to Arterials. Where a subdivision borders on or contains an existing or proposed arterial, the Planning Commission may require that access to such streets be limited by one of the following means:
1. The subdivision of lots so as to back onto the arterial and front onto a parallel local street; no access shall be provided from the arterial, and screening shall be provided in a strip of land along the rear property line of such lots.

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2. A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the primary arterial.
 3. A marginal access or service road (separated from the arterial by a planting or grass strip and having access at suitable points).
- (h) Road Names. The sketch plat as submitted need not indicate any names for proposed streets. The Planning Commission shall recommend approval for the names of all roads at the time of preliminary plat review. The Planning Director shall consult the local postmaster and emergency services directors and recommend to the Planning Commission. Names shall be sufficiently different in sound and spelling from other road names in the municipality so as not to cause confusion. A road which is (or is planned as) a continuation of an existing road shall bear the same name.
- (i) Street Lights. Installation of street lights shall be required in accordance with design and specification standards approved by the City Engineer.
- (j) Construction of Roads and Dead-End Roads.
1. Construction of Roads. The arrangement of streets shall provide for the continuation of public streets between adjacent properties when the continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary cul-de-sac shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The length of temporary or permanent dead-end streets and cul-de-sacs shall not exceed 600 feet.
 2. Dead-End Roads (Permanent). Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the Council for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty feet. However, the Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turn-around shall be provided at the end of the permanent dead-end street in accordance with City construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of this ordinance.
- (k) Sidewalks. Concrete sidewalks shall be installed within the dedicated nonpavement right-of-way of all roads, one foot inside the right-of-way line except where topography or other physical limitations of property prohibit such location. Sidewalk will be constructed in accordance with specifications provided by the City Engineer.
- (l) Curbs and Gutters. Concrete curbs and gutters are required for all roads. Rolled concrete curbs are preferred for residential subdivisions.
- (2) Design Standards.
- (a) General. In order to provide for roads of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road-maintenance equipment, and to coordinate roads so as to compose a convenient system and avoid undue hardships to adjoining properties, design standards for roads will comply with the City's Comprehensive Plan and with ASHTO standards and approved by the City Engineer.
 - (b) Road Surfacing and Improvements. After sewer and water utilities have been installed by the developer, the developer shall construct curbs and gutters and shall surface or cause to be surfaced

roadways to the widths prescribed in the Comprehensive Plan and in this ordinance. All surfacing shall be of a character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the City Engineer. Adequate provision shall be made for culverts, drains, and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the Planning Commission, City Engineer, or Council and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

- (c) Excess Right-of-Way. Right-of-way widths in excess of the standards designated in this ordinance shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of one vertical to three horizontal.
- (d) Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:
 - 1. In residential districts a buffer strip at least twenty-five feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structure on this land is prohibited."
 - 2. In districts zoned for business, commercial, or industrial uses the nearest street extending parallel or approximately parallel to the railroad right-of-way shall, wherever practicable, be at a sufficient distance from the railroad right-of-way to ensure suitable depth for commercial or industrial sites.
 - 3. When streets parallel to the railroad right-of-way intersect a street which crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
- (e) Intersections.
 - 1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than seventy-five degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 100 feet therefrom. Not more than two streets shall intersect at any one point unless specifically approved by the Council.
 - 2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least 800 feet apart.
 - 3. Minimum curb radius at the intersection of two local streets shall be at least twenty feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
 - 4. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent rate at a distance of sixty feet, measured from the nearest right-of-way line of the intersecting street.

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5. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
 6. The cross-slopes on all streets, including intersections, shall be a maximum of three percent and not less than one percent.

(3) Road Dedications and Reservations.

- (a) **New Perimeter Streets.** Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Council may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within its own subdivision boundaries.
- (b) **Widening and Realignment of Existing Roads.** Where a subdivision borders an existing, narrow road or when the Comprehensive Plan, or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at its expense those areas for widening or realignment of those roads. Frontage roads and streets as described above shall be improved and dedicated by the applicant at its own expense to the full width as required by this ordinance when the applicant's development activities cause the need for the road expansion. Land reserved for any road purposes may not be counted in satisfying yard or area requirements of the Zoning Ordinance whether the land is to be dedicated to the municipality in fee simple or an easement is granted to the City.

(Ord. No. 309. Passed 3-23-98.)

1228.04 DRAINAGE AND STORM SEWERS.

- (1) General Requirements. The Planning Commission shall not recommend for approval any plat of subdivision that does not make adequate provision for storm and flood water runoff channels or basins. The stormwater drainage system shall be separate and independent of any sanitary sewer system. Design of storm sewers, where required, shall be approved by the City Engineer and/or the Ottawa County Drain Commissioner, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.
- (2) Nature of Stormwater Facilities.
 - (a) **Locations.** The applicant may be required by the Council to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.
 - (b) **Accessibility to Public Storm Sewers.**
 1. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of stormwaters, subject to the specifications of the City Engineer. However, in subdivisions containing lots less than 15,001 square feet in area and in business and industrial districts,

underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the City Engineer.

2. If a connection to a public storm sewer will be provided eventually, as determined by the City Engineer and the Council, the developer shall make arrangements for future stormwater disposal by a public utility system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the subdivision improvement agreement required for the subdivision plat.
- (c) Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The City Engineer or County Drain Commission, depending on jurisdiction, shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.
 - (d) Effect on Downstream Drainage Areas. The City Engineer or County Drain Commission shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. City drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
 - (e) Areas of Poor Drainage. Whenever a plat is submitted for an area that is subject to flooding, the Council may approve such subdivision provided that the applicant fills the affected area of the subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of twelve inches above the elevation of the 100-year floodplain, as determined by the City Engineer. The plat of the subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width that shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed in the overflow zone. The boundaries of the overflow zone shall be subject to approval by the City Engineer. The Council may deny subdivision approval for areas of extremely poor drainage.
 - (f) Floodplain Areas. The Council may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property that lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Council.
- (3) Dedication of Drainage Easements.
- (a) General Requirements. When a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
 - (b) Drainage Easements.
 1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual, unobstructed easements at least fifteen feet in width for drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities.

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2. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
 3. The applicant shall dedicate, either in fee or by a drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the Council.
 4. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedures nor for computing the area requirement of any lot.
 5. Drainage easements shall contain language prohibiting the installation, construction, or placement of structures, shrubs, or trees within the drainage easements.

(Ord. No. 309. Passed 3-23-98.)

1228.05 WATER FACILITIES.

(1) General Requirements.

- (a) The developer shall take necessary action to extend the water main to the City's public water-supply system to provide for domestic water use and fire protection.
- (b) The developer shall install adequate water facilities (including fire hydrants) subject to the specifications of State or local authorities. All water mains shall be at least eight inches in diameter. All fire hydrants shall be installed with storz hydrant fittings.
- (c) Water main extensions shall be approved by the officially designated agency of the State or local government.
- (d) The location of all fire hydrants, all water supply improvements, and the boundary lines of proposed districts, indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be borne by the developer and included in the subdivision improvement agreement and security to be furnished by the developer.

- (2) Fire Hydrants. Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located no more than 600 feet apart and within 300 feet of any structure, termination of dead-end roads, and shall be approved by the Coopersville/Polkton Fire Department. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street shown on the subdivision plat.

(Ord. No. 309. Passed 3-23-98; Ord. No. 471. Passed 8-22-16 .)

1228.06 SEWERAGE FACILITIES, GENERAL REQUIREMENTS.

The applicant shall install sanitary sewer facilities in the location and manner prescribed by the City Engineer. All plans shall be designed and approved in accordance with the rules, regulations, and standards of the City Engineer, Michigan Department of Environmental Quality, and other appropriate agency. Necessary action shall be taken by the applicant to extend or create a sanitary sewer district for the purpose of providing sewerage facilities to the subdivision when no district exists for the land to be subdivided. Sanitary sewerage facilities shall connect with public sanitary sewerage systems. Sewers shall be installed to serve each lot and to grades and sizes required by approving officials and agencies. No individual disposal system or treatment plants (private or group disposal systems) shall be permitted. Sanitary sewerage facilities (including the installation of laterals in the right-of-way)

shall be subject to the specifications, rules, regulations, and guidelines of the Health Officer, City Engineer, and appropriate state agency.

(Ord. No. 309. Passed 3-23-98.)

1228.07 UTILITIES.

- (1) Location. All utility facilities, including but not limited to gas, electric power, telephone, and CATV and other telecommunications cables, shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.
- (2) Easements.
 - (a) Easements shall be provided for utilities (private and municipal) and such easements shall be at least ten feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.
 - (b) When topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten feet in width shall be provided alongside lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plat.

(Ord. No. 309. Passed 3-23-98.)

1228.08 PRESERVATION OF NATURAL FEATURES AND AMENITIES.

- (1) General. Existing features that would add value to residential development or to the City as a whole, such as trees, as herein defined, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No hardwood trees over three inches in diameter shall be removed from any subdivision nor any change of grade of the land affected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number and location of existing trees as required by this ordinance and shall further indicate all those marked for retention and the location of all proposed shade trees required along the street side of each lot as required by this ordinance.
- (2) Shade Trees Planted by Developer.
 - (a) As a requirement of subdivision approval, the applicant shall plant shade trees on the property of the subdivision. Such trees are to be planted within five feet of the right-of-way of the road or roads within and abutting the subdivision, or, at the discretion of the Council, within the right-of-way of such roads. One tree shall be planted for every forty feet of frontage along each road unless the Council shall grant a waiver. The waiver shall be granted only if there are trees growing along the right-of-way or on the abutting property which, in the opinion of the Council, comply with this ordinance.
 - (b) New trees shall have a minimum trunk diameter (measured twelve inches above ground level) of not less than two inches. Only Oak, Hard Maples, Ginkgo, or other long-lived shade trees, acceptable to the Council, shall be planted.

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- (3) Assurance of Shade Tree Installment. Following final plat or site condominium approval and before the issuance of any building permits, the developer shall deposit three hundred seventy-five dollars (\$375.00) per platted lot or site condominium unit with the City Treasurer to cover the cost of purchasing and planting street trees according to the approved street tree plan. The City of Coopersville will contract with a local landscaping firm to purchase the trees and have them planted en masse at an appropriate time, usually in the spring or fall.
 - (4) Street Tree Maintenance Assurance. The initial planting of street trees will include adequate watering, mulching, wrapping, staking, pruning and fertilization. In most cases, the street trees will be guaranteed by the installer for one year, provided that the owner of the associated platted lot or site condominium unit irrigates the tree on a regular basis. The owner of the associated platted lot or site condominium unit is responsible for the ongoing maintenance of their street tree. Street trees that succumb after one year shall be the responsibility of the property owner to replace using the guidelines of this chapter. The City will provide or recommend consultation to property owner if requested.

(Ord. No. 309. Passed 3-23-98; Ord. 379. Passed 1-10-05.)

1228.09 NONRESIDENTIAL SUBDIVISIONS.

- (1) General. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to the land shall make provision as the Council may require. A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Ordinances. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the Council. A nonresidential subdivision shall be subject to all the requirements of this ordinance, as well as such additional standards required by the Council, and shall conform to the proposed land use and standards established in the Comprehensive Plan and Zoning Ordinances.
- (2) Standards. In addition to the principles and standards in this chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Council that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - (a) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (c) Special requirements may be imposed by the local government with respect to street, curb, gutter, and sidewalk design and construction.
 - (d) Special requirements may be imposed by the local government with respect to the installation of public utilities, including water, sewer, and stormwater drainage.
 - (e) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
 - (f) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential areas.

(Ord. No. 309. Passed 3-23-98.)

Chap. 1240. General Provisions and Definitions.

CHAPTER 1240 General Provisions and Definitions

1240.01 SHORT TITLE.

This Title Four of Part Twelve-the Planning and Zoning Code shall be known, referred to and cited as the "City of Coopersville Zoning Ordinance" or just "Zoning Code."

(Ord. 195. Passed 4-9-90.)

1240.02 PURPOSE.

This Zoning Code shall affect the use and occupancy of all land and every building in the City. This Code has been made in accordance with a land use plan and is designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements. These regulations have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, with a view to conserving property values, encouraging the most appropriate use of land and to be in keeping with the general trend and character of population and building development.

(Ord. 195. Passed 4-9-90.)

1240.03 SCOPE AND INTERPRETATION.

It is not intended by this Zoning Code to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Code, or of any private restrictions placed upon property by covenant, deed or other private agreement. Where this Code imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot areas or larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such private restrictions, the provisions of this Code shall control.

(Ord. 195. Passed 4-9-90.)

1240.04 RULES OF CONSTRUCTION.

For the purposes of this Zoning Code, certain terms or words used herein shall be interpreted as follows:

- (a) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- (b) Words used in the present tense include the future tense.

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- (c) The singular includes the plural.
 - (d) The word "lot" includes the words "plot" or "parcel."
 - (e) The word "shall" is mandatory.
 - (f) The word "may" is permissive.
 - (g) The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."

(Ord. 195. Passed 4-9-90.)

1240.05 DEFINITIONS.

As used in this Zoning Code:

- (1) Access Drive. "Access drive" means a drive providing access to a land use or structure from a public right-of-way.
- (2) Accessory Use or Structure. "Accessory use or structure" means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- (3) Alterations, Structural. "Structural alterations" mean any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof.
- (4) Auction Facility. "Auction Facility" is a use which new or used furniture, electronic equipment, appliances or similar items, are sold at auction, whether live or on-line. An auction facility does not include a yard or estate-type sale and similar short-term, temporary uses limited to the sale of household items from the premises where the sale occurs, and does not include an auto auction facility. Items to be auctioned at an auction facility may be stored on site only until purchased.
- (5) Automobile Auction Facility. An "Automobile Auction Facility" is a facility where motor vehicles are offered for sale to person who competitively bid on the vehicles being offered for sale.
- (6) Automobile Repair, Major. "Major automobile repair" means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision service, including body repair and frame straightening, painting and upholstering, vehicle steam cleaning and undercoating.
- (7) Automobile Repair, Minor. "Minor automobile repair" means minor repairs, incidental replacement of parts and motor service to passenger automobiles and trucks not exceeding two tons capacity, but not including any operation specified under subsection (6) hereof.
- (8) Billboard, Advertising Device or Structure. "Billboard, advertising device or structure" means any structure or portion thereof, including the wall of any building, on which lettered, figured or pictorial matter is displayed and which directs attention to a business, commodity, service or entertainment not necessarily related to uses permitted on the premises upon which the structure is located.
- (9) Building. "Building" means any enclosed structure having a roof supported by columns, walls or other support used for the purpose of housing or storing of persons, animals or chattels or carrying on business activities or other similar uses.
- (10) Building Line. "Building line" means a horizontal line generally parallel to a front, rear or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear or side lot line.
- (11) Clinic, Dental or Medical. "Dental or medical clinic" means a building in which a group of physicians, dentists, or physicians and dentists or related medical professionals and their allied professional

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- assistants are associated for the purpose of practicing their profession. The clinic may include a medical or dental laboratory. It shall not include inpatient care or operating rooms for major surgery.
- (12) Domestic Animal. "Domestic animal" means any animal which commonly lives with man so as to live and breed in a tame condition.
- (13) Dwelling. "Dwelling" means any building or portion thereof which is occupied in whole or in part as a home, residence or sleeping place, either permanently or temporarily by one or more families.
- A. Dwelling, single-family. "Single-family dwelling" means a detached residential building containing one dwelling unit. A single-family dwelling shall comply with the design standards set forth in Chapter 1280.
- B. Dwelling, two-family. "Two-family dwelling" means a detached residential building containing two dwelling units. A two-family dwelling shall comply with the design standards set forth in Chapter 1280. A two-family dwelling may also be referred to as a "duplex."
- C. Dwelling, multiple-family. "Multiple-family dwelling" means a residential building containing three or more dwelling units. A multiple-family dwelling shall comply with the design standards set forth in Chapter 1280.
- D. Dwelling, mobile home. "Mobile home dwelling" means a manufactured detached residential building, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation. A mobile home dwelling may also be referred to as a "manufactured home." This definition does not include modular homes or trailer coaches, wheels, or on a flatbed or other trailer, arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. "Mobile home dwelling" does not include travel trailers. No mobile home which does not conform to paragraph (11)A. hereof shall be used for dwelling purposes in the City unless it is located in a mobile home park or a mobile home plat zoned for such use or used for temporary residence purposes as provided in this Zoning Code.
- (14) Dwelling Unit. "Dwelling unit" means one room or a suite of two or more room designed for use or occupancy by one family containing housekeeping facilities.
- (15) Fabrication. "Fabrication" means the stamping, cutting or otherwise shaping of processed materials into useful objects.
- (16) Family. "Family" means a single individual or a number of individuals domiciled together whose relationship is of a continuing nontransient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration of school terms or other similar determinable periods.
- (17) Farm. "Farm" means a parcel of land which carries on the customary farm operations.
- (18) Farm Animals. "Farm animals" means animals that are hoofed and animals that do not commonly live with man so as to live and breed in a tame condition.
- (19) Fences. "Fences" means, either for residential, commercial or industrial purposes, metal, wood or masonry structures, or hedges, clumps of shrubs or vegetation, that are placed along a property line for the purpose of defining such property line and/or restricting access to an owner's property.
- (20) Floor Area. "Floor area" means the gross floor area of all floors of a building or an addition to an existing building. For all office buildings and for any other building where the principal use thereof

includes the basement, the basement floor area shall be included, except that part which contains heating and cooling equipment and other basic utilities.

- (21) General Office. "General office" means a place where a particular kind of business is housed (including retail business) or service supplied, or the directing headquarters of an enterprise or organization. Professional offices, banks and drive-in banks are considered a part of this definition.
- (22) Home Occupation. "Home occupation" means a gainful occupation carried on in a dwelling unit as clearly incidental and secondary to the use of the dwelling unit as a dwelling.
- (23) Housekeeping Facilities. "Housekeeping facilities" means independent living facilities for one family only, including permanent provisions for living, sleeping, eating, cooking, electric power and sanitation.
- (24) Junkyard. "Junkyard" means a place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including wrecked motor vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated or obsolete.
- (25) Kenel. "Kenel" means the land and/or structure where five or more cats or dogs are boarded, housed or bred for profit.
- (26) Lot. "Lot" means a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Zoning Code and having frontage on a public street.
- (27) Lot Line. "Lot line" means a line bounding a lot or parcel which separates the lot or parcel from another lot or parcel, an existing street right-of-way, an approved private road easement, or an ordinary high water mark.
- (28) Lot Line, Front. "Front lot line" means the lot line which separates the lot from the existing street right-of-way or approved private road easement that provides access to the lot.
- (29) Lot Line, Rear. "Rear lot line" means the lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, it means an imaginary line ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
- (30) Lot Line, Side. "Side lot line" means any lot line other than a front or rear lot line.
- (31) Medical Marihuana Dispensary. Any for-profit or not-for-profit business, facility, association, entity, use, cooperative, location, or operation, whether fixed or mobile, permanent or temporary, where medical marihuana (also commonly known as marijuana or cannabis) is made available to, sold, used, grown, processed, delivered, or distributed by anyone including one or more of the following:
 - 1. A primary caregiver (i.e., a person who is at least twenty-one years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs, as provided for in Initiated Law No. 1 of the Public Acts of 2008, as amended).
 - 2. A qualifying patient (i.e., a person who has been diagnosed by a physician as having a debilitating medical condition, as provided for in Initiated Law No. 1 of the Public Acts of 2008, as amended).
 - 3. Members of the public.

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

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

- (32) Mobile Home Park. "Mobile home park" means a lot, parcel or tract of land used as the site of occupied mobile homes, including any structure, vehicle or enclosure used as part of the equipment of such mobile home park and licensed or licensable under Act 96 of the Public Acts of 1987, as amended.
- (33) Modular Home. "Modular home" means a dwelling which consists of pre-fabricated units transported to the site on a removable undercarriage or flatbed and assembled for permanent location on the lot.
- (34) Motel. "Motel" means a building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units, which may or may not be independently accessible from the outside, with garage or parking space located on the lot and designed for or occupied by automobile travelers. The term includes any buildings or building groups designated as motor lodges, motor inns or by any other title intended to identify them as providing lodging, with or without meals, for compensation.
- (35) Parking Area, Space or Lot. "Parking area, space or lot" means an off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors or employees. Parking area includes access drives within the actual parking area.
- (36) Planning Director. "Planning Director" means the person designated by Council to administer the provisions of this Zoning Code. He or she may be the City Manager, the Building Inspector or any other officer of the City so designated by Council.
- (37) Pool, Private Swimming. "Private swimming pool" means any artificially constructed basin or other structure for the holding of 500 or more gallons of water for the use by the owner, his family or guests for aquatic sports or recreation.
- (38) Principal Building. "Principal building" means the building occupied by the main use or activity on or intended for the premises, all parts of which building are connected in a substantial manner by common walls and a continuous roof.
- (39) Processing. "Processing" means any operation changing the nature of material, such as its chemical composition or physical qualities. It does not include operations described as fabrication.
- (40) Professional Office. "Professional office" means the office of a member of a recognized profession maintained for the conduct of his or her profession. Such professions shall be limited to medicine, dentistry, law, architecture, engineering, real estate, insurance and other professions which require a similar degree of training and experience. Offices which conduct retail business, provide drive-in service such as banks and savings and loans are not considered professional offices under this definition.
- (42) Public Utility. Except for wireless communication facilities, any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations to the public electricity, gas, steam, communications, telephonic, transportation or water.
- (43) Roadside Market Stand. "Roadside market stand" means a temporary structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.
- (44) Setback, Required. "Required setback" means the required minimum horizontal distance between a front, rear, or side lot line and a building line.

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- (45) Special Land Use. "Special land use" means a listed use so identified for individual zoning districts which is only permitted in certain locations within the zoning district if it meets established standards as set forth for each use or zoning district. The Planning Commission shall determine if the special land use meets the special land use standards for the particular special land use or zoning district.
- (46) Structure. "Structure" means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.
- (47) Tourist Home. "Tourist home" means a building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided to transients for compensation, by a resident family in its dwelling. Such transient lodging is subordinate in both use and appearance to use of the dwelling as a dwelling unit. Bed-and-breakfast establishments shall be considered tourist homes.
- (48) Trailer Coach. "Trailer coach" means any movable dwelling or mobile dwelling except a mobile home. Included as trailer coaches are travel trailers, campers, house cars and similar recreation-type equipment used for temporary or recreation dwelling.
- (49) Trailer Coach Park. "Trailer coach park" means an area or premises on which available space is rented, held for rent, or on which free occupancy or camping is permitted for trailer coach owners or users on a temporary basis according to the provisions of Section 5.90 of Act No. 243 of the Public Acts of 1959, as amended.
- (50) Variance, Non-Use. "Non-use variance" means a relaxation or modification of this Zoning Code granted by the Board of Zoning Appeals when strict enforcement of a dimensional requirement contained in this Zoning Code would result in undue hardship owing to circumstances unique to the individual property. A non-use variance typically involves setbacks, height limitations, bulk, lot area, parking spaces and other numerical standards contained in this Zoning Code. A non-use variance may also be referred to as a "dimensional variance."
- (51) Variance, Use. "Use variance" means a relaxation or modification of this Zoning Code granted by the Board of Zoning Appeals which gives permission to use property for a use not otherwise permitted in the zoning district in which the property is located.
- (52) Wireless Communication Facilities:
- A. *Wireless Communications Facilities* shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment building and commercial mobile radio service facilities.
 - B. *Attached Wireless Communications Facilities* shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
 - C. *Wireless Communication Support Structures* shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
 - D. *Wireless Communication Facility Collocation* shall mean the location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

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- (53) Yard, Required. "Required yard" means a required open space on the same lot with a principal building, unoccupied and unobstructed by any building or structure or portion thereof from the ground upward, except as otherwise provided in this Zoning Code.
 - (54) Yard, Required Front. "Required front yard" means a required yard extending the full width of the lot, the depth of which is the required setback between the front lot line and the building line.
 - (55) Yard, Required Rear. "Required rear yard" means a required yard extending the full width of the lot, the depth of which is the required setback between the rear lot line and the building line.
 - (56) Yard, Required Side. "Required side yard" means a required yard extending the full width of the lot, the depth of which is the required setback between the side lot line and the building line.
 - (57) Zoning Permit. "Zoning permit" means a written statement issued by the Planning Director authorizing buildings, structures or uses consistent with the requirements of the district in which they may be located.

(Ord. 195. Passed 4-9-90; Ord. 465. Passed 5-11-15 .)

1240.06 SEPARABILITY CLAUSE.

Should any article, section, subsection, paragraph, sentence or phrase of this Zoning Code be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Zoning Code as a whole or any part thereof other than the part so declared to be invalid.

(Ord. 195. Passed 4-9-90.)

CHAPTER 1242 Administration, Enforcement and Penalty

1242.01 OFFICE OF PLANNING DIRECTOR ESTABLISHED.

There is hereby established the office of Planning Director in and for the City, and for the purpose of this Zoning Code, the Building Inspector may be designated as the Planning Director.

(Ord. 195. Passed 4-9-90.)

1242.02 DUTIES OF PLANNING DIRECTOR.

- (a) The Planning Director shall administer and enforce this Zoning Code in accordance with the provisions of Part Fourteen-the Building and Housing Code.
- (b) In the performance of his or her duties, the Planning Director or employees properly authorized to represent him or her shall have the right to enter any building or premise for the purpose of investigation or inspection.
- (c) No land shall be used or occupied and no structure shall be designated, erected, altered or used hereafter until a zoning permit has been issued by the Planning Director. The Planning Director shall issue a zoning permit if he or she is satisfied that the building, structure or premises, and the proposed use thereof, conforms with all the requirements of this Zoning Code. A zoning permit issued by the Inspector shall be required prior to the issuance of any building permit.

(Ord. 195. Passed 4-9-90.)

1242.03 COOPERATION WITH OTHER DEPARTMENTS.

The Planning Director shall furnish to the various departments, officers or employees vested with the duty or authority to issue permits or licenses such information as will insure proper administration of this Zoning Code. It shall be the duty of such departments, officers and employees to cooperate with the Planning Director in the performance of his or her duties. Any permit or license issued by such departments, officials and employees in conflict with the provisions of this Zoning Code shall be null and void.

(Ord. 195. Passed 4-9-90.)

1242.04 METHODS OF ENFORCEMENT.

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Zoning Code or any amendment, the Planning Director shall have the authority to implement the enforcement thereof by any of the following means:

- (a) He or she may serve notice requiring the removal of any use in violation of this Code upon the owner, agent or tenant of the building or land or upon the architect, builder, contractor or other person who commits or assists in any such violation.
- (b) He or she may call upon the City Attorney to institute any necessary legal proceedings to enforce the provisions of this Code, and the Attorney is hereby authorized to institute appropriate actions to that end.
- (c) He or she may call upon the local law enforcement officer or his or her deputies to assist in the enforcement of this Code.

In addition to the authority vested in the Administrator, the Attorney, or any adjacent or neighboring property owner who would be especially damaged by violations of this Code, may institute proceedings for an injunction to restrain or abate, or to cause the correction or removal of any violation of this Code.

(Ord. 195. Passed 4-9-90.)

1242.05 FILING OF PLANS.

Every application for a zoning permit shall be accompanied by plans in duplicate, drawn to scale in black line or blueprint, showing the shape and dimensions of the lot to be built upon or to be changed in its use, the exact location, size and height of the building or structure, and the intended use to be made thereof. One copy of such plans shall be returned to the owner when such plans have been approved by the Planning Director, together with any zoning permit granted.

(Ord. 195. Passed 4-9-90.)

1242.06 AMENDMENTS; CHANGE IN ZONING.

- (a) An amendment to this Zoning Code may be initiated by any of the following methods:
 - (1) By Council motion;
 - (2) By Planning Commission motion; or
 - (3) By petition of property owner(s).

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- (b) An amendment to this Zoning Code may be initiated to change any one of the following:
 - (1) A provision, rule, or requirement of this Zoning Code, which may be referred to as a text change; or
 - (2) A zoning district boundary on the official Zoning Map, which may be referred to as a map change or rezoning.
 - (c) An amendment to this Zoning Code shall be enacted following the same procedure used for adoption of the original ordinance establishing the Zoning Code.

(Ord. 195. Passed 4-9-90.)

1242.07 AMENDMENT PETITION PROCEDURE.

A Zoning Code amendment petition shall be processed as follows:

- (a) The applicant shall discuss the amendment petition with the Planning Director. If the Planning Director determines that an amendment petition is the appropriate action, the applicant shall be given an amendment application.
- (b) The applicant shall complete the application and submit it to the City Clerk along with the application fee. The application shall not be processed unless the application fee is paid in full. The fee shall be determined by City Council as part of an overall zoning administration fee schedule, and shall be established at an amount to cover the costs of the review process.
- (c) The City Clerk shall contact the Planning Commission Chairperson to determine a date for a public hearing. The application shall be submitted to the City Clerk at least thirty days prior to the next regular Planning Commission meeting; the application shall be submitted by all owners of interest in the land for which the application approval is sought, or the designated agent of the owner. The applicant or a designated representative must be present at all scheduled meetings/hearings, or consideration of the application shall be tabled due to lack of representation.
- (d) If the amendment petition is a rezoning request, the City Clerk shall verify the property's parcel number(s) and legal description(s) upon receipt of the completed application.
- (e) The City Clerk shall make an affidavit of mailing for notices of the public hearing mailed by first class mail to: the applicant, each public utility and railroad within the zoning district(s) affected, and, if the amendment petition is a rezoning request, to owner(s) of property(s) which lies within the area proposed to be rezoned and owner(s) of property within 300 feet of the subject property. Such notice shall be given not less than fifteen days or more than thirty days before the date of the hearing. The City Clerk shall also notify the Planning Director, Planning Commission members, City Assessor, and Board of Zoning Appeals Chairperson.
- (f) The City Clerk shall publish notice of a public hearing to be held by the Planning Commission in one newspaper of general circulation in the City not less than fifteen days or more than thirty days before the date of the hearing.
- (g) The notice shall contain the following information:
 - (1) The name of the applicant;
 - (2) A legal and general description of the property, if a rezoning request;
 - (3) A description of the Zoning Code amendment; and
 - (4) The date, time, and place of the public hearing and time period in which written comments may be submitted.

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- (h) At the public hearing, the Planning Commission shall allow the public to present oral and written comments about the amendment petition. Public Comments received shall be considered and evaluated. The Planning Commission, by motion, shall make a recommendation to the City Council to approve or deny the amendment petition. The Planning Commission's motion must be passed with a majority vote. The pertinent facts considered and the reasons for the motion made shall be put in writing in a summary report to be provided to the members of the City Council. The summary report shall include the recommendation; a summary of comments made at the public hearing; and detailed findings concerning the petition based on conformance with the review standards in Section 1242.09 consistency with the City of Coopersville Master Plan and compatibility with adjacent uses of land, the natural environment, and the capacities of public services and facilities.
 - (i) At the next regularly scheduled City Council meeting, the City Council shall review the Planning Commission recommendation and make a motion to approve or deny the amendment petition. The pertinent facts considered and reasons for the action taken shall be put in writing. The amendment petition must be adopted as an ordinance by a majority of the members of the City Council.
 - (j) If a protest petition, meeting the requirements of Section 4 of Act 207 of the Public Acts of 1921, as amended, has been filed with the City Clerk, the amendment petition shall then only be approved by a two-thirds majority vote of the City Council. The protest petition shall be presented to the City Council before final action on the amendment petition is taken. The protest petition shall be signed by one of the following:
 - (1) The owners of at least twenty percent of the area of land included in the proposed change, excluding publicly owned land; or
 - (2) The owners of at least twenty percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change, excluding publicly owned land.
 - (k) One notice of adoption shall be published in a newspaper of general circulation in the City within fifteen days after adoption. The notice shall contain either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment; the effective date of the ordinance; and the time and place where a copy of the amendment ordinance may be purchased or inspected.
 - (l) After the amendment has been adopted, two copies of the amendment and site plan shall be signed and dated by the City Clerk, one for the record and one to be submitted to the applicant. The City Clerk shall also notify the Planning Commission Chairperson, Board of Zoning Appeals Chairperson, Planning Director, Building Inspector, City Engineer, and City Assessor.
 - (m) In the case of rezoning amendments, the City Clerk shall amend the official City Zoning Map.

(Ord. 195. Passed 4-9-90; Ord. 459. Passed 3-24-14.)

1242.08 SUBMITTAL REQUIREMENTS FOR AMENDMENT PETITIONS.

- (a) All petitions for amendments to this Zoning Code shall be in writing, signed and filed in triplicate with the City Clerk.
- (b) All petitions for amendments shall contain the following, when applicable, as determined by the Planning Director:
 - (1) The name and address of the petitioner, who shall have a legal or equitable interest in the land subject to the petition;

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- (2) The name, address and interest of every other person having a legal or equitable interest in the land subject to the petition;
 - (3) The street address and legal description of the property subject to the proposed amendment;
 - (4) The present zoning classification of the land;
 - (5) The proposed change in zoning classification of the land;
 - (6) The present and proposed use of the property; and
 - (7) A preliminary site plan in accordance with Chapter 1284 of this Zoning Code, if otherwise required by this Zoning Code or if desired by the applicant, or a scale diagram or diagrams showing the property subject to the proposed amendment and showing all public and private rights-of-way and easements; the location, dimensions and use of existing and proposed structures; watercourses; curb cuts; and uses, lots and parcels of land within 300 feet of the property proposed for a rezoning. This diagram shall be drawn to a scale of 100 feet to the inch.
- (c) Upon examination and approval of the application as to form, the City Clerk shall transmit the application to the Planning Commission, which shall process the petition as provided in this Zoning Code.
- (Ord. 195. Passed 4-9-90.)

1242.09 REVIEW STANDARDS FOR AMENDMENT PETITIONS.

Decisions of the Planning Commission and the City Council on amendment petitions shall be in conformance with the following review standards:

- (a) All Amendment Petitions.
 - (1) The proposed amendment would be consistent with the City of Coopersville Comprehensive Community Plan and would contribute to the character of development envisioned in the plan for the area affected.
 - (2) A justification for a change exists, such as a change in conditions that has taken place since the original Zoning Code adoption, or because a mistake was made in the original zoning regulations.
 - (3) The amendment is designed to correct an improper situation and would not result merely in the granting of special privileges.
 - (4) An inappropriate precedent would not be set.
 - (5) The proposed change would be consistent with the City or Village Zoning Act, Act 207 of the Public Acts of 1921, as amended.
 - (6) The proposed change would not be exclusionary.
 - (7) The proposed change would be reasonable.
- (b) To Add Additional Land Uses to a Zoning District.
 - (1) The proposed land use is not already provided for elsewhere in this Zoning Code.
 - (2) The proposed land use would be compatible with uses already permitted in that district, including those permitted by right and by special land use permit.
 - (3) The proposed land use would relate well with the spirit and intent of this Zoning Code and the objectives of the zoning district.

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- (4) The proposed land use is locationally appropriate throughout the district or is more appropriate in the district if permitted by special land use permit.
 - (5) There is a demonstrated need for the proposed use.
- (c) To Change or Add a Provision, Rule or Requirement (Text Change).
- (1) The proposed text change would be in keeping with the spirit and intent of this Zoning Code and the objectives of the zoning district, and would not go beyond the intent and objectives of valid public interests.
 - (2) The problem or issue which the proposed text change is intended to address cannot be addressed in another, more appropriate manner.
 - (3) The proposed text change is a response to new problems not currently addressed in this Zoning Code.
 - (4) The proposed text change would be easily enforceable.
- (d) To Change, Create, Extend or Reduce a Mapped Zoning District (Rezoning Request).
- (1) There are substantial reasons why the property cannot be reasonably used as currently zoned.
 - (2) The proposed land use would not be more appropriately handled as a special land use in the existing zoning district or another district.
 - (3) The change of present zoning district boundaries is consistent in relation to existing land uses in the area and would not adversely affect property values.
 - (4) Adequate sites properly zoned are not available elsewhere to accommodate the proposed use.
 - (5) The rezoning would not constitute a "spot zone," granting a special privilege to only one landowner that would not be available to others.
 - (6) There has been a change of conditions in the area supporting the proposed rezoning.
 - (7) The proposed change would not severely affect traffic, public facilities and the natural characteristics of the area, or significantly change population density, and would be consistent with the purposes for which the current zoning district was adopted.
 - (8) The proposed change would not be out of scale with the needs of the community.
 - (9) A determination shall be made as to the probable effect of the change on stimulating similar zoning requests in the vicinity and whether or not this secondary effect would negatively impact community plans and public services.
 - (10) The proposed boundary is appropriate.

(Ord. 195. Passed 4-9-90.)

1242.10 ZONING REQUESTS; REIMBURSEMENT OF CITY FOR COSTS.

All parties making zoning requests, including variances, rezoning, special use permits, site plan reviews and others, will be required to reimburse the City for all costs associated with the request, including the hourly labor cost of City employees.

(Res. 90-03-26-335(021). Passed 3-26-90.)

1242.99 PENALTY.

- (a) Unless a section of this Planning and Zoning Code provides otherwise, whoever violates or fails to comply with any provisions of this Planning and Zoning Code is responsible for a municipal civil infraction and shall be subject to the penalties provided in Section 202.99(b) and (c) of the Administration Code.

(Ord. 94-241. Passed 8-22-94.)

- (b) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 195. Passed 4-9-90; Ord. 450. Passed 7-22-13.)

CHAPTER 1244 Board of Zoning Appeals

1244.01 ESTABLISHMENT; COMPOSITION; TERMS; OFFICERS.

A Board of Zoning Appeals in and for the City has been established in accordance with the provisions of Chapter 266 of these Codified Ordinances.

(Ord. 277. Passed 9-23-96.)

1244.02 OFFICERS. (REPEALED)

(EDITOR'S NOTE: Section 1244.02 was repealed by Ordinance 277, passed September 23, 1996.)

1244.03 RULES OF PROCEDURE; BYLAWS.

The Board of Zoning Appeals shall adopt rules of procedure or bylaws which will provide specific guidelines and rules of conduct to be followed by the members of the Board. These rules shall be available for public inspection at the office of the City Clerk. These rules shall include the following required items and other items as deemed appropriate by the Board:

- (a) Meetings shall be held regularly according to such rules at a fixed place and open to the public.
- (b) The presence of three members shall constitute a quorum.
- (c) It shall take a concurring vote of a majority of the Board (three members) to reverse an order or decision of the Planning Director, Planning Commission or any other official to whom authority is granted by this Zoning Code or to grant a non-use variance from the provisions hereof, or to decide on any matter upon which it is required to pass by this Zoning Code, excluding the granting of use variances.
- (d) It shall take a concurring vote of a two-thirds majority of the Board (four members) to grant a use variance from the provisions of this Zoning Code.
- (e) A record of the proceedings of each meeting shall be kept by the Board of Zoning Appeals relating evidence presented by the applicant, the resolution by the Board of Zoning Appeals, the vote of each member on each question, or if absent or failing to vote, an indication of such fact. This shall be a public record and immediately filed in the office of the City Clerk.

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- (f) The Board of Zoning Appeals shall receive reasonable assistance from other City departments in carrying out its functions.

(Ord. 195. Passed 4-9-90; Ord. 277. Passed 9-23-96.)

1244.04 POWERS OF THE BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall have the following powers:

- (a) To hear and decide on all matters referred to it upon which it is required to act under this Zoning Code.
- (b) To interpret this Zoning Code and the official Zoning Map and all related matters whenever a question arises in the administration of this Zoning Code as to the meaning and intent of any of its provisions or parts.
- (c) To hear and decide administrative appeals.
- (d) To hear and decide non-use variance requests.
- (e) To hear and decide use variance requests.

(Ord. 195. Passed 4-9-90.)

1244.05 ADMINISTRATIVE APPEALS.

The Board of Zoning Appeals shall hear and decide administrative appeals from, and review any order, requirements, decision, or determination made by, the Planning Director or Planning Commission in the carrying out or enforcement of the provisions of this Zoning Code. In hearing and deciding administrative appeals, the Board of Zoning Appeals shall observe the general purpose and intent of this Zoning Code.

(Ord. 195. Passed 4-9-90.)

1244.06 VARIANCE REQUESTS.

The Board of Zoning Appeals shall have the power to grant variances to vary or modify any of the rules, regulations, or provisions of this Zoning Code, if there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Zoning Code relating to the construction of, or structural changes in, equipment, or alterations of buildings or structures, or the use of land, buildings, or structures, so that the spirit of this Zoning Code shall be observed, public safety secured, and substantial justice done.

(Ord. 195. Passed 4-9-90.)

1244.07 SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE APPEALS AND VARIANCE REQUESTS.

- (a) All petitions for administrative appeals and variance requests shall be in writing, signed and filed in triplicate with the City Clerk.
- (b) All petitions for administrative appeals and variances shall contain the following, when applicable, as determined by the Planning Director:
 - (1) The name and address of the petitioner, who shall have a legal or equitable interest in the land subject to the petition;

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- (2) The name, address and interest of every other person having a legal or equitable interest in the land subject to the petition;
 - (3) The street address and legal description of the property subject to the variance request;
 - (4) An adequate description of the administrative appeal or variance request;
 - (5) The present and proposed use of the property; and
 - (6) A preliminary site plan in accordance with Chapter 1284 of this Zoning Code, if otherwise required by this Zoning Code or if desired by the appellant or applicant, or a scale diagram or diagrams showing the property subject to the variance request with all public and private rights-of-way and easements; location, dimensions, and use of existing and proposed structures; watercourses; curb cuts; and uses, lots, and parcels of land within 300 feet of the property proposed for a rezoning. This diagram shall be drawn to a scale of 100 feet to the inch.
- (c) Upon examination and approval of the application as to form, the City Clerk shall transmit the application to the Board of Zoning Appeals, which shall process the petition as provided in this Zoning Code.
- (Ord. 195. Passed 4-9-90.)

1244.08 ADMINISTRATIVE APPEAL AND VARIANCE REQUEST PROCEDURE.

An administrative appeal or variance request shall be processed as follows:

- (a) The applicant shall meet with the Planning Director to discuss the desired action to be taken. The Planning Director shall make a written determination if an administrative appeal, non-use variance, or use variance is required and supply an application if needed. An administrative appeal must be filed within thirty days after the order, requirement, decision, or determination being appealed is made.
- (b) The applicant shall complete the application and submit it to the City Clerk along with the application fee and Planning Director's written determination. The application shall not be processed until the fee is paid in full. The fee shall be determined by City Council as part of an overall zoning administration fee schedule, and shall be established at an amount which shall cover the costs of the review process.
- (c) The City Clerk shall verify the property's parcel number(s) and legal description(s).
- (d) The City Clerk shall contact the Board of Zoning Appeals Chairperson to determine a date for public hearing.
- (e) The City Clerk shall mail notice of the public hearing by first class mail to the applicant and owners of property within 300 feet of the property in question, and to the occupants of all dwellings within 300 feet. Such notice shall be given not less than fifteen days and not more than thirty days before the date of the hearing. The City Clerk shall also notify the Planning Director, Planning Commission Chairperson, City Assessor, and Board of Zoning Appeals members.
- (f) The City Clerk shall publish a notice of the public hearing in one newspaper of general circulation in the City, not less than five days and not more than fifteen days before the date of the hearing.
- (g) The notice shall contain the following information:
 - (1) Name of applicant;
 - (2) Legal and general description of the property;
 - (3) A description of the administrative appeal, non-use variance, or use variance being requested; and

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- (4) The date, time, and place of the public hearing and the time period within which written comments may be submitted.
 - (h) At the public hearing, the Board of Zoning Appeals shall allow the public to present oral and written comments about the appeal. Public comments received shall be considered and evaluated.
 - (i) The Board of Zoning Appeals may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in such application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of such hearing unless the Board of Zoning Appeals so decides.
 - (j) The Board of Zoning Appeals shall either:
 - (1) Grant the appeal or variance request wholly or partly; or
 - (2) Grant the appeal or variance request wholly or partly with conditions attached; or
 - (3) Deny the appeal or variance request.
 - (k) After the appeal or variance request has been granted, two copies of the granted appeal or variance request and site plan shall be signed and dated by the City Clerk, one for the record and one to be submitted to the applicant. The City Clerk shall also notify the Planning Commission Chairperson, Board of Zoning Appeals Chairperson, Planning Director, Building Inspector, City Engineer, and City Assessor.

(Ord. 195. Passed 4-9-90; Ord. 461. Passed 4-28-14.)

1244.09 CONDITIONS OF APPROVAL.

- (a) In authorizing a variance, the Board of Zoning Appeals may, in addition to the review standards provided for in Section 1244.11, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Zoning Code and the protection of the public interest. Such conditions shall be attached to the variance in the same manner as site plan conditions pursuant to Chapter 1284.

(Ord. 195. Passed 4-9-90.)

- (b) No order of the Board of Zoning Appeals permitting the construction of a building shall be valid for longer than one year, unless a building permit for construction or alteration is obtained within such period and such construction or alteration is started and proceeds to completion in accordance with the terms of such permit.
- (c) No order of the Board permitting a use of a building or premises shall be valid for longer than one year unless such use is established within such period. However, where such use is dependent upon the construction or alteration of a building, such order shall continue in force if a building permit for construction or alteration is obtained within such period and such construction or alteration is started and proceeds to completion in accordance with the terms of such permit.

(Ord. 235. Passed 5-23-94.)

1244.10 DECISIONS OF THE BOARD OF ZONING APPEALS.

- (a) A majority vote of all of the members of the Board of Zoning Appeals, or three members, is required to grant an administrative appeal or non-use variance. A concurring two-thirds vote of all members of the Board of Zoning Appeals, or four members, shall be required to grant a use variance.

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- (b) Any decision of the Board of Zoning Appeals shall be put in writing and contain a thorough explanation of its rationale. The written decision shall be submitted to the City Clerk within thirty days of the public hearing, excluding extenuating circumstances. The City Clerk shall notify the applicant and the Planning Director of the decision of the Board of Zoning Appeals within forty-five days of the public hearing. Such decision shall be binding upon the Planning Director, and the terms and conditions of the decision shall be incorporated into the permit to the applicant whenever a permit is authorized by the Board of Zoning Appeals.
 - (c) A decision of the Board of Zoning Appeals shall not become final until the expiration of five days from the date such decision is made, unless the Board of Zoning Appeals finds the immediate effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
 - (d) The decision of the Board of Zoning Appeals is final and may not be appealed to any other City administrative body. A Board of Zoning Appeals decision may only be appealed to the Circuit Court.

(Ord. 195. Passed 4-9-90.)

1244.11 VARIANCE REQUEST REVIEW STANDARDS.

- (a) No non-use variance from the provisions or requirements of this Zoning Code shall be authorized by the Board of Zoning Appeals unless it finds that the applicant has presented evidence that the following conditions apply:
 - (1) Dimensional zoning requirements cannot be physically met by an existing lot due to narrowness, shallowness or irregular shape, or the topography or natural characteristics of the site inhibit the lawful location of a structure or its accessory (such as septic system, garage, shed).
 - (2) The physical hardship is unique and is not shared by neighboring properties in the same zone. If the Board of Zoning Appeals finds that the hardship is not unique, but common, amending this Zoning Code or a rezoning should be pursued.
 - (3) The practical difficulty was not created by an action of the applicant and either existed at the time of adoption of the requirement from which the variance is requested, or is necessary as the result of governmental action such as a road widening.
 - (4) A variance would not be contrary with the intent and purpose of this Zoning Code.
 - (5) A variance would not cause a substantially adverse affect upon adjacent properties.
 - (6) A variance would relate only to the property under control of the applicant.
 - (7) A variance would not essentially alter the character of the surrounding area.
 - (8) A variance would not increase the hazard from fire, flood or similar dangers.
 - (9) A variance would not increase traffic congestion.
 - (10) The variance is the minimum necessary to permit reasonable use of the land and buildings.
- (b) No use variance from the provisions or requirements of this Zoning Code shall be authorized by the Board of Zoning Appeals unless an unnecessary hardship is shown; that there exist exceptional circumstances where the current zoning classification is clearly unreasonable; that the current zoning regulations provide the property owner with no reasonable use of his or her land; and, the Board of Zoning Appeals finds that the applicant has presented evidence that the following conditions apply:
 - (1) The property in question cannot be put to a reasonable use if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.

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- (2) The unnecessary hardship of the regulation on the property in question is due to very unique circumstances.
 - (3) A variance would not alter the essential character of the area or neighborhood.
 - (4) The conditions upon which the application for a variance is based would not be applicable to other property within the same zoning classification.
 - (5) The purpose of the use variance request is not based merely upon a desire to make more money out of the property.
 - (6) The alleged hardship has not been created by any person presently having an interest in the property.
 - (7) A variance would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - (8) A variance would not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in public streets, or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.
 - (9) The use variance is the minimum necessary to permit reasonable use of the land and buildings.
- (c) No nonconforming use of neighboring lands, structures or buildings shall, in itself, be considered grounds for the issuance of a variance.
- (Ord. 195. Passed 4-9-90.)

1244.12 STAY OF PROCEEDINGS.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Planning Director certifies to the Board of Zoning Appeals, after notice of appeal has been filed with him or her, that, by reason of facts stated in this certificate, a stay would, by in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order, which may, on due cause shown, be granted by the Board or by the Circuit Court on application after notice to the Administrator.

(Ord. 195. Passed 4-9-90.)

CHAPTER 1250 Zoning Districts Generally

1250.01 DISTRICTS ESTABLISHED.

For the purpose of this Zoning Code, the City is hereby divided into the following zoned districts:

- (a) AG Agricultural District;
- (b) R-1 Low Density Single-Family Residence District;
- (c) R-2 Single-Family Residence District;
- (d) R-3 Medium Density Single and Two-Family Residence District;
- (e) R-4 Multiple-Family Residence District;
- (f) R-5 Mobile Home Parks District;

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- (g) C-1 Business District;
 - (h) C-2 Central Business District;
 - (i) MSD Motorist Service District;
 - (j) I-1 Light Industrial District; and
 - (k) I-2 Heavy Industrial District.

(Ord. 195. Passed 4-9-90; Ord. 207. Passed 10-14-91; Ord. 289. Passed 1-13-97.)

1250.02 ZONING MAP.

The locations and boundaries of the districts set forth in Section 1250.01 are hereby established as shown on the map codified herein as Appendix A to this Zoning Code, entitled "Zoning Map of the City of Coopersville, Michigan," which accompanies and is hereby made a part of this Code. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as following City boundaries shall be construed as following City boundaries.
- (d) Boundaries indicated as following shorelines shall be construed as following such shorelines, and, in the event of change in a shoreline, shall be construed as moving with such shoreline.
- (e) Lines parallel to streets or roads without indicating the depth from the street line shall be construed as having a depth of 200 feet from the lot line.
- (f) Boundaries indicated as approximately following property lines or section lines or other lines of the government survey shall be construed as following such property lines as of the effective date of this Zoning Code (Ordinance 195, passed April 9, 1990), section lines or other lines of the government survey.

(Ord. 195. Passed 4-9-90.)

1250.03 AREAS NOT INCLUDED WITHIN A DISTRICT.

In every case where property has not been specifically included within a district, including all cases of property becoming a part of the City subsequent to the date of enactment of this Zoning Code (Ordinance 195, passed April 9, 1990), such property shall be in the AG Agricultural District.

(Ord. 195. Passed 4-9-90.)

1250.04 ACCESSORY USES IN RESIDENTIAL DISTRICTS.

The following accessory uses are permitted in the residential districts, provided that they conform to the conditions established in this section.

- (a) Gardening and the keeping of domestic or farm animals shall be considered customary to and commonly associated with the operation of permitted uses, provided that:

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- (1) Such domestic animals may be raised or kept for the owner's use on a lot of not less than one and one-half acres in area.
 - (2) One farm animal may be kept on a lot of not less than one and one-half acres, provided that the structure containing such use is located not less than 100 feet from all adjoining residential lot lines or any residence and that an additional one-half acre is provided for each additional farm animal.
- (b) Permanent swimming pools, exclusively for the use of the residents, are permitted, provided that the outside edge of the pool wall is not less than 10 feet from any lot or property line. Such swimming pools, on the immediate property on which they are located, shall be so walled, fenced or screened as to prevent uncontrolled access from the street or adjacent properties.
 - (c) Private and storage garages and open off-street parking areas shall be permitted in residential districts if accessory to a dwelling.
 - (d) An office may be permitted in residential districts in the home of a person practicing any of the recognized professions, including accountants, architects, artists, engineers, lawyers, musicians and physicians, provided that:
 - (1) No assistants other than members of the resident family work therein, plus one person not living on the premises.
 - (2) The residential character of the dwelling exterior is not changed.
 - (3) Equipment which will create any electrical disturbances beyond the premises is not utilized.
 - (4) The number of automobiles attached to the premises is not greater than permitted in accordance with the provisions of Section 1288.02.
 - (e) Gainful home occupations may be permitted in certain residential districts, including home crafts such as baking, dressmaking, millinery, weaving, hairdressing and home decorating, services such as repairing furniture and radios, sharpening tools, office space for businesses or services such as real estate, selling or taking orders for merchandise, or contracting work, provided that:
 - (1) Only members of the family residing within the dwelling work therein, plus one person not living on the premises.
 - (2) The occupation is conducted wholly within a building and the space used for production and sale does not occupy more than twenty-five percent of the floor area of a detached building.
 - (3) No merchandise is sold except that which is produced or processed on the premises.
 - (4) No mechanical equipment is used which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot.
 - (5) The residential character of the dwelling exterior or accessory building is not changed.
 - (6) Trucks or other mobile equipment are not parked overnight in driveways or open yards and the occupations do not attract any greater number of automobiles to the premises than permitted in accordance with the provisions of Chapter 1286.
 - (f) The renting from a resident family of not more than one room to not more than one person shall be permitted in any residential district.

(Ord. 195. Passed 4-9-90; Ord. 216. Passed 10-26-92; Ord. 395. Passed 9-11-06.)

1250.05 OCCUPANCY OF RECREATIONAL EQUIPMENT.

- (a) Recreational equipment, as defined for purposes of these regulations, includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, tent structures (such as camping tents, canopies, awnings, and additional similar structures), and trailers used for the transporting of recreational equipment (whether occupied by such equipment or not).
- (b) Recreational equipment shall not be used for continuous housekeeping purposes and remain unoccupied when parked or stored on a residential lot or in any other location not approved for those purposes; except in the R1, R2, R3 Zoning Districts and under the condition that the occupancy shall not exceed fourteen days within a thirty-day time period.
- (c) Recreational equipment shall not be connected to sanitary sewer facilities. Recreational equipment may temporarily be connected to electricity in the R1, R2, R3 Zoning Districts under the condition that the connection shall not be for a time period longer than fourteen days within a thirty-day time period.

(Ord. 456. Passed 2-24-14.)

1250.06 PENALTY.

Whoever violates or fails to comply with any of the provisions of Section 1250.05(a), (b), (c) is responsible for a Municipal civil infraction and shall be subject to the penalties provided in Section 202.99(b) and (c) of the Administration Code.

(Ord. 456. Passed 2-24-14; Ord. 458. Passed 3-10-14.)

TABLE I
SCHEDULE OF REGULATIONS

District	Dwelling Type	Min. Lot Area Per Dwelling Unit (Sq. Ft.)	Min. Lot Width	Max. Lot Coverage	Minimum Yard Dimensions				Height Main Bldg.	Min. Floor (a) Area (Sq. Ft.)
					Front Yard	Side Yard Total	Side Yard One Side	Rear Yard		
AG	1 Family	5 Acres	330'	20%	40'	50'	20'	100'	35'(b)	1,200
R-1	1 Family	2.5 Acres	150'	30%	35'	25'	10'	50'	35'	1,200
R-2	1 Family	15,000	80'	35%	35'	15'	7'	25'	35'	1,200
					35'				35'	
R-3	1 Family	12,000	60'	35%	35'	15'	7'	25'	35'	1,200
	2 Family (d)	7,500	100'	25%	35'	15'	7'	25'	35'	900
R-4	1 Family	12,000	75'	35%	35'	25'	10'	35'	35'	1,200
	2 Family	7,500	100'	25%	35'	25'	10'	35'	35'	900
	Multi-Fam. (c)	20,000	200'	30%	35'	40'	20'	35'	35'	(c)
R-5	Mobile Home Parks - see Chapter 1161 for regulations									

- (a) Usable floor area exclusive of porches, garages or basements.
- (b) Farm buildings and television and radio towers shall be permitted at their usual and customary height.
- (c) See Section 1260.03(d).
- (d) See Section 1258.03(b).

(Ord. 195. Passed 4-9-90; Ord. 207. Passed 10-14-91; Ord. 213. Passed 9-28-92.)

TABLE II
SCHEDULE OF PERMITTED USES, RESIDENTIAL DISTRICTS

District	Main Buildings & Uses	Accessory Buildings & Uses
AG Agricultural District	Farms for both general & specialized farming, farm buildings, greenhouses, nurseries, orchards,	Roadside stands, accessory buildings, home professional offices, parking and garage facilities,

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(Replacement 2021, Update 3)

	vineyards, apiaries, chicken hatcheries or poultry farms, country clubs, golf courses, riding stables, publicly-owned athletic grounds and parks, single-family dwellings	home occupations, renting of rooms, gardens, domestic animals
R-1 Low Density Single-Family Residence District	Single-family dwellings	Detached accessory buildings, home professional offices, home occupations, parking & garage facilities, renting of rooms, gardens, domestic animals
R-2 Single-Family Residence District	Main uses permitted in R-1 District	Accessory uses permitted in R-1 District
R-3 Medium Density Single and Two-Family Residence District	Single-family dwelling, two-family dwelling, multiple-family dwelling, professional offices	Accessory uses permitted in R-2 District
R-4 Multiple-Family Residence District	Single-family dwelling, two-family dwelling, multiple-family dwelling, professional offices	Accessory uses permitted in R-2 District, parking areas for automobiles accessory to multiple-family dwellings
R-5 Mobile Home Parks District	Mobile home parks	As provided in Section 1250.04

(Ord. 195. Passed 4-9-90; Ord. 207. Passed 10-14-91; Ord. 213. Passed 9-28-92.)

CHAPTER 1252 AG Agricultural District

1252.01 DESCRIPTION AND PURPOSE.

The AG Agricultural District is intended for large tracts of land used for farming or which are idle. It is not intended for any use except agricultural and associated agricultural and other specialized rural uses requiring large tracts of land. This restriction is necessary to prevent development from proceeding without planning. If development and subdividing are to occur, they should be preceded by rezoning and proper planning.

(Ord. 195. Passed 4-9-90.)

1252.02 PERMITTED USES.

- (a) Farms without livestock;
- (b) Greenhouses, nurseries, orchards, vineyards, apiaries;
- (c) Country clubs, golf courses, and publicly-owned athletic grounds and parks;
- (d) Single-family dwellings;
- (e) Business signs (see Section 1282.03(b)(6)).

(Ord. 195. Passed 4-9-90.)

- (f) (EDITOR'S NOTE: Subsection (f) hereof was repealed by Ordinance 236, passed May 23, 1994.)

1252.03 SPECIAL LAND USES.

- (a) Farms with livestock, chicken hatcheries, poultry farms, and riding stables;
- (b) Roadside market stands;
- (c) Kennels;
- (d) Television and radio towers and transmitting buildings;
- (e) Sports arenas, commercial recreation facilities, racetracks, and stadiums;
- (f) Planned unit developments, other than industrial park planned unit developments (see Chapter 1264);
- (g) Recreational public facilities (see Chapter 1266); and
- (h) Governmental, civic, educational and welfare public facilities (see Chapter 1266).

(Ord. 229. Passed 12-13-93; Ord. 236. Passed 5-23-94.)

1252.04 DISTRICT REGULATIONS.

See Table I following the text of Chapter 1250.

(Ord. 195. Passed 4-9-90.)

CHAPTER 1254 R-1 Low Density Single-Family Residence District

1254.01 DESCRIPTION AND PURPOSE.

The R-1 Low Density Single-Family Residence District is a restricted zone composed chiefly of single-family homes, together with required recreational, religious and educational facilities.

(Ord. 195. Passed 4-9-90.)

1254.02 PERMITTED USES.

- (a) One single-family dwelling on each lot; no residential occupancy is allowed in a detached accessory building.
- (b) One detached accessory structure is allowed on lots less than half an acre or in a platted subdivision. Two detached accessory structures are allowed on lots greater than a half acre with one of the detached accessory buildings not exceeding 150 square feet in area.
- (c) A detached accessory building height shall not exceed eighty percent of the height of the principal structure in lots under a half-acre or in a platted subdivision. A detached accessory building on a lot greater than a half acre and not in a platted subdivision can be a maximum height of twenty feet to the peak. (Exception: Detached accessory structure or attached accessory structure through covered device may match height of principal building up to twelve feet to the peak.)
- (d) An accessory building shall not be located nearer than five feet to any alley nor nearer than the side yard required for a principal building to any side street line.
- (e) A detached accessory building or any portion of which is located on the side or front of the main building, shall not be less than six feet from such principal building and not nearer to the side lot line than the width of the side yard required on the lot for the main building.
- (f) Accessory uses as provided in Section 1250.04. See Section 1280.11 for other restrictions for detached accessory buildings.

(Ord. 195. Passed 4-9-90; Ord. 372. Passed 10-27-03.)

1254.03 SPECIAL LAND USES.

- (a) Roadside market stands;
- (b) Educational and welfare public facilities (see Chapter 1266);
- (c) Recreational public facilities (see Chapter 1266); and
- (d) Governmental and civil public facilities (see Chapter 1266).

(Ord. 229. Passed 12-13-93.)

1254.04 DISTRICT REGULATIONS.

See Table I following the text of Chapter 1250.

(Ord. 195. Passed 4-9-90.)

CHAPTER 1256 R-2 Single-Family Residence District

1256.01 DESCRIPTION AND PURPOSE.

The R-2 Single-Family Residence District is a zone providing most of the desirable residential characteristics attributed to a Single-Family District.

(Ord. 195. Passed 4-9-90.)

1256.02 PERMITTED USES.

- (a) Any use permitted in the R-1 District; and
- (b) Accessory uses as provided in Section 1250.04.

(Ord. 195. Passed 4-9-90.)

1256.03 SPECIAL LAND USES.

- (a) Recreational public facilities (see Chapter 1266); and
- (b) Governmental, civic, educational and welfare public facilities (see Chapter 1266).

(Ord. 229. Passed 12-13-93.)

1256.04 DISTRICT REGULATIONS.

See Table I following the text of Chapter 1250.

(Ord. 195. Passed 4-9-90.)

CHAPTER 1258 R-3 Medium Density Single and Two-Family Residence District

1258.01 DESCRIPTION AND PURPOSE.

The R-3 Medium Density Single and Two-Family Residence District is a zone providing most of the desirable residential characteristics attributed to a Single-Family District.

(Ord. 195. Passed 4-9-90.)

1258.02 PERMITTED USES.

Land or buildings in the R-3 District may be used for the following purposes only subject to the provisions of Chapter 1284:

- (a) Any use permitted in the R-1 District;
- (b) Two-family dwellings; and
- (c) Accessory uses as provided in Section 1250.04.

(Ord. 195. Passed 4-9-90.)

1258.03 SPECIAL LAND USES.

- (a) Recreational public facilities (see Chapter 1266);
- (b) Professional office uses (see Chapter 1272); and
- (c) Governmental, civic, educational and welfare public facilities.

(Ord. 229. Passed 12-13-93.)

1258.04 DISTRICT REGULATIONS.

See Table I following the text of Chapter 1250.

(Ord. 195. Passed 4-9-90.)

1258.05 PROFESSIONAL OFFICES.

The following special requirements shall apply to professional offices in the R-3 District:

- (a) Set-backs.
 - (1) Front yards. All professional offices shall have a minimum front yard set-back of fifty feet, except that offices fronting Randall Street between West Street and 68th Avenue shall have a minimum front yard set-back of 100 feet.
 - (2) Side yards. Side yards shall have a minimum set-back of twenty feet, with total side yards of forty feet.
 - (3) Rear yards. Rear yards shall have a minimum set-back of fifty feet.
- (b) Lot Area and Width. Professional offices shall have a minimum lot area of 20,000 square feet, with a minimum width of 200 feet measured at the building line.
- (c) Screening Requirements. Parking areas for professional offices shall be appropriately screened from adjacent single-family and two-family uses with a permanent hedge five feet in height.

(Ord. 213. Passed 9-28-92; Ord. 242. Passed 8-22-94.)

CHAPTER 1260 R-4 Multiple-Family Residence District

1260.01 DESCRIPTION AND PURPOSE.

The R-4 Multiple-Family Residence District is intended to provide for high density multiple-family housing as well as high density single-family and two-family residences.

(Ord. 195. Passed 4-9-90.)

1260.02 PERMITTED USES.

Land in the R-4 District may be used for the following purposes only subject to the provisions of Chapter 1284:

- (a) Single-family dwellings;
- (b) Two-family dwellings;
- (c) Multiple-family dwellings; and
- (d) Accessory uses as provided in Section 1250.04.

(Ord. 195. Passed 4-9-90.)

1260.03 SPECIAL LAND USES.

- (a) Planned unit developments, other than industrial park planned unit developments (see Chapter 1264);
- (b) Educational and welfare public facilities (see Chapter 1266);
- (c) Recreational public facilities (see Chapter 1266);
- (d) Professional office uses; and
- (e) Governmental and civic public facilities (see Chapter 1266).

(Ord. 229. Passed 12-13-93; Ord. 379. Passed 1-10-05.)

1260.04 DISTRICT REGULATIONS.

- (a) See Table I following the text of Chapter 1250.
- (b) Required Spacing Between Multiple-Family Dwellings.
 - (1) Spacing between multiple-family dwellings shall comply with the following minimum dimensions:

Building Relationship	Distance Between Buildings Exclusive of Parking Area (in ft.)
Front to side	45
Front to rear	60
Rear to rear	60
Rear to side	45
Side to side	35
Corner to corner	30

- (2) In no instance shall a building be constructed closer than thirty feet to another building.

(c) Lot Area and Yard Width for Multiple-Family Dwellings.

- (1) The minimum lot area for any residential use other than for single-family and two-family dwellings shall be 20,000 square feet, subject to the regulations of paragraph (c)(2) hereof.
- (2) The following minimum lot area per dwelling unit type shall be required in the R-4 District:

Dwelling Unit Type	Area Per Unit (in sq. ft.)
Efficiency	1,250
One-Bedroom	1,650
Two-Bedroom	2,250
Three-Bedroom	2,750
Four-Bedroom	3,750

- (3) Minimum lot area requirements shall be met exclusive of public or private road rights-of-way.
 - (4) Water bodies, either natural or constructed, shall count toward meeting minimum lot area requirements only up to twenty-five percent of land area coverage.
- (d) Minimum Floor Area. Each dwelling unit in this District shall have a minimum amount of square feet usable floor area exclusive of porches, garages, basements or utility areas as follows:
- (1) One-bedroom unit, a minimum of 650 square feet per unit;
 - (2) Two-bedroom unit, a minimum of 750 square feet per unit;
 - (3) Three-bedroom unit, a minimum of 900 square feet per unit; and
 - (4) Additional bedrooms, 100 square feet per unit.

(Ord. 195. Passed 4-9-90; Ord. 501. Passed 7-13-20 .)

1260.05 SPECIAL REQUIREMENTS FOR PROFESSIONAL OFFICES.

The following special requirements shall apply to professional offices in the R-4 District:

- (a) Front Yard Set-Back. All professional offices shall have a minimum front yard set-back of fifty feet, except that offices fronting Randall Street between West Street and 68th Avenue shall have a minimum front yard set-back of 100 feet.
- (b) Side Yard Set-Back. Side yards shall have a minimum set-back of twenty feet with total side yards of forty feet.
- (c) Rear Yard Set-Back. Rear yard setbacks shall have a minimum of fifty feet.
- (d) Lot Area and Width. Professional offices shall have a minimum lot area of 20,000 square feet with a minimum width of 200 feet measured at the building line.
- (e) Buffer or Screening Requirements. Parking areas for professional offices shall be appropriately screened from adjacent single-family and two-family uses with a permanent hedge of five feet.

(Ord. 195. Passed 4-9-90; Ord. 213. Passed 9-28-92; Ord. 242. Passed 8-22-94.)

CHAPTER 1261 R-5 Mobile Home Parks District

1261.01 DESCRIPTION AND PURPOSE.

It is the intent of the R-5 Mobile Home Park District to provide for a variety of housing choices by City residents, for the protection of the residents of any mobile home park, and for the construction of mobile home parks in accordance with the applicable requirements of the Mobile Home Commission Act, being Act 96 of the Public Acts of 1987, as amended, mobile home parks shall be considered a permitted land use and shall be located near essential community services and on major streets as defined in the City of Coopersville Major Thoroughfare Plan. Mobile home parks shall meet the standards and conditions of this chapter and Chapters 1264, 1284 and 1286 of this Zoning Code.

(Ord. 207. Passed 10-14-91.)

1261.02 PERMITTED USES.

Land in the R-5 District may be used for the following purposes only, subject to the Site Plan Review provisions of Chapter 1284:

- (a) Mobile home parks.
- (b) Accessory uses as provided in Section 1250.04.

(Ord. 207. Passed 10-14-91.)

1261.03 SPECIAL LAND USES.

Special land uses in the R-5 District are as follows:

- (a) Educational and welfare public facilities (see Chapter 1266).
- (b) Recreation public facilities (see Chapter 1266).

(Ord. 207. Passed 10-14-91.)

1261.04 DISTRICT REGULATIONS.

- (a) No mobile home shall be placed, parked or installed in a mobile home park until such time as a building permit is obtained from the Building Inspector. Such permit shall be issued by the Building Inspector after making a finding that said mobile home meets construction standards as approved by the United States Department of Housing and Urban Development regulations entitled "Mobile Home Construction and Safety Standards," or has been certified by a manufacturer as constructed according to the requirements of either HUD or ANSI standards.
- (b) Every mobile home shall be at least fourteen feet in width and have a minimum of 600 square feet of living area exclusive of porches and cabanas.
- (c) No mobile home shall be occupied by any person as a residence or for any other purpose until such time as said mobile home park has received a license to operate a mobile home park operator pursuant to the applicable requirements of the Mobile Home Commission Act, being Act 96 of the Public Acts of 1987, as amended, and until a copy of said license is submitted to the Building Inspector.

(Ord. 207. Passed 10-14-91.)

1261.05 APPLICATION PROCEDURES.

Any application for the extension, alteration or construction of a mobile home park shall be accompanied by a preliminary site plan of the proposed development and all permanent buildings, indicating the proposed methods of compliance with these requirements. Said site plan shall be in conformance with the provisions and requirements of the Mobile Home Commission Act, being Act 96 of the Public Acts of 1987, as amended, and with the site plan review provisions and standards of Chapters 1284, 1286 and 1287 of this Zoning Code.

(Ord. 207. Passed 10-14-91.)

1261.06 MOBILE HOME PARK DESIGN STANDARDS.

- (a) The minimum land area for a mobile home park shall be ten acres. The minimum lot width for portions used for general vehicular entrances and exits only is sixty-six feet.
- (b) The minimum number of mobile home spaces shall be fifty.
- (c) Each mobile home park shall have direct access to a major street as defined in the City of Coopersville Major Thoroughfare Plan.
- (d) Minimum street widths within the mobile home park shall be in accordance with the following schedule:

	No. Lanes	Uncurbed (ft.)	Curbed (ft.)
No parking on street	1	16	18
	2	24	28
Parallel parking one side	1	24	24
	2	32	36
Parallel parking both sides	1	32	32
	2	40	44

NOTE: Curbed does not include any gutter area.

Uncurbed does not include the curb and gutter.

- (e) The maximum building height shall be twenty-five feet.
- (f) The mobile home park shall be developed with sites averaging 5,500 square feet per lot. This 5,500 square feet standard for any one site may be reduced by twenty percent, provided said site shall be equal to at least 4,400 square feet. For each square foot of land area gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated open space. In no case, however, shall the open space and distance requirements be less than that required under the Rules of the Michigan Mobile Home Code. No more than one mobile home shall be placed on any one site or be inhabited by more than one family.
- (g) The minimum setback between any part of any mobile home and/or any structure permanently or temporarily attached thereto (excluding a hitch), including, but not limited to, storage sheds, cabanas and porches, shall be as follows:
 - (1) Twenty feet from any other mobile home and/or structure permanently or temporarily attached thereto (excluding a hitch), including, but not limited to, storage sheds, cabanas and porches.
 - (2) Ten feet from an on-site parking space of an adjacent mobile home park site.
 - (3) Ten feet from a detached accessory structure.

- (4) Fifty feet from a permanent building.
 - (5) One hundred feet from a baseball or softball field.
 - (6) Ten feet from the edge of an internal road.
 - (7) Seven and one-half feet from a parking bay.
 - (8) Twenty feet from a lake or waterway.
- (h) Each lot shall front on sidewalks at least five feet in width, located directly next to an parallel to the street. When otherwise in accordance with this Zoning Code, approved pedestrian ways shall be counted as common recreation facilities and may also be used for utility easements.
- (i) The front, back and side yards of every lot shall be landscaped with grass and properly maintained thereafter, and there shall be at least one canopy shade tree provided for every two lots. Canopy shade trees shall be located to provide shade for mobile home sites.
- (j) The mobile home park shall provide a landscaped buffer zone strip along and within the perimeter of the mobile home park property. The buffer strip shall be properly planted with trees or shrubbery or other nursery stock, to provide a continuous obscuring screen that will reach a minimum height of five feet in four years. No part of the buffer strip shall be used for any structure, right-of-way or parking purposes. The buffer strip shall be properly maintained thereafter by the owner or operator of the mobile home park.
- (1) The width of the buffer strip shall be in accordance with the following schedule:

Zoning of Adjacent Property	Width of Buffer Strip (ft.)
Agricultural	15
Residential	15
Commercial	25
Industrial	25

- (2) The buffer strip shall contain the equivalent of one canopy shade tree, rounded upward, per every thirty linear feet of buffer strip length.
- (k) The mobile home park shall have dedicated one or more open space areas intended primarily for the use of mobile home park residents with a minimum area of not less that 25,000 square feet, or two percent of the mobile home park's gross acreage, whichever is greater, provided that buffer zone strip areas shall not be included as part of such requirement.
- (l) Street that are to be dedicated to the City, if any, shall be constructed in accordance with the Subdivision Regulations of the City, and such plans shall be reviewed and approved by the City Engineer.
- (m) Open areas created by meeting required setbacks from property boundary lines shall be landscaped with grass and properly maintained thereafter by the owner or operator of the park.
- (n) All streets within the mobile home park shall be of bituminous aggregate or similar surface meeting the City of Coopersville street construction specifications.
- (o) One detached accessory building, not exceeding 150 square feet, may be placed on a mobile home park lot, including, but not limited to, storage sheds and cabanas.
- (Ord. 207. Passed 10-14-91.)

1261.07 MOBILE HOME PARK UTILITIES STANDARDS.

- (a) All utilities in mobile home parks shall be underground.
- (b) All mobile home parks shall be provided with public water, sanitary sewer service and adequate private or public stormwater facilities. Such facilities shall be constructed in accordance with the City of Coopersville ordinances and regulations or Michigan Department of Public Health (MDPH) Mobile Home Park Standards, whichever are more restrictive.

(Ord. 207. Passed 10-14-91.)

1261.08 MOBILE HOME PARK LIGHTING STANDARDS.

- (a) All street intersections and designated pedestrian crosswalks shall be illuminated by not less than 0.25 footcandles.
- (b) All roads, parking bays and pedestrian walkways shall be illuminated by not less than 0.15 footcandles.

(Ord. 207. Passed 10-14-91.)

1261.09 MOBILE HOME PARK SIGN STANDARDS.

- (a) One mobile home park identification sign, not exceeding twelve square feet in area, is permitted for each principal entrance to the mobile home park, provided that:
 - (1) Not more than two such signs shall be located along a given street;
 - (2) Such signs shall have a minimum setback of fifteen feet from the street right-of-way line.
- (b) Temporary real estate signs not exceeding six square feet in area or four feet in height are permitted, provided that such signs are not illuminated.
- (c) One identification nameplate, placed flat against the wall of a nonresidential building in the mobile home park, and one at the entrance to the designated parking area for such building, shall be permitted. The total display surface of all such identification nameplates for a particular building in the mobile home park shall not exceed twelve square feet in area and shall consist of not more than one such identification nameplate per building and one per parking area entrance.
- (d) Signs of informational, nonadvertising nature, such as street signs, are permitted.

(Ord. 207. Passed 10-14-91.)

1261.10 RIGHT OF INSPECTION AND ENTRY.

The following provisions apply to all mobile home parks, as limited by Sections 17(2), 36 and 45 of the Mobile Home Commission Act, being Act 96 of the Public Acts of 1987, as amended:

- (a) The Building Inspector or such other person designated by the City Council shall have the right to inspect the mobile home park to determine whether or not the park owners or operators, or any owners or persons occupying mobile homes within the park, are in violation of this Zoning Code, or any State law or governmental regulation covering mobile home parks and affecting the health, safety and welfare of inhabitants, under the following conditions:

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- (1) He or she has reasonable reason to believe that the owner, operator or resident of a mobile home in the park is in violation of any part of this Zoning Code or other Municipal ordinance.
 - (2) Notice has been sent to the owner or operator of the mobile home park at his or her last known address, and to the owner or resident of the mobile home park at his or her last known address as shown on the occupancy permit for said mobile home, and the City has not received satisfactory proof or indication that the purported violation is not a violation, or that the purported violation has been corrected within thirty days from the date of mailing said notice.
- (b) All persons, including, but not limited to, City officials or police officers, whose entry upon the mobile home park property is necessary, proper or advisable in the execution of their governmental duties, or in the execution of work authorized by a governmental body, or for the preservation of the peace, shall have the right to enter upon and inspect the mobile home park at all reasonable times.

(Ord. 207. Passed 10-14-91.)

1261.11 MOBILE HOME SALES.

- (a) No person desiring to rent a mobile home site shall be required, as a condition to such rental, to purchase a mobile home from the owner or operator of the mobile home park in which said mobile home site is located.
- (b) Subject to Section 28 of the Mobile Home Commission Act, being Act 96 of the Public Acts of 1987, as amended, nothing contained in this Zoning Code shall be deemed to prohibit the sale of a mobile home located on a mobile home lot by the individual owner or his or her agent, or to prohibit home occupations permitted in this Zoning Code, provided that such sales and occupations are permitted by the park regulations and provided, further, that a commercial mobile home sales lot shall not be permitted in conjunction with any mobile home park.

(Ord. 207. Passed 10-14-91.)

CHAPTER 1264 PUD Planned Unit Development District

EDITOR'S NOTE: PUD Planned Unit Development Districts were repealed as separate zoning districts by Ordinance 131-A, passed November 22, 1982. Planned unit developments are permitted as special uses in all districts, in accordance with this Zoning Code and, particularly, Chapter 1286. Ordinance 349, passed January 20, 2001, amended Ch. 1264 in its entirety to read as herein set out. Formerly Ch. 1264 pertained to similar subject matter and derived from Ordinance 195, passed April 9, 1990; Ordinance 207, passed October 14, 1991; and Ordinance 310, passed March 23, 1998.

1264.01 DESCRIPTION AND PURPOSE.

This chapter sets forth procedures and approval standards to rezone land within the City of Coopersville to a Planned Unit Development District.

Planned Unit Development Districts are intended to permit a degree of flexibility from the development standards normally found in non-PUD Districts. Because of this, a review by both the Planning Commission and City Council is necessary to ensure compliance with the objectives and standards of this chapter.

It is the purpose of this chapter to provide for the review and approval of Planned Unit Developments to achieve the following objectives

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- (1) To provide desirable living, shopping, and working environments by preserving as much of the natural character of the property as possible, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets;
 - (2) To encourage the provision of open space and the development of recreational, other support facilities in a generally central location within reasonable distance of all living units;
 - (3) To encourage developers to use a more creative and imaginative approach in the development of residential, commercial, and industrial uses or a combination of such uses;
 - (4) To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the City;
 - (5) To promote flexibility in design and location of structures;
 - (6) To promote the efficient use of land for a more economic arrangement of buildings, circulation systems, land use, and utilities;
 - (7) To combine and coordinate architectural styles, building forms, and building relationships within the planned unit development;
 - (8) To ensure a quality of construction commensurate with other developments within the City; and
 - (9) To allow for improved vehicular and pedestrian traffic management and regional stormwater system design.

(Ord. 349. Passed 1-20-01.)

1264.02 AUTHORIZATION.

A PUD zoning district shall be approved by the City Council upon recommendation from the Planning Commission. The granting of a PUD rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map. An approval granted under this chapter, including all aspects of the final plan and conditions imposed, shall be considered as a portion of the City Zoning Ordinance.

(Ord. 349. Passed 1-20-01.)

1264.03 PROCEDURES.

- (a) Pre-application Conference. Before submitting an application for a PUD, an applicant shall meet with the Planning Director for a review of the application to determine if the application is appropriate for rezoning as a PUD District. Additional meetings may be conducted with the Planning Commission or City Engineer to provide information regarding the proposed PUD.
- (b) Application for PUD Approval. An application for PUD rezoning shall be in accordance with the application procedures for rezoning as required by Section 1242.07 of these Codified Ordinances. A detailed site plan for the proposed PUD shall be submitted in accordance with the requirements as contained in Section 1284.05 herein.
- (c) Review of Preliminary Development Plan. An applicant shall submit a Preliminary PUD site plan in accordance with the requirements for a preliminary site plan contained in Section 1284.04 herein, unless the Planning Commission specifically waives certain items. The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD based on the following considerations:
 - (1) The requirements of this chapter;

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- (2) How well the preliminary site plan conforms to the specific approval conditions of the Mixed Uses PUD or Residential Open Space PUD sections whichever is appropriate;
 - (3) The setback and placement of buildings and structures;
 - (4) Ingress to and egress from the PUD and proposed buildings and structures therein, including motor vehicle and pedestrian safety and convenience, traffic flow and control and emergency access;
 - (5) Off-street parking and loading areas where required;
 - (6) Screening and landscaping, including type, size dimensions and location of plantings;
 - (7) The preservation of natural resources and natural features;
 - (8) Open spaces and recreational areas where required;
 - (9) Drainage courses, flood plains, streams, and wetlands;
 - (10) The number, type and appearance of proposed buildings or dwellings;
 - (11) Impact and adverse effects upon nearby lands, the surrounding area and the City as a whole;
 - (12) Location of stormwater control structures;
 - (13) Location of driveways, parking lot connections, and service drives; and
 - (14) Other aspects and effects of the PUD, as reasonably deemed appropriate by the Planning Commission.
 - (15) Public hearing on preliminary development plan. The Planning Commission shall hold a public hearing on the preliminary development plan and the application for rezoning in accordance with the requirements for rezoning of lands within the City of Coopersville, as set forth in State of Michigan Law.
- (d) Environmental Impact Assessment. The Planning Commission may require an environmental impact assessment as part of the preliminary or final site plan. This assessment shall describe the effect and impact that the proposed PUD will have upon or with respect to the following matters:
- (1) The lands involved and the adjacent and nearby lands; streams, wetlands, and the quality and volume of surface water and trees, and other significant vegetation; the effect, if any, on surrounding property values;
 - (2) Impact upon the population of the City; local school systems; traffic congestion;
 - (3) Additional costs to the City and school districts; police and fire protection; stormwater drainage; water supply and sewage disposal;
 - (4) Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare;
 - (5) General appearance and character of the area; historic structures and places;
 - (6) Such other matters as the Planning Commission may request to be included;
 - (7) Traffic impact study;
 - (8) A community impact analysis;
 - (9) An economic feasibility study for the principal uses of the proposed PUD; and
 - (10) An analysis of the nature and effect of any private utility systems such as; stormwater control and retention facilities.

If requested by the Planning Commission, the environmental impact assessment shall include statements or comments from the public agencies or officials concerning those aspects of the proposed land use within their

respective responsibilities and jurisdictions. The Planning Commission will designate the qualifications necessary to conduct the environmental impact assessment.

(e) Final Development Plan.

- (1) After receiving the recommendations of the Planning Commission on the preliminary development plan, the applicant for a PUD rezoning shall submit a final development plan to the Planning Director in accordance with the requirements for final site plan review as contained in Section 1284.05 of these Codified Ordinances. Copies of the plan shall be forwarded to the Planning Commission.
- (2) The final development plan shall contain all of the information required for final site plan review unless waived by the Planning Commission as not being reasonably necessary for the proposed PUD. In addition the following items shall be submitted to the Planning Commission:
 - a. All of the drawings, narrative, studies, assessments, and other information, and materials comprising the preliminary development plan, including all of the recommendations of the Planning Commission thereon, or if the applicant has not incorporated all of such recommendations, the final development plan shall indicate such fact and shall state the basis or grounds upon which such recommendations have not been included.
 - b. A plan for the protection of designated preservation areas or features during and after construction.
 - c. Projected time for completion of the entire PUD; proposed phasing, if any, of the PUD and the projected time for completion of each phase.
 - d. Any other information reasonably required by the Planning Commission in connection with its review of the PUD and consideration of the rezoning of the lands in accordance with the PUD plan.

(f) Public Hearing on Final Development Plan. The Planning Commission shall hold a public hearing on the final development plan and the application for rezoning in accordance with the plan. Notice for the public hearing shall be in accordance with the requirements for a rezoning within the City, as set forth in Section 1242.07 of these Codified Ordinances.

(g) Consideration of Final Development Plan by Planning Commission. After public hearing, the Planning Commission shall make recommendations concerning the final development plan and the modifications in the final development plan, to the City Council. The applicant shall revise the site plan in accordance with the recommendations of the Planning Commission before the plan is submitted to the City Council. If the plan is not revised, the applicant shall submit the plan and provide reasons to the Council for the failure to comply with the recommendations of the Planning Commission.

(h) Standards for Approval. In making a recommendation to approve a PUD, the Planning Commission must find that the proposed PUD meets the standards for Final Site Plan approval in Section 1284.05, as well as the following standards as applicable:

- (1) Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
- (2) The PUD will not result in a significant increase in the need for public services and facilities, will not result in unsafe traffic movements and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
- (3) The PUD will be compatible with the City's Master Plan and consistent with the intent and purpose of this chapter.

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- (4) The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will not change the essential character of the surrounding area.
 - (5) The development protects all floodplains, wetland, and other bodies of water.
 - (6) The development preserves, insofar as practical, significant existing site features such as individual trees or stands of trees, fields or hillsides by designating them as no disturb areas or integrating them into the proposed development.
 - (7) The PUD is designed to ensure compatibility with adjoining land uses.
 - (8) The development is designed around existing hedgerows and tree lines and minimize impacts on woodlands.
 - (9) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public road right-of-ways.
 - (10) Takes advantage of topographic features.
 - (11) Protects the rural character by establishing buffer zones along scenic corridors and improves public safety and vehicular carrying capacity by avoiding or minimizing development that fronts directly on to existing roadways.
 - (12) Includes a pedestrian walkway designed to ensure that pedestrians can walk safely and easily throughout the site.
 - (13) The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of environmental site features.
- (i) Final Consideration of PUD by City Council. The City Council shall review the final development plan and the recommendations submitted by the Planning Commission. The City Council shall determine whether the final development plan complies with the standards, conditions, and requirements of this chapter and, in addition, shall determine whether or not the proposed project promotes the intent and purpose of this chapter; ensures that the proposed project will be compatible with adjacent uses of land, the natural environments, and the capacities of public services and facilities affected by the proposed project; and ensures that the proposed project will be consistent with the public health, safety, and welfare needs of the City. Upon a determination that a proposed project meets such standards, conditions, and requirements, the City Council may approve the final development plan and grant the rezoning request.
- (j) Conditions of Approval.
- (1) The Planning Commission may recommend and the City Council may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to ensure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - a. They shall be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the proposed project under consideration, residents, and landowners immediately adjacent to the proposed project, and the community as a whole.
 - b. They shall be related to the valid exercise of the police power, and the purposes, which are affected by the proposed project.

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- c. They shall be necessary to meet the intent and purpose of this chapter, be related to the standards established in the chapter for the proposed PUD under consideration, and be necessary to ensure compliance with those standards.
 - (2) The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action, and shall remain unchanged except upon application for amendment of the PUD as required by Section 1264.06 of this chapter. The City Clerk and the Planning Director shall maintain a record of conditions, and the date of the approval of the PUD shall be noted on the current zoning map.
 - (3) Upon approval of the final development plan and the proposed application for rezoning, the City Council shall adopt an ordinance to rezone the property in accordance with Section 1242.07.

(Ord. 349. Passed 1-20-01; Ord. 376. Passed 3-8-04.)

1264.04 DEVELOPMENT STANDARDS.

In addition to the standards applicable to each specific type of PUD District and all other standards of this chapter site plans for all PUD Districts shall also meet the standards and conditions as set forth below:

- (a) Stormwater.
 - (1) A stormwater management plan shall be submitted along with the final site plan. The plan shall provide information on how stormwater will be managed during and after construction. This plan shall be subject to the review and approval of the City Engineer.
 - (2) The applicant shall enter into a stormwater operations and maintenance agreement to implement the stormwater management plan. This agreement shall be subject to the approval of the City Manager.
 - (3) Storm drainage facilities shall be designed to respect the natural drainage pattern of the site. Measures shall be taken to prevent roadway and parking lot oil and gas residues from being discharged to the natural drainage system.
 - (4) Vegetation that provides natural drainage along existing and planted drainageways shall be encouraged in a PUD to help eliminate the need for impervious gutters and stormwater detention ponds. Where detention ponds are unavoidable, they shall be designed to be aesthetic in appearance through the use of landscaping and shall not result in a hazard to pedestrians.
- (b) Sidewalks. Sidewalks shall be provided along all streets within all PUD zones. The City Council, upon recommendation by the Planning Commission, shall determine if sidewalks shall be required on both sides of the streets in the proposed PUD.
- (c) Public Water and Sanitary Sewer Service. All PUD developments shall extend City water and sewer lines so that the development is adequately serviced by public utility services. The City Engineer shall review all utility plans for recommendation to the City Manager for approval.
- (d) Signage. Signs with a PUD zone shall comply with the regulations for the proposed uses as contained in Chapter 1282. The Planning Commission may recommend approval of modifications to the sign requirements upon finding of all of the following criteria:
 - (1) The modifications will not result in traffic or safety hazards.
 - (2) The modifications will not result in visual blight.
 - (3) The modifications will not be a detriment to the public health, safety or welfare.

The Planning Commission may request a separate signage plan that provides specifics regarding the size; location; and design of any proposed signs.

(e) Landscaping/Natural Features.

- (1) A separate landscaping plan shall be submitted along with any site plan for development within a PUD zone. The landscape plan shall illustrate the type, size, location and number of plantings proposed. All proposed landscaping should comply with the requirements of Chapter 1285.
- (2) The landscape plan shall show any existing vegetation on the site, and shall indicate which if any of the existing vegetation will be retained on the site. Existing vegetation within landscaping areas or strips shall be preserved if practical in order to maintain existing views, to minimize impervious surface, reduce the use of fertilizers and herbicides, and to encourage the maintenance of natural stormwater drainage patterns.
- (3) Natural features of the property including trees, shrubs, slopes and wetland areas shall be preserved whenever reasonably possible.
- (4) Landscaping shall be provided adjacent to all buildings in order to reduce the visual impact of larger buildings, provide shade, and to improve the general appearance of the building.

(f) Access and Parking.

- (1) Driveways and on-site roadways shall be designed to minimize traffic congestion within the PUD, and to minimize the amount of paving.
- (2) Off-street parking and loading shall be subject to the regulations of Chapter 1288.
- (3) Parking areas should be placed at the sides and rears of buildings wherever possible, as well as in front of the building, in order to avoid having a single large area for the total number of parking spaces required. Parking areas may be screened by earthen berms and landscaping if the Planning Commission determines it is necessary to protect the visual integrity of the site from adjoining properties or roadways.
- (4) Placement of driveways and service drives shall be subject to review and recommendation by the City Engineer.

(g) Roads.

- (1) Private roads shall not be permitted in any Planned Unit Development (PUD) unless and until the Planning Commission is satisfied that Private Road meets the following review standards:
 - a. The road to be designated private must be existing at the time the PUD is established.
 - b. Establishment of the private road will facilitate the economic development of the whole PUD.
 - c. The private road must be in compliance with the provisions of the Private Road Ordinance described in the Coopersville Codified Ordinance [Chapter 1030].
 - d. A funding structure must be established for the continued maintenance of the road, including snow removal.
- (2) All newly constructed roads within a PUD shall be built to City standards for local roads and shall be dedicated as public roads to the City.
- (3) The County Road Commission shall provide documentation that the proposed name of the road is not duplicated within the County.

(Ord. 349. Passed 1-20-01; Ord. 474, Passed 9-25-17 .)

1264.05 PERFORMANCE GUARANTEES.

The City Council, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees. The amount of the performance guarantee shall be determined by the City Council based on a recommendation from the Planning Commission. Such guarantees shall insure faithful compliance with all of the provisions and requirements of the proposed PUD and construction and placement of all of the improvements therein. In its discretion, the City Council, upon recommendation by the Planning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Director.

(Ord. 349. Passed 1-20-01.)

1264.06 AMENDMENTS TO APPROVED PUD.

- (1) An approved final PUD development plan and any conditions imposed upon final PUD approval shall not be changed except as provided herein:
- (2) Minor Amendments. A minor change may be approved by the Planning Director who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission. The following items shall be considered as minor changes:
 - (a) Reduction of the size of any building and/or sign.
 - (b) Movement of buildings and/or signs by no more than twenty feet.
 - (c) Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping.
 - (d) Changes of building materials to a higher quality.
 - (e) Changes in floor plans, which do not alter the character of the use.
 - (f) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (g) Changes required or requested by other public agencies for safety reasons
 - (h) Changes which will preserve the natural features of the site without changes to the basic site layout
 - (i) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Planning Director to be not material or significant in relation to the entire site and which are not material or significant in relation to the entire site and which the Planning Director determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.
- (3) The Planning Director may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change).
- (4) Should the Planning Director determine that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

(Ord. 349. Passed 1-20-01.)

1264.07 TIME LIMITATIONS ON DEVELOPMENT.

Each PUD shall be under construction or substantial steps leading to construction shall have been taken within one year after the date of approval of the final development plan and adoption of an ordinance to rezone the property in question. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. If construction or substantial steps have not been commenced within one year, or within any authorized extension thereof the Planning Commission and City Council may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

(Ord. 349. Passed 1-20-01.)

1264.08 RESIDENTIAL PLANNED UNIT DEVELOPMENT.

- (1) It is the intent of this section to provide some degree of flexibility in the use, density and placement requirements for residential PUD developments, but to also afford reasonable protection to other uses near and adjacent to PUD districts. Goals include:
 - (a) Encouraging innovation and creativity in residential land use planning and development.
 - (b) Promoting and enhancing housing and recreational opportunities for the public.
 - (c) Encouraging the use of lands in ways in which they are most in accord with their character and adaptability.
 - (d) Assuring and enhancing the conservation and preservation of natural resources and natural features.
 - (e) Promoting the efficient use of land by facilitating economic and environmentally suitable arrangements for residential and other structures, streets, utilities and other land uses.
 - (f) Encouraging the availability of open/grass space, and recreational land uses as part of the development of residential lands.
- (2) It is not the intent of this section to circumvent the land use requirements inherent in the City's Zoning Ordinance. A residential PUD shall be substantially consistent, as determined by the Planning Commission, with the Coopersville Zoning Ordinance and Comprehensive Plan.
 - (a) To qualify for flexibility in lot area, a minimum of fifteen percent of the gross site area shall be preserved, maintained, and controlled as common open space for use by all residents and property owners of that residential PUD. The open spaces shall be subject to the following regulations:
 1. The required open space may be located in the center of the development, along the road frontage of the development, located to preserve significant natural features, or linear to connect open spaces throughout the development.
 2. If the site contains a lake, stream or other body of water, the City may require that a portion of the reserved open space shall abut the body of water.
 3. A reserved open space area shall be configured such that the open space is reasonably accessible by residents of the PUD. The minimum size of a reserved open space area shall be 10,000 square feet. The Planning Commission may approve other reserved open space areas of less than 10,000 square feet if such areas are designed and established as pedestrian or bicycle paths or are otherwise determined by the Planning Commission to be open space reasonably usable by residents of the PUD.

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4. Open space areas are encouraged to be linked with other adjacent open spaces, public parks, bicycle paths or pedestrian paths. Maximum intensity of use of open spaces will be identified in the preservation and maintenance agreement.
 5. Grading in areas of passive or natural open space shall be minimal, with the intent to preserve existing topography where practical. Active recreation areas shall be graded as flat as possible while still providing adequate stormwater/groundwater drainage and soil erosion controls as determined by the City Engineer.
 6. Allowable Accessory Structures and Uses in the Open Space. A structure or building accessory to a recreation, conservation use or an entryway may be erected within the required open space. These accessory structure(s) and building(s), shall not exceed, in the aggregate, one percent of the open space area. Accessory structures or uses of a significantly different scale or character than the abutting residential districts shall not be located near the boundary of the development if it may negatively impact the residential use of adjacent lands as determined by the Planning Commission and City Council.
 7. Narrow bands of open space around the perimeters of sites will generally not qualify towards the required amount of overall reserved open space. Rather, only those areas that provide comparably useful amounts of active recreational areas or preserve natural features will qualify as reserved open space.
 8. Guarantee of Open Space. Prior to any final rezoning approvals, the applicant shall provide an open space preservation and maintenance agreement, in a form acceptable to the City, providing that all reserved open space (as referenced herein) portions of the development shall be permanently retired from future development and maintained in the manner approved by the Planning Commission and City Council.

Documentation shall be in the form satisfactory to the City Council and Planning Commission and recorded so as to bind all successors and future owners in title to commitments made as part of the accepted project proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City Council and the reserved open space land uses continue as approved in the R-PUD Plan, unless the City Council approves an amendment. The preservation and maintenance program must be approved by the City Council and may consist of covenants, conditions, and restrictions that run with the land, a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended, or another comparable substitute as determined by the City Council.

The preservation and maintenance agreement shall:

- 1) Indicate the proposed uses and maximum intensity of use(s) within the reserved open space.
- 2) Require that the reserved open space be maintained by parties or entities that have an ownership interest in the open space.
- 3) Provide standards for scheduled maintenance of the reserved open space including necessary mowing, trash removal, irrigation, pruning of trees and new plantings to replace withered or dead materials
- 4) Provide an administrative mechanism for the maintenance to be undertaken by the City of Coopersville in the event that the reserved open space is inadequately maintained, as determined by the City and becomes a public nuisance. Provisions shall be made to ensure that any costs incurred by the City will be assessed against and paid for by the owners of the property within the R-PUD.

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- 5) Provide a legal instrument to permanently retire all reserved open space areas from future development.
- (b) Areas Not Considered Open Space. The following land areas shall not be classified as required open space for the purpose of this section:
1. The area within any public street right-of-way.
 2. The areas within private road access easements.
 3. Any easement for overhead utility lines unless adjacent to qualified open space.
 4. Fifty percent of any lakes, streams, detention ponds, or other surface water bodies, wetlands, or other retention areas.
 5. The area within a platted lot or site condominium lot.
 6. Parking and loading areas.
- (c) To determine the maximum number of dwelling units which may be constructed within the residential PUD, divide the minimum lot area per dwelling unit for the residential zoning district proposed by the comprehensive plan for the area by the total acreage of the site excluding those existing areas within the 100-year floodplain, existing wetland areas and existing areas permanently inundated by water such as lakes, ponds, streams, and rivers. Density calculations shall be clearly shown on site plan.
- Upon recommendation of the Planning Commission, the City Council may in their discretion allow fewer dwelling units than would otherwise be permitted by this section. The determination of the existence of wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Environmental Quality or by an analysis, performed by a professional biologist, ecologist, environmental engineer, or similar professional deemed acceptable to the Planning Commission.
- (d) Permitted Uses. Land and buildings in an R-PUD may only be used for the following uses or combination of such uses:
1. Single-family detached dwelling units.
 2. Duplexes. A building used or designed for two dwelling units in which the dwelling units are occupied on a permanent basis for residential purposes by not more than two families.
 3. Multifamily dwelling units up to four units per building and two stories in height. Multifamily dwelling units shall not constitute more than fifteen percent of the total dwelling units in an R-PUD.
 4. Other uses as may be recommended by the Coopersville Comprehensive Plan for equivalent zoning districts.
 5. Golf courses, tennis courts, ball fields, bike paths, walking paths, playground, community buildings, and similar active and passive recreational facilities as well as day care facilities, provided such uses are accessory to the residential uses in the R-PUD.
 6. Accessory uses, structures and buildings customarily associated uses specified above, shall be permitted in accordance with the equivalent chapter of the Coopersville Zoning Ordinance.
- (e) Development Requirements. The lot area and width, building setbacks, yard requirements, street frontage, and street widths applicable within an R-PUD shall be determined by the City Council in order to achieve the objectives of this section. However, each individual lot must be at least sixty feet from the front building setback throughout the remaining depth of the lot. In addition, a diversity of lot sizes

shall be required in order to encourage variability in housing types and to avoid repetition of like lot sizes apparent in standard subdivisions.

When determining the development requirements noted in this section, the Planning Commission and City Council shall carry out the site design principles found in the in the Coopersville Comprehensive Plan and this ordinance. Other criteria that shall be used in making these determinations shall include the degree to which the proposed development addresses the following issues:

1. The total number and type of dwelling units.
 2. Impact of the R-PUD on adjacent existing and future land uses.
 3. Preservation or restoration of existing vegetation or other natural features on site.
 4. Topography of the site.
 5. Provisions for public water, sanitary sewer, and storm sewer services.
 6. Access for emergency vehicles to all dwellings.
- (f) Road Network. The R-PUD road network shall be designed to facilitate efficient access for public safety vehicles, school buses and city maintenance vehicles while avoiding the congestion associated with numerous cul-de-sacs. Therefore, interconnected public streets shall be given design priority. Cul-de-sacs shall be used sparingly and only where an inter-connected street system would be unreasonable due to topography, natural features, reserved open spaces or other onsite development limitations. Street design measures may be required at the discretion of the Planning Commission to encourage safe pedestrian and nonmotorized vehicle crossings along the road network.

(Ord. 349. Passed 1-20-01; Ord. 376. Passed 3-8-04.)

1264.09 MIXED USE PLANNED UNIT DEVELOPMENT.

- (1) Purpose. The purpose of the Mixed Use PUD zone is to permit a variety of uses to be located on the same site and within the same buildings and to enable these uses to function as a community or neighborhood without the strict separation of such uses as is usually required by traditional zoning development standards. The Mixed Use PUD zone is not intended to be developed with a single type of land use. Uses should be integrated in such a manner that they are compatible in form and function.

The Mixed Use PUD shall be designed to promote interaction among residents and users through the use of pedestrian walkways to connect uses on site through building placement and appearance, through preservation of open space, and the provision of public places or spaces for individuals to gather or rest. The Planning Commission shall attempt to ensure that retail commercial uses, office business uses, light industrial uses and other non-residential uses and residential uses are be developed concurrently in order to ensure a project with a variety of land uses.

- (2) Authorization and Procedure. A Mixed Use Planned Unit Development zoning district may be approved by the City Council upon recommendation by the Planning Commission in accordance with the regulations set forth in Section 1264 for Planned Unit Development Zoning Districts.
- (3) Permitted Uses. Land and/or buildings in this district may be used for the following uses:
- (a) Multifamily dwellings up to sixteen units per building except as permitted for elderly housing.
 - (b) Elderly housing including adult foster care congregate facilities, retirement housing, nursing and convalescent facilities and assisted care facilities for the elderly.
 - (c) Child day care and nurseries.

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- (d) Offices and service uses.
 - (e) Educational and welfare public utilities; recreational public facilities; governmental and civic public facilities.
 - (f) Any use permitted by right in the "I-1" Light Industrial District when specifically authorized upon recommendation of the Planning Commission.
 - (g) Any use permitted by right in the "C-1", "C-2" and "C-3" Business Districts.
 - (h) Any use permitted as a special use within the "C-1", "C-2" and "C-3" Business Districts when specifically authorized upon recommendation of the Planning Commission.
 - (i) Other similar uses as determined by the Planning Commission to be of the same general character of the uses listed above.
 - (j) Single-family developments located as recommended by the Coopersville Vacant Lands Study and be reflective of the Residential PUD Ordinance.
 - (k) Existing uses pre-PUD District Zoning (11-21-05).
- (4) Development Requirements.
- (a) Minimum lot size. Any Mixed Use PUD must have at least ten acres in area. The Planning Commission may waive this requirement when the site under consideration can be shown to meet the intent and objectives of this chapter.
 - (b) Lot width and setbacks. The lot width, building setbacks, and public road frontage requirements shall be determined by the Planning Commission in its review of the Mixed Use PUD site plan except that the front building setback for parcels on Randall Street, between River Street and 68th Avenue, shall be a minimum of 100 feet. In determining the appropriate requirements, the Planning Commission shall take into account:
 - 1. The nature of existing and future land uses adjacent to and near the site.
 - 2. The number, type and size of buildings proposed for the site.
 - 3. Location of natural and cultural features on the site.
 - 4. Topography of the site.
 - 5. Requirements for adequate fire, police and emergency vehicle access.
 - 6. The objectives of the Mixed Use PUD zone contained herein.
 - (c) Building height, size, placement and appearance.
 - 1. Any site proposed for development within a Mixed Use PUD Zone shall be designed and developed with buildings and structures constructed to avoid or minimize a massive box like appearance. Varied architectural building features are encouraged to create a more pleasing appearance.
 - 2. Buildings shall be located so they do not detract from or predominate the existing view along City streets. Every effort shall be made to avoid siting the rears of buildings toward existing roadways or along planned service drives.
 - 3. Buildings shall not exceed thirty-five feet in height.
 - (d) Design objectives. All uses and buildings within the Mixed Use PUD shall be designed and arranged to achieve the following objectives:

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1. Pedestrian access shall be provided between uses so that residents and users are not dependent on vehicles to travel between uses within the Mixed Use PUD. This may consist of sidewalks or improved trails.
 2. Uses and buildings shall not infringe upon or disturb nearby residents or owners or create a visual or operational nuisance but shall instead complement each other in appearance and function through the use of landscaping, building size and orientation and use of on site natural features such as trees or topography.
 3. Uses should not be strictly segregated but located so that different uses are close to each other and are integrated by building style and orientation and landscaping.
 4. Buildings and uses shall be planned and located so as to minimize the alteration of existing natural features and to utilize these features into the overall design of the Mixed Use PUD.
 5. Buildings are encouraged to contain more than one use such as residential uses located above commercial or office uses.

(e) Open space.

1. Open space may include but is not limited to areas undisturbed by development or areas improved or constructed for viewing, playing, gathering, walking or cycling shall be provided throughout the Mixed Use PUD in an amount which is no less than twenty percent of the gross site area of the Mixed Use PUD. The Planning Commission may modify the amount of required open space if the open space provided meets the intent and purpose of this chapter. The following areas shall not be considered to be part of the twenty percent required open space:
 - a. The area within any public road right-of-way.
 - b. The area within an easement for overhead utility lines.
 - c. Parking lots and landscape islands within parking lots
 - d. Areas required to be landscaped by this chapter.
2. Open space areas shall be arranged and provided to enhance the view from buildings, to contain walking trails, to provide privacy for residents and users of the Mixed Use PUD and to preserve natural site features as identified by on-site and geographic information system analysis.
3. The open space required for a Mixed Use PUD shall be preserved and maintained according to the requirements of this chapter.

(Ord. 349. Passed 1-20-01; Ord. 472. Passed 1-23-17 .)

CHAPTER 1266 Public Facilities (Special Land Use)

1266.01 DESCRIPTION AND PURPOSE.

"Public facilities," as used throughout this Zoning Code, means facilities classified as main and accessory buildings as provided in this chapter. The public facilities special land use is established in order to achieve the following purposes:

- (a) To provide a proper classification for governmental, civic, welfare and recreational facilities in the proper location and extent so as to promote the general safety, convenience, comfort and welfare;

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- (b) To protect such public and semipublic facilities and institutions from the encroachment of certain other uses that make such uses compatible with adjoining residential uses; and
 - (c) To provide an environment for the proper functioning of public facilities in relation to City-wide use plans and other plans for community facilities.

(Ord. 195. Passed 4-9-90.)

1266.02 SPECIAL LAND USES.

Land in the public facilities special land use classification may be used for the following purposes only, subject to the provisions of Chapter 1284, and are considered to be special land uses in various zoning districts as listed in Section 1286.02.

- (a) Governmental. Municipal, County, State, Federal, and utility administrative and service buildings, storage yards, electrical substations, gas regulator stations, and similar uses;
- (b) Civic. Churches, art galleries, libraries, museums, places for public assembly, memorials, monuments, cemeteries, fraternal organizations and private clubs;
- (c) Educational. Primary and secondary public or private schools and nonprofit colleges;
- (d) Welfare. General and special hospitals, health centers, institutions for children and for the aged, and nursery schools and day nurseries;
- (e) Recreational. Parks, recreation fields and playgrounds, community centers, lakes, beaches, pools and public gardens and golf courses; and
- (f) Accessory. Accessory uses as follows:
 - (1) Governmental. Public parking areas or storage garages, residences for custodians or guards; and
 - (2) Educational. Maintenance and heating facilities.

(Ord. 195. Passed 4-9-90; Ord. 239. Passed 7-25-94.)

1266.03 HEIGHT REGULATIONS.

Public and semipublic buildings may be erected to a height not exceeding the width of the side or rear yard where adjoining a single or two-family residential district or to a height not exceeding one and one-half times the width of a side or rear yard where adjoining a multifamily district.

Chimneys, spires, cupolas, domes, towers, flag poles, water tanks, radio or television antennae, monuments and other mechanical appurtenances located upon or constituted as an integral part of a main building shall not exceed a height of two times the width of the side or rear yard, but in any event shall not exceed 100 feet above finished grade.

(Ord. 195. Passed 4-9-90.)

1266.04 AREA REGULATIONS.

The area or parcel of land for a permitted public facility shall be not less than required to provide a site adequate for the main and accessory buildings, off-street parking and other accessory uses, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The area or parcel of land for a permitted public facility, as well as the plan itself, shall be approved by the Planning Commission.

(Ord. 195. Passed 4-9-90.)

1266.05 YARD REGULATIONS.

- (a) Front Yard . The front yard setback shall be not less than the required front yard setback for any adjacent use district.
- (b) Side and Rear Yard . The yards for each public facility building shall be not less than the criteria set forth in the following schedule when adjacent to any one or two-family Residence District:

Main Buildings and Uses	Minimum Yard Side & Rear (Ft.)
Governmental	50
Civic: nonassembly buildings	50
assembly buildings	75
churches	50
Educational	75
Welfare: general hospitals	75
special hospitals	200
homes for children & aged	50
Recreational:	75

- (c) Open Uses . Driveways and parking areas serving the public facility may be located in the side or rear yard set forth in the preceding schedule, but driveways shall not be located less than ten feet, and parking areas less than twenty feet, from any adjacent lot line, and play areas shall not be located less than fifty feet from any adjacent boundary line of a residential district.

(Ord. 195. Passed 4-9-90.)

1266.06 LIGHTING.

Floodlighting or other lighting of playfields, buildings, bulletin boards and parking areas shall be located and designed so as to shield the light source from adjoining residences, and except for general lighting, shall be extinguished between the hours of 11:00 p.m. to 7:00 a.m.

(Ord. 195. Passed 4-9-90.)

1266.07 SIGNS.

Signs for public facilities shall be designed, erected, altered, moved and maintained in whole or in part in accordance with the regulations as set forth in Chapter 1282.

(Ord. 195. Passed 4-9-90.)

1266.08 SITE PLANS.

Site plans for proposed public buildings and land improvements shall be submitted in accordance with Chapter 1284, along with maps, surveys and other required information to the Planning Commission for review, and a public hearing may be held thereafter.

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- (a) The proposed building for use shall be located properly in relation to the criteria of this chapter and to the duly adopted Comprehensive Plan for the City.
 - (b) The proposed facility building and use shall be located on a major street as shown on the City of Coopersville Major Thoroughfare Plan so as to generate a minimum of traffic on local streets.
 - (c) The location, design and operation of such main and accessory public facility buildings in use shall not adversely affect the surrounding residential neighborhood.
 - (d) Electrical substations and/or gas regulator stations shall be provided with an enclosing fence or wall at least six feet high and adequate to obstruct passage of persons or materials.

After approval of the preliminary plan, final plans shall be prepared and submitted to the Commission incorporating those changes set forth by the Commission. A building permit shall not be issued until such plans are approved by the Commission and confirmed by Council. In addition to the preceding requirements, appropriate conditions applying to the particular situation may also be specified in the approval and permit.

(Ord. 195. Passed 4-9-90.)

1266.09 OFF-STREET PARKING.

Off-street parking requirements shall be as provided in Chapter 1288.

(Ord. 195. Passed 4-9-90.)

CHAPTER 1270 C-1 Business District

1270.01 DESCRIPTION AND PURPOSE.

The C-1 Business District is composed of certain lands and structures used to provide for the retailing and wholesaling of goods and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect the abutting residential districts.

(Ord. 195. Passed 4-9-90.)

1270.02 PERMITTED USES.

For land and/or buildings, the permitted uses for the C-1 District shall be as follows, subject to the provisions of Chapter 1284.

- (1) Those nonresidential uses which are permitted in Residence Districts;
- (2) Antique shops, provided all articles for sale are displayed or stored within the shop;

(Ord. 195. Passed 4-9-90.)

- (2A) Auto washes;

(Ord. 245. Passed 9-26-94.)

- (3) Bakery goods stores;

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- (4) Bank, loan and finance offices, including drive-in branches (see Chapter 1286);
 - (5) Barber or beauty shops;
 - (6) Book, stationery or gift stores;
 - (7) Bowling alleys, including bars and restaurants;
 - (8) Business or trade schools;
 - (9) Candy stores, soda fountains, ice cream stores;
 - (10) Catering services, delicatessens and confectionery stores;
 - (11) Clinics, dental and medical, including laboratories;
 - (12) Clothes cleaning and/or laundry pick-up stations;
 - (13) Clothing and dry goods stores;
 - (14) Dance studios, photographic studios;
 - (15) Diaper, linen and towel supply services;
 - (16) Dress shops;
 - (17) Drug stores;
 - (18) Dry cleaning and laundries, custom and self-service;
 - (19) Eating places, bars, grills and cocktail lounges including "drive-ins" (see Chapter 1286);
 - (20) Electrical supplies, retail;
 - (21) Exterminator services;
 - (22) Florist and gift shops, including nurseries;
 - (23) Frozen food lockers;
 - (24) Funeral homes and ambulance services;
 - (25) Grocery stores and meat markets;
 - (26) Hardware stores;
 - (27) Household appliance stores;
 - (28) Jewelry stores;
 - (29) Juke box and vending machine service and distribution;
 - (30) Laboratories, medical or dental;
 - (31) Liquor stores;
 - (32) Locksmiths;
 - (33) Lodge halls, private clubs, veterans' clubs;
 - (34) Nursery schools and day nurseries;
 - (35) Office machines, sales and service;
 - (36) Office supply stores;
 - (37) Offices (business or professional);

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- (38) Paint and wallpaper stores;
 - (39) Parcel delivery stations;
 - (40) Parking lots;
 - (41) Pet shops, not including treatment or boarding of animals (see Chapter 1286);
 - (42) Photographers;
 - (43) Plumbing and heating shops, provided all operations and storage are completely enclosed in a building;
 - (44) Printing and publishing, including processes related thereto;
 - (45) Professional studios;
 - (46) Radio and television sales, repair and broadcasting studios and towers (see Chapter 1286);
 - (47) Restaurants, cafes excluding those allowing dancing, floor shows or drive-in car service;
 - (48) Self-service laundries;
 - (49) Service stations, including minor auto repairs such as tune-ups, tire repair and electrical work, provided that all repair work is conducted wholly within a completely enclosed building (see Chapter 1286);
 - (50) Shoe repair shops;
 - (51) Sign painting and servicing shops, provided all operations and storage are completely enclosed in a building;
 - (52) Signs, business and billboards (see Section 1282.16);
 - (53) Tailors;
 - (54) Taxidermists;
 - (55) Theaters;
 - (56) Travel agencies;
 - (57) Variety stores including notion and "five & ten" stores;
 - (58) Warehousing and trucking facilities, provided that such facilities are part of or incidental to a commercial activity;
 - (59) Any other retail business or service establishment which is determined by the Planning Commission to be of the same general character as uses permitted by this section;
 - (60) New and used auto dealerships that have current State of Michigan Class "A" licenses;
 - (61) Breweries with onsite consumption/sales.

(Ord. 195. Passed 4-9-90; Ord. 213. Passed 9-28-92; Ord. 324. Passed 8-23-99; Ord. 480. Passed 11-12-18 .)

1270.03 SPECIAL LAND USES.

- (a) Roadside market stands;
- (b) Automobile service stations;
- (c) Kennels;
- (d) Drive-through restaurants, banks, and other drive-through establishments;

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- (e) Sports arenas, commercial recreation facilities, racetracks, and stadiums;
 - (f) Night clubs;
 - (g) Planned unit developments, other than industrial park planned unit developments (see Chapter 1264);
 - (h) Governmental and civic public facilities (see Chapter 1266);
 - (i) Educational and welfare public facilities (see Chapter 1266);
 - (j) Recreational public facilities (see Chapter 1266);
 - (k) Upper floor apartments;
 - (l) New/used auto sales lots.

(Ord. 195. Passed 4-9-90; Ord. 212. Passed 7-27-92; Ord. 324. Passed 8-23-99.)

1270.04 HEIGHT REGULATIONS.

The height of any main or accessory building in the C-1 District shall be fifty feet. Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified, provided that such mechanical space is set back a minimum of fifteen feet from any exterior wall, does not exceed fifteen feet in height, is adequately screened from view and such mechanical space and screening is approved by the Planning Commission.

(Ord. 195. Passed 4-9-90.)

1270.05 YARDS AND SETBACK REGULATIONS.

No building or structure shall hereafter be erected unless the following yards and setbacks are provided and maintained in connection with such building structure or enlargement:

- (a) Where the frontage (on a street) between two intersecting streets is located in a C-1 District, there shall be a front yard of not less than fifty feet, provided that where a different setback has been established by fifty percent of the commercial business structures between the same two intersecting streets, such setback shall apply. Where the frontage is located partly in any residential or agricultural district and partly in the C-1 District, the front yard of the residential district shall apply to the C-1 use.
- (b) No accessory building shall be allowed in the required rear yard area of any lot in the C-1 District.
- (c) Side yards and rear yards adjoining the side or rear yard of any lot in a residential or agricultural district shall be screened by a compact evergreen hedge, solid wall or tight board fence at least six feet high.
- (d) The minimum lot width for any lot or parcel located within the C-1 District shall be 125 feet. The minimum lot area for any lot or parcel located within the C-1 District shall be 20,000 square feet.
- (e) See Table III for additional setback requirements.

(Ord. 195. Passed 4-9-90; Ord. 301. Passed 6-23-97.)

1270.06 USE PERMITTED ON ZONING LOT.

In the C-1 District, a zoning lot shall be used for only similar main uses, provided that any dwelling located within such District may also have as an accessory use a home professional office or home occupation as provided in Section 1250.04.

(Ord. 195. Passed 4-9-90.)

1270.07 LAND COVERAGE.

In the C-1 District, notwithstanding any other provisions of this Zoning Code, the land area occupied by main and accessory buildings shall not exceed forty percent of the total area of the parcel being developed. In the C-1 District, such percentage of building coverage may be increased if the Planning Commission finds that off-street parking and loading facility requirements set forth in Chapter 1288 will be satisfied by providing the required number of accessory parking spaces on an adjacent parcel within a walking distance of 250 feet from the main building, and that all landscaping requirements on the parcel being developed are approved by the Planning Commission.

(Ord. 195. Passed 4-9-90; Ord. 305. Passed 9-22-97.)

1270.08 SIGNS.

Signs shall be as required in Chapter 1282.

(Ord. 195. Passed 4-9-90.)

1270.09 OFF-STREET PARKING.

Off-street parking shall be as required in Chapter 1288.

(Ord. 195. Passed 4-9-90.)

1270.10 ACCESS REGULATIONS.

In the C-1 District access driveways shall be spaced not less than 600 feet on center. Whenever possible in the opinion of the Planning Commission, an access roadway parallel to the main access street, not more than twenty-five feet wide, shall be provided when two or more adjoining lots are developed.

Where the lineal frontage of the C-1 District fronting on Randall Street is less than 600 feet, two access drives shall be allowed. Such access drives shall have a maximum width of fifty-four feet, including a median strip.

(Ord. 195. Passed 4-9-90.)

1270.11 LANDSCAPE TREATMENT.

Appropriate landscaping shall be accomplished in a ten-foot buffer area from the road right-of-way onto the C-1 District property consisting of coniferous and deciduous trees, shrubs, flowers and grasses. Proposed landscaping plans shall be submitted to the Planning Commission for approval. The Commission shall act on such plans within a thirty-day period upon receipt of such plans.

TABLE III
C-1 AND MSD DISTRICT REGULATIONS

Main and Accessory Bldg/Use	Setback Abutting Randall Street	Front Yard Setback Abutting	Side Yard Setback Abutting Residence	Side Yard Setback Abutting Nonres.	Rear Yard Setback Abutting Residence	Rear Yard Setback Abutting Nonres.
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(Replacement 2021, Update 3)

	Between 68th Ave. and River St./ Eastmanville St. and Between East St. and 48th Ave.	Other Streets				
C-1 Permitted Uses	100 feet	50 feet	30 feet	no setback, but must have minimum 10' between buildings	30 feet	10 feet
Sales in Open Yards	50 feet	35 feet	not allowed	not allowed	not allowed	not allowed
C-1 Parking Areas	10 feet	10 feet	10 feet	5 feet	10 feet	5 feet
MSD Permitted Uses	not allowed	50 feet	50 feet	25 feet	50 feet	25 feet
MSD Parking Areas	not allowed	20 feet	20 feet	10 feet	20 feet	10 feet

(Ord. 195. Passed 4-9-90; Ord. 242. Passed 8-22-94; Ord. 302. Passed 7-28-97.)

1270.12 ARCHITECTURE AND DESIGN STANDARDS.

- (1) Purpose. In order to assure conformance with this requirement, exterior building elevations must be reviewed and approved as a part of the overall final site plan review process. It is the purpose of this section to provide for the review and approval of the architecture and design standards to achieve the following objectives:
 - (a) To provide façade treatments to buildings that are articulated to reduce massive scale and the impersonal appearance of a large retail building or buildings. Entryways are desirable and are easily orientated to pedestrians;
 - (b) To maintain identifiable community character and create a pedestrian scale that is a personable marketplace that is not superficially applied trim, graphics, or paint;
 - (c) To encourage developers to use a more creative and imaginative approach in the development of commercial buildings;
 - (d) To protect the quality of business district and surrounding property investments;
 - (e) To promote flexibility in design and location of structures;

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- (f) To promote the efficient use of land for a more economic arrangement of buildings, circulation systems, land use, and utilities; and
 - (g) To combine and coordinate architectural styles, building forms, and building relationships within the commercial district and become more impressive. As an example, roof variations aid in adding interest reducing scale, and complimenting neighborhood character.
- (2) Intent. It is the intent of this section that architectural design and façade materials are to be complimentary to existing or proposed buildings within the site and the surrounding areas, if the surrounding buildings/structures adhere to these standards. It is not intended that contrasts in architectural design and use of façade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with the existing building designs and façade materials so as to create an adverse effect or the stability and value of the surrounding areas.
- (3) Walls.
- (a) All exterior walls of any main or accessory building shall be composed of the same architectural building façade materials. Exterior building façades shall have a minimum of thirty percent of brick or stone, which may be augmented by materials complementary of brick or stone.
 - (b) All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. Such techniques as providing articulation or architectural design variations must be used every thirty feet. This requirement can be met by employing architectural features including, but not limited to, the following:
 1. Doors with corniced parapets or other enhanced ornamentation over entry doors.
 2. Arched entries, arcades, or outdoor patios.
 3. Display windows that orient customer to products sold from street encouraged.
 4. Pilasters.
 5. Columns.
 6. Variations in building height.
 7. Material and color variations.
 8. Decorative cornices.
 9. Variations in depth for a minimum of ten feet.
 10. Canopies and marquees.
 11. Integral planters or wing walls that incorporate landscaped areas or places for sitting.
- (4) Wall Height.
- (a) New buildings shall respect the existing development patterns for height of buildings within the area they are constructing.
 - (b) Buildings shall not exceed thirty-five feet in height. The Planning Commission may approve buildings that exceed thirty-five feet depending on unique circumstances or added features that enhance the surrounding area.
- (5) Building Materials.
- (a) The predominant building materials should be those that are characteristic of Michigan such as brick, decorative tilt-up panels, wood, native stone, and tinted/textured concrete masonry units and/or glass products.

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- (b) Other materials such as decorative metals for example may be used as accents only and not dominate the building exterior and be approved by the planning commission.

(6) Roofs.

- (a) Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate.
- (b) Variations in architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly desirable. Overhangs into the public right-of-way shall be at the approval of the planning commission.
- (c) Architectural methods shall be used to conceal flat roof tops and mechanical equipment.
- (d) Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged.

(7) Façade Transparency.

- (a) Façades on the first floor should be designed to encourage and complement pedestrian-scale activity. It is intended that this be accomplished by the use of windows and doors so that activities of visual interest within the building are plainly visible and/or accessible to the street.
- (b) Façade transparency designs should apply to the area of the façade between two feet and ten feet above the sidewalk. Only clear or lightly tinted, non-reflective glass in windows, doors, and display windows are considered transparent. Excessive signage shall not impair interior visibility from the street.
- (c) A minimum of forty percent transparency for the primary street side façade with a minimum of thirty percent of the street level façade facing other public rights-of-way and plazas. Transparency percentages can be reduced by ten percent if the three of the following additional exterior façade enhancements are completed as part of construction or reconstruction:
 - Use of three or more complementary building materials;
 - Installation of two or more pieces of artwork;
 - Establishment of outdoor seating and/or sales area;
 - Additional landscaping along public rights-of-way or integrated into the build façade;
 - Use of green infrastructure related to treatment of stormwater, including native planting, rain gardens, or other similar features;
 - Exterior displays related to principle use;
 - Parking enhancements including: Shared parking, shared driveway access, and/or parking constructed in a way to reduce large single parking areas.
- (d) Façade transparency is not necessary for assembly uses or other similar uses provided that the façade is enhanced by architectural detailing, artwork, landscaping, or other similar features.

- (8) Rehabilitation and Remodeling. When renovations, alterations or additions are made to an existing building within the C-1 District, the exterior building façade of the entire building shall be brought into compliance with this subsection.

When façade materials other than brick or stone are proposed for a building within the C-1 District, the Planning Commission may permit such alternative façade materials provided it finds that all of the following conditions are satisfied:

- (a) The selected façade materials and material combinations will be consistent with and enhance the building design concept.

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- (b) The selected façade materials and material combinations will be complementary to existing or proposed buildings within the site and the surround area.
 - (c) The use of the selected façade materials and material combinations will not detract from the future development in the District of buildings with façades of brick and stone, augmented by materials complementary to brick and stone.
 - (d) The request is accompanied by a written design statement describing how the selected façade materials will satisfy the above requirements.

(Ord. 359. Passed 6-24-02; Ord. 373. Passed 10-27-03; Ord. 391. Passed 7-24-06. Ord. 503. Passed 12-14-20.)

CHAPTER 1271 C-2 Central Business District

1271.01 DESCRIPTION AND PURPOSE.

The C-2 Central Business District is intended to provide a wide range of goods and services to residents of the City, as well as surrounding areas, in a downtown setting. This District is characterized by a compact shopping area with on and off-street, municipal and private parking areas. Emphasis is placed on pedestrian safety, convenient access and ease of vehicular circulation.

The C-2 District is also intended to serve as a Free Market District. The intention of a Free Market District is to allow business owners to develop their businesses in a manner that creates a specialized experience and offering not typically found in a tightly zoned, restricted environment. Creativity in product or service delivery is encouraged to create a unique atmosphere that attracts and retains downtown businesses.

(Ord. 285. Passed 1-13-97; Ord. 392. Passed 7-24-06.)

1271.02 PERMITTED USES.

For land and/or buildings, the permitted uses for the C-2 District shall be as follows, subject to the site plan review provisions of Chapter 1284:

- (1) Antique shops, provided that all articles for sale are displayed or stored within the shop;
- (2) Bakery goods shops;
- (3) Banks, loan offices and other financial offices;
- (4) Barber shops or beauty salons;
- (5) Book, stationery or gift shops;
- (6) Candy stores, soda fountains, ice cream stores;
- (7) Catering services, delicatessens;
- (8) Clinics, dental, medical and optical, including laboratories;
- (9) Clothing and dry goods stores;
- (10) Dance studios, fitness centers;
- (11) Dress shops;

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- (12) Drug stores;
 - (13) Dry cleaning and laundries, custom and self-service;
 - (14) Exterminator services;
 - (15) Florists and gift shops;
 - (16) Funeral homes;
 - (17) Grocery stores and meat markets;
 - (18) Hardware stores, auto supply stores and retail sales of electrical and plumbing supplies;
 - (19) Household appliance stores;
 - (20) Jewelry stores;
 - (21) Liquor stores;
 - (22) Locksmiths;
 - (23) Museums, libraries, public parks;
 - (24) Office machine sales and service;
 - (25) Office supply stores;
 - (26) Offices for businesses or professionals or governmental and other similar professional and service activities;
 - (27) Paint and wallpaper stores;
 - (28) Parking lots;
 - (29) Pet shops;
 - (30) Photographic studios;
 - (31) Printing and publishing shops;
 - (32) Professional studios;
 - (33) Radio and television sales and service;
 - (34) Restaurants, cafes, bars, grills and cocktail lounges;
 - (35) Retail businesses conducting business entirely within an enclosed building;
 - (36) Shoe repair;
 - (37) Tailors;
 - (38) Taxidermists;
 - (39) Theaters;
 - (40) Train and bus stations;
 - (41) Travel agencies;
 - (42) Variety stores, including notion and "five & ten" stores;
 - (43) Any other retail business or service establishment which is determined by the Planning Commission to be of the same general character as uses permitted by this section; and
 - (44) Breweries with onsite consumption and sales.

(Ord. 285. Passed 1-13-97; Ord. 392. Passed 7-24-06; Ord. 481. Passed 11-12-18 .)

1271.03 SPECIAL LAND USES.

Land and/or buildings in the C-2 District may be used for the following purposes when approved by the Planning Commission in accordance with the special land use requirements of Chapter 1286:

- (a) Automobile service and repair facilities, when conducted entirely within an enclosed building or structure;
- (b) Parking lots, public or private;
- (c) Upper floor apartments in commercial buildings (see Section 1280.20);
- (d) Multiple-family dwellings;
- (e) Automobile sales, new/used, with outside vehicle display not to exceed twenty vehicles;
- (f) Farm services, such as grain elevators and feed supply facilities, west of Eastmanville Street; and
- (g) Railroad service and repair facilities, when conducted entirely within an enclosed building or structure, west of Eastmanville Street.

(Ord. 285. Passed 1-13-97.)

1271.04 HEIGHT REGULATIONS.

The height of any principal or accessory building in the C-2 District shall be fifty feet. Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified, provided that such mechanical space is set back at least five feet from any exterior wall, does not exceed fifteen feet in height and is adequately screened from view.

(Ord. 285. Passed 1-13-97.)

1271.05 YARD AND SETBACK REGULATIONS.

- (a) Business uses in the C-2 District shall have a minimum lot width of twenty-five feet and a total lot area of not less than 2,500 square feet.
- (b) Multiple-family dwellings in the C-2 District shall comply with the minimum floor area regulations established for multiple-family dwellings in the R-4 District, as set forth in Section 1260.04(d).
- (c) There shall be no required front, rear or side yard setbacks for any use in the C-2 District, except that a ten-foot setback shall be provided for any window, door or other opening used for emergency exit purposes.
- (d) There shall be a ten-foot required side or rear yard whenever any use in the C-2 District abuts a Residential District, and screening shall be provided in accordance with the standards set forth in Section 1285.04.

(Ord. 285. Passed 1-13-97.)

1271.06 LAND COVERAGE.

In the C-2 District, notwithstanding any other provision of this Zoning Code, the land area occupied by the main and accessory buildings and uses, including parking, shall be permitted to be 100 percent.

(Ord. 285. Passed 1-13-97.)

1271.07 SIGNS.

Signage will be reviewed by the Zoning Administrator. Signage review standards are minimal as long as proposed signage adheres to the mission of the purpose set forth by this ordinance chapter and the Comprehensive Plan. Creative sign placement, design, material, and illumination are primary review parameters. Signs shall not be placed in parking or street areas.

- (a) Sandwich signs shall be removed from downtown sidewalk after business hours.
- (b) Sign placement shall not affect the flow of pedestrian traffic.
- (c) Proposed signage should be designed in a fashion that is scaled to the building height and width.
- (d) Sign material(s) and lighting should compliment the buildings along the business district and not be an attractive nuisance.

(Ord. 285. Passed 1-13-97; Ord. 392. Passed 7-24-06.)

1271.08 OFF-STREET PARKING.

- (a) Any nonresidential use in the C-2 District that applies to the DDA and is accepted as a member of the Municipal parking program shall not be required to provide parking for its individual use.
- (b) Multiple-family dwellings in the C-2 District shall provide one parking space for each dwelling plus an additional space for every five total dwellings.
- (c) Commercial uses in the C-2 District that are not members of the Municipal parking program shall provide off-street parking as set forth in Chapter 1288 of the Zoning Code.

(Ord. 285. Passed 1-13-97; Ord. 307. Passed 1-12-98.)

1271.09 SIDEWALK CAFES AND SALES.

The sale of food or merchandise is encouraged on sidewalks in the C-2 District to enhance the vibrancy of downtown. Merchandise, tables, chairs, or other objects designed to deliver a service or good must be arranged in a manner that does not prohibit pedestrian traffic on the sidewalk.

- (a) Tables or sidewalk sale merchandise must allow 5 feet of walk space for pedestrians on the street side of the sidewalk.
- (b) All objects pertaining to a business owner must stay within the confines of that business owner's frontage width along the sidewalk.
- (c) Downtown business owners are exempted from ordinances that prohibit sidewalk obstructions as long as those obstructions are enabling a good or service to be provided.
- (d) All outside objects placed on sidewalks shall be secured by business owners and not be allowed to negatively impact the environment through littering or the attracting of insects, rodents, animals or pests.
- (e) Objects or merchandise are not allowed to occupy downtown sidewalks after business hours.

(Ord. 392. Passed 7-24-06.)

1271.10 ARCHITECTURE AND DESIGN STANDARDS.

- (a) Purpose and Objectives . It is the purpose of this section to provide for the review and approval of the architecture and design standards to achieve the following objectives:
- (1) To provide desirable living, shopping, and working environments with distinct quality;
 - (2) To maintain identifiable community character;
 - (3) To encourage developers to use a more creative and imaginative approach in the development of commercial buildings;
 - (4) To protect the quality of the business district and surrounding property investments;
 - (5) To promote flexibility in the design and location of structures;
 - (6) To promote the efficient use of land for a more economic arrangement of buildings, circulation systems, land use, and utilities; and
 - (7) To combine and coordinate architectural styles, building forms, and building relationships within the commercial district.
- (b) *Design Standards*. Architectural design and facade materials are to be complimentary to existing or proposed buildings within the site and the surrounding areas if the surrounding buildings/structures adhere to these standards. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with the existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding areas. Brick and stone are the primary building materials to be used on the facade and all exposed elevations.

FACADE TRANSPARENCY

- (1) Facades on the first floor should be designed to encourage and complement pedestrian-scale activity. It is intended that this be accomplished by the usage of windows and doors so that activities of visual interest within the building are plainly visible from and/or accessible to the street.
- (2) Facade transparency designs should apply to the area of the facade between two and ten feet above the sidewalk. Only clear or lightly tinted, nonreflective glass in windows, doors, and display windows are considered transparent. Excessive signage shall not impair interior visibility from the street.
- (3) A minimum of eighty percent transparency for the primary street side facade with a minimum of sixty percent of the street level facade facing other public rights-of-way and plazas.
- (4) Facade transparency is not necessary for assembly uses or other similar uses provided that the facade is enhanced by architectural detailing, artwork, landscaping, or other similar features.

REHABILITATION

When renovations, alterations or additions are made to an existing building within the C-2 District, the entire exterior building facade shall be brought into compliance with this subsection.

- (1) Every reasonable effort shall be made to provide a compatible use for property, which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its original intended purpose.
- (2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

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- (3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - (4) Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - (5) Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure or site shall be treated with sensitivity.
 - (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
 - (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
 - (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and character of the property, neighborhood or environment.
 - (10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (c) *Review and Approval.* In order to assure conformance with this requirement, exterior building elevations must be reviewed and approved as a part of the overall final site plan review or remodeling process. When facade materials are to be used in accordance with brick or stone for a building within the C-2 District, the Planning Commission may permit such additional facade materials provided it finds that all of the following conditions are satisfied:
- (1) The selected facade materials and material combinations will be consistent with and enhance the building design concept.
 - (2) The selected facade materials and material combinations will be complementary to existing or proposed buildings within the site and surround area.
 - (3) The request is accompanied by a written design statement describing how the selected facade materials will satisfy the above requirements.

The Planning Commission may request the report and recommendations of a professional design or architectural constant as a part of its review of the proposed waiver.

(Ord. 392. Passed 7-24-06.)

CHAPTER 1271.5 C-3 Neighborhood Business District

1271.5.01 DESCRIPTION AND PURPOSE.

The C-3 Neighborhood Business District is intended to provide goods and services to residents of the City, as well as surrounding areas, in a neighborhood setting. This district is characterized by easy access and parking to a variety of small neighborhood oriented businesses. The character of businesses within the C-3 District shall generate limited traffic. Drive-through facilities shall not be permitted. The C-3 Neighborhood Business District is intended to provide commercial uses that are distinct and different in intensity and character from those businesses allowed in the major C-1 and MSD commercial districts.

(Ord. 347. Passed 11-27-00.)

1271.5.02 PERMITTED USES.

For land and/or buildings, the permitted uses for the C-3 District shall be as follows, subject to the site plan review provisions of Chapter 1284:

- (1) Antique shops, provided that all articles for sale are displayed or stored within the shop;
- (2) Bakery goods shops;
- (3) Barber shops or beauty salons;
- (4) Book, stationery or gift shops;
- (5) Candy stores, soda fountains, ice cream stores;
- (6) Delicatessens; meat markets;
- (7) Clothing and dry goods stores;
- (8) Dance studios
- (9) Dress shops;
- (10) Florists and gift shops;
- (11) Jewelry stores;
- (12) Liquor stores;
- (13) Locksmiths;
- (14) Pet shops;
- (15) Photographic studios;
- (16) Cafes, bars, grills and cocktail lounges;
- (17) Shoe repair;
- (18) Tailors;
- (19) Taxidermists;
- (20) Travel agencies;
- (21) Variety stores, including notion and "five and ten" stores; and
- (22) Any other retail business or service establishment which is determined by the Planning Commission to be of the same general character as uses permitted by this section.

(Ord. 347. Passed 11-27-00.)

1271.5.03 SPECIAL LAND USES.

- (1) Loan offices and other financial offices;
- (2) Clinics, dental, medical and optical;
- (3) Museums, libraries, public parks;
- (4) Office supply stores; print shops;
- (5) Offices for businesses or professionals;
- (6) Governmental and other similar service activities;
- (7) Upper floor apartments in commercial buildings (See Section 1280.20).

(Ord. 347. Passed 11-27-00.)

1271.5.04 HEIGHT REGULATIONS.

The maximum height of any principal or accessory building in the C-3 District shall be twenty-four feet or two stories. Mechanical space for building equipment placed on the building roof may be allowed above the maximum height specified, provided that such mechanical space is set back at least five feet from any exterior wall, does not exceed fifteen feet in height and is adequately screened from view.

(Ord. 347. Passed 11-27-00.)

1271.5.05 ACCESS REGULATIONS.

In the C-3 District site plan review shall anticipate joint access driveways by neighboring businesses. Access driveways shall be spaced at least (to be determined by City Engineer) feet on center. Whenever possible, in the opinion of the Planning Commission, businesses shall share accesses drives.

(Ord. 347. Passed 11-27-00.)

1271.5.06 SIDEWALKS.

In the C-3 District site plan review shall anticipate the need for sidewalks. The intent of the C-3 District is to develop a neighborhood business district that is accessible by pedestrians within the City with limited vehicular traffic. Sidewalks shall be required whenever a new use is developed or an existing use is expanded.

(Ord. 347. Passed 11-27-00.)

1271.5.06.5 LANDSCAPE TREATMENT.

Appropriate landscaping shall be accomplished in a ten-foot buffer area from the road right-of way onto the C-3 District property consisting of coniferous and deciduous trees, shrubs, flowers and grasses. Proposed landscaping plans shall be submitted to the Planning Commission for approval in accordance with Chapter 1285.

Businesses in the C-3 District shall comply with the landscape requirements as set forth in Chapter 1285 for the C-1 zoning district. The Planning Commission may waive or alter any landscaping requirements if in the opinion of the Planning Commission the applicant has complied with the intent of Chapter 1285 in design and installation.

(Ord. 347. Passed 11-27-00.)

1271.5.07 SIGNS.

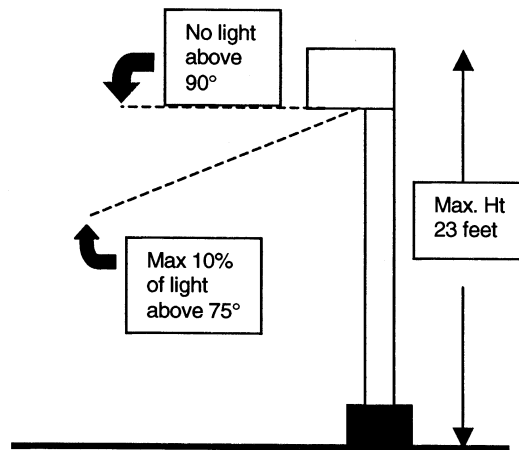
Signs for businesses in the C-3 District shall conform to the regulations for signs in a commercial zoning district as noted in Chapter 1282. However, no pole signs or billboards shall be permitted in the C-3 District and ground signs shall not exceed ten feet in height.

(Ord. 347. Passed 11-27-00.)

1271.5.08 OFF-STREET PARKING AND EXTERIOR LIGHTING.

Off-street parking shall be as required in Chapter 1288. Exterior lighting is not required. Any proposed exterior lighting shall comply with the following regulations:

- (a) All light fixtures must utilize "full cut-off lenses."
- (b) Parking lot light poles shall not exceed twenty-three feet in height.



(Ord. 347. Passed 11-27-00.)

1271.5.09 YARDS AND SETBACK REGULATIONS.

No building or structure shall hereafter be erected unless the following yards and setbacks are provided and maintained in connection with such building structure or enlargement:

- (a) Where the frontage (on a street) between two intersecting streets is located in a C-3 District, there shall be a front yard of not less than fifty feet. Where the frontage is located partly in any residential or agricultural district and partly in the C-3 District, the front yard of the residential district shall apply to the C-3 use.
- (b) Side yards and rear yards adjoining the side or rear yard of any lot in a residential or agricultural district shall be screened by a compact evergreen hedge, solid wall or tight board fence at least six feet high.
- (c) See Table IV, at the end of this chapter, for additional setback requirements.
- (d) All accessory buildings shall maintain required set backs as set forth in Table IV for the principal building.

(Ord. 347. Passed 11-27-00.)

1271.5.09.5 LOT AREA AND WIDTH REGULATIONS.

- (a) The minimum lot width for any lot or parcel located within the C-3 District shall be 125 feet.
 - (b) The minimum lot area for any lot or parcel located within the C-3 District shall be 20,000 square feet.
- (Ord. 347. Passed 11-27-00.)

1271.5.10 USE PERMITTED ON ZONING LOT.

In the C-3 District a lot shall be used for only one principal structure, provided that any dwelling located within such district may also have a home professional office or home occupation as an accessory use as provided in Section 1250.04.

(Ord. 347. Passed 11-27-00.)

1271.5.11 LAND COVERAGE.

In the C-3 District the land area occupied by main and accessory buildings shall not exceed forty percent of the total area of the parcel being developed. In the C-3 District such percentage of building coverage may be increased if the Planning Commission finds that off-street parking requirements set forth in Chapter 1288 will be satisfied by providing the required number of accessory parking spaces on an adjacent parcel within a walking distance of 250 feet from the main building, and that all landscaping requirements on the parcel being developed are approved by the Planning Commission.

On site retention ponds for control of stormwater shall be treated as open space and shall be maintained in a neat and clean manner as part of the site landscaping.

(Ord. 347. Passed 11-27-00.)

TABLE IV. DISTRICT REGULATIONS

Main and Accessory Uses	Front Yard Set Back Abutting Randall St.	Front Yard Set Back Abutting Other Streets	Side Yard Set Back Abutting Residential	Side Yard Set Back Abutting Nonresidential	Rear Yard Set Back Abutting Residential	Rear Set Back Abutting Nonresidential
Permitted and Special Uses	100'	50'	30'	10'	30'	10'
Sales In Open Yards	N/A	N/A	N/A	N/A	N/A	N/A
Parking Areas	10'	10'	10'	10'	10'	10'

N/A = Not allowed

(Ord. 347. Passed 11-27-00.)

CHAPTER 1272 Office Uses (Permitted or Special Land Use)

EDITOR'S NOTE: Chapter 1272, previously a codification of Ordinance 195, passed April 9, 1990, was repealed by Ordinance 213, passed September 28, 1992.

CHAPTER 1274 MSD Motorist Service District

1274.01 DESCRIPTION AND PURPOSE.

The purpose of the MSD Motorist Service District is to provide commercial uses in close proximity to the intersections of major arterials and freeway interchanges and to serve the personal needs of the motorist and facilities for the servicing of vehicles.

Buildings and land shall be used, and buildings shall be designed, erected, altered, moved or maintained, in whole or in part, in the MSD District only for the uses set forth in the schedules and regulations provided in this chapter.

(Ord. 195. Passed 4-9-90.)

1274.02 PERMITTED USES.

The main buildings and uses permitted in the MSD District shall be as follows, subject to the provisions of Chapter 1284:

- (a) Service stations for the sale of gasoline, diesel fuel, oil and auto accessories, lubrication, washing, minor repair within enclosed buildings, bus passenger stations, repair and storage garages within enclosed buildings;
- (b) Motel accommodations for the traveling public;
- (c) Restaurants, snack bars, taverns, drive-in restaurants as individual establishments or in conjunction with other uses permitted in this District;
- (d) New car and car trailer rental; and
- (e) Banks, drive-in banks.

(Ord. 195. Passed 4-9-90.)

1274.03 SIMILAR MAIN USES PERMITTED.

Any other service or business not listed in Section 1274.02 which is listed as a permitted use in the C-1 or I-1 Districts shall be permitted in the MSD District if it is determined by the Planning Commission to be similar to permitted uses provided in Section 1274.02.

(Ord. 225. Passed 12-13-93.)

1274.04 SPECIAL LAND USES.

- (a) Roadside market stands;
- (b) Sports arenas, commercial recreation facilities, racetracks, and stadiums;
- (c) Planned unit developments, other than industrial park planned unit developments (see Chapter 1264);
- (d) Governmental and civic public facilities (see Chapter 1266);
- (e) Educational and welfare public facilities (see Chapter 1266); and
- (f) Recreational public facilities (see Chapter 1266).

(Ord. 195. Passed 4-9-90.)

1274.05 ACCESSORY USES PERMITTED.

Accessory uses permitted in the MSD District shall be as follows:

- (a) Off-street parking and loading facilities in conformance with requirements set forth in Chapter 1288; and
- (b) Business and directional signs subject to Chapter 1282.

(Ord. 195. Passed 4-9-90.)

1274.06 USE PERMITTED ON ZONING LOT; NONCONFORMING DWELLINGS.

In the MSD District, a zoning lot shall be used for only similar main uses, provided that any existing dwelling located within such District on the effective date of this Zoning Code (Ordinance 195, passed April 9, 1990) may also have as an accessory use a home professional office or home occupation.

(Ord. 195. Passed 4-9-90.)

1274.07 AREA REGULATIONS.

In the MSD District, buildings and land shall be used, and buildings shall be designed, erected or altered, moved or maintained in whole or in part only in accordance with the following schedule:

	Main Use	Lot Area	Lot Width (Ft.)
(a)	Motel-hotel	1,000 sq. ft./rental unit	250
(b)	Service station	3,200 sq. ft. interior lot one acre corner lot	200
(c)	Bus garage	4 acres	250
(d)	Restaurant	1 acre	200

(Ord. 195. Passed 4-9-90.)

1274.08 LAND COVERAGE.

In the MSD District, notwithstanding any other provisions of this Zoning Code, the land area occupied by main and accessory buildings shall not be more than twenty-five percent of the total area of the parcel being developed.

(Ord. 195. Passed 4-9-90.)

1274.09 YARD REGULATIONS.

Yard regulations shall be as provided in Table III following the text of Chapter 1270.

(Ord. 195. Passed 4-9-90.)

1274.10 SUPPLEMENTARY YARD REGULATIONS.

Gasoline pumps, if constructed and operated as a part of a service station or garage, may be erected in front of the established building line, but not closer than thirty-five feet to the front lot line.

Service station buildings shall be located no closer than seventy-five feet to the nearest street right-of-way line.

(Ord. 195. Passed 4-9-90.)

1274.11 ACCESS REGULATIONS.

In the MSD District, an access street or driveway shall be located no closer than 100 feet from the freeway right-of-way, except that an existing residential use may be continued for the duration of such use.

Access driveways shall be spaced not less than 200 feet on center, except for automotive service stations. Whenever possible, an access roadway parallel to the main access street, not more than twenty-five feet wide, shall be provided when two or more adjoining lots are developed.

(Ord. 195. Passed 4-9-90.)

1274.12 HEIGHT REGULATIONS.

The height of any main or accessory building in the MSD District shall not exceed fifty feet.

(Ord. 195. Passed 4-9-90.)

CHAPTER 1276 I-1 Light Industrial District

1276.01 PURPOSE AND INTENT.

It is the intent of this chapter to provide for the development of light industrial uses such as warehousing, industrial and manufacturing uses that are developed and operated within an industrial park type setting. Regulations contained in this district are designed to encourage the development of industrial areas that can be

characterized by low land coverage and the absence of objectionable external conditions and the development of light industrial uses that will be compatible with one another and with adjacent or surrounding districts.

(Ord. 195. Passed 4-9-90; Ord. 340. Passed 7-24-00.)

1276.02 PERMITTED USES.

The following are permitted uses for those industrial uses operated within a totally enclosed structure, and with the absence of objectionable outside storage:

- (a) Manufacturing;
- (b) Compounding;
- (c) Assembly of products;
- (d) Machine shop; fabricated metal products; glass products;
- (e) Wholesale sales;
- (f) Warehousing;
- (g) Crafting and packing;
- (h) Bottling plants;
- (i) Print shops;
- (j) Sign painting;
- (k) Research or testing facilities or laboratories;
- (l) Public utility facilities; construction trades;
- (m) Tool and die shops; auto parts manufacturing;
- (n) Apparel or fabric products manufacturing;
- (o) Wood products manufacturing;
- (p) Furniture manufacturing;
- (q) Manufacturing of electrical equipment;
- (r) Metal welding and bending;
- (s) Similar light industrial uses conducted entirely in an enclosed building.

The preceding uses shall be conducted within a completely enclosed building. Any outside storage must be completely enclosed on all sides by a solid fence or wall at least six feet in height, provided further that no goods, materials or objects shall be stacked higher than the fence or wall. All business shall be conducted in such a manner that no noise, smoke, dust, vibration or any other similar nuisance shall exist to adversely influence adjoining properties.

(Ord. 195. Passed 4-9-90; Ord. 229. Passed 12-13-93; Ord. 340. Passed 7-24-00.)

1276.03 SPECIAL USES.

Because of the need for special review and consideration of external conditions that may be caused by the following uses due to outside storage of products or equipment or excessive noise or vibrations that could

adversely influence adjoining properties; the following uses shall only be permitted in the I-1 Light Industrial District following authorization by the Planning Commission as special land uses:

- (a) Any manufacturing or processing use that requires use of a stamping machine rated in excess of 250 tons;
- (b) Processing, packing or treatment of products;
- (c) Truck facilities or terminals;
- (d) Dry cleaning and laundry;
- (e) Paper and paper product manufacturing;
- (f) Auction facility in which all associated activities occur within a completely enclosed building, except for accessory storage as expressly permitted by the Planning Commission;
- (g) Automobile auction facility; and
- (h) Indoor sports and athletic training centers.

(Ord. 229. Passed 12-13-93; Ord. 340. Passed 7-24-00; Ord. 465. Passed 5-11-15 ; Ord. 494. Passed 9-9-19 .)

1276.04 HEIGHT REGULATIONS.

The maximum height limitations shall be three stories or forty-five feet, whichever is less; however, height restrictions can be waived for structures that are specific to certain processes or operations for industrial usage with special consideration given to fire safety issues.

(Ord. 195. Passed 4-9-90; Ord. 416. Passed 9-22-08.)

1276.05 AREA REGULATIONS.

No building or structure nor the enlargement of any building or structure shall hereafter be erected unless the following yard requirements are provided and maintained in connection with such building, structure or enlargement:

- (a) Front yard, same as C-1 District (see Chapter 1270);
- (b) Side yard, same as C-1 District (see Chapter 1270); and
- (c) Rear yard, same as C-1 District (see Chapter 1270).

(Ord. 195. Passed 4-9-90.)

1276.06 ARCHITECTURE AND DESIGN STANDARDS.

It is the purpose of this section to provide for the review and approval of the architecture and design standards to achieve the following objectives:

- (1) To provide desirable living, shopping, and working environments with distinct quality;
- (2) To maintain identifiable community character;
- (3) To encourage developers to use a more creative and imaginative approach in the development of commercial and industrial buildings;
- (4) To protect and elevate the quality of industrial development and surrounding property investments;

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- (5) To promote flexibility in design and location of structures;
 - (6) To promote the efficient use of land for a more economic arrangement of buildings, circulation systems, land use, and utilities;
 - (7) To enhance, combine and coordinate architectural styles, building forms, and building relationships within the Commercial District; and
 - (8) To break up the overall building into smaller parts through the use of architectural treatments. The goal of this action is to reduce the bulk and scale of the building as a whole.

Architectural design and facade materials are to be complimentary to existing or proposed buildings within the site and the surrounding areas, if the surrounding buildings/structures adhere to these standards. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with the existing building designs and facade materials so as to create an adverse effect or the stability and value of the surrounding areas.

Production Area.

- (a) Brick or block masonry walls or better, on the front, side and/or rear of all production area elevations that have a significant exposure to a public street or adjacent property. Alternative materials of equal or higher quality than masonry may be employed pending review and approval by the Planning Commission.
- (b) High quality metal materials on the production area may be considered if they contribute to a complimentary overall aesthetic of the building as a whole.
- (c) Long unbroken exterior building walls are not permitted. An approved architectural treatment or offset may be used to break up building expanses into a smaller portion.
- (d) Architectural treatments or offsets must compliment other styles and treatment materials used on the building as a whole.
- (e) Color shall be selected to establish an attractive image and set a standard of quality for future developments and buildings in the area. The building colors must be complementary and be designed to enhance the lot, the neighborhood and the community.
- (f) Roof line changes may be used to break up horizontal and vertical mass of a building. Roof line changes must provide balance and work in accordance with the proposed design of the building.

Office and Facade Elevation.

Exterior building facades of the administrative offices of the industrial facility shall consist primarily of brick or stone, or other materials of high quality complementary of brick or stone. All office areas of facilities within an Industrial District must have oriented architectural treatments that clearly define these areas separate and distinct from the manufacturing areas.

Office areas correspond to the architectural ordinance with the further employment of treatment offerings to reduce the scale of the facility to the pedestrian level. Primary office entrances shall be clearly defined and either recessed, projected, or framed by quality elements and designs.

In order to assure conformance with this requirement, exterior building elevations must be reviewed and approved as a part of the overall final site plan review process.

When renovations, alterations or additions are made to an existing building within the I-1 District, the exterior building facades of the entire building may be brought into compliance with this subsection as determined by the Planning Commission.

When facade materials other than brick, stone, or other high quality materials are proposed for a building within the I-1 District, the Planning Commission may permit such alternative facade materials provided it finds that all of the following conditions are satisfied:

- (1) The selected facade materials and material combinations will be consistent with and enhance the building design concept.
- (2) The selected facade materials and material combinations will be complementary to existing or proposed buildings within the site and the surrounding area.
- (3) The use of the selected facade materials and material combinations will not detract from the future development in the district of buildings with facades of brick, stone, or other high quality materials.
- (4) The request is accompanied by a written design statement describing how the selected facade materials will satisfy the above requirements.

Building Openings, Walkways, and Entrances.

Building openings, walkways, and entrances give developers the opportunity to reduce scale and add character to the building by the application of architectural treatments listed in this chapter. A combination of treatments, or the use of equal or superior treatments must be apparent and described as follows:

- (a) Covered walkways, porticos and/or arcades covering the horizontal length of the facade.
- (b) Canopies and awnings over windows and openings on elevations in view of or facing the public street or adjacent properties.
- (c) Raised cornice parapets over entries.
- (d) Other approved architectural features, which adds definition to a building.

The Planning Commission may request the report and recommendations of a professional design or architectural consultant as a part of its review of the proposed waiver.

(Ord. 358. Passed 6-24-02; Ord. 373. Passed 10-27-03; Ord. 383. Passed 4-25-05.)

CHAPTER 1278 I-2 Heavy Industrial District

1278.01 PURPOSE AND INTENT.

It is the intent of this chapter to provide for the development of heavy industrial uses or those industrial uses that are more intensive in nature than the industrial uses found in the Light Industrial (I-1) zoning district. The I-2 Heavy Industrial District is intended to include uses that because of their use of heavy machinery or their need for outside storage of materials or products are not suitable for development and operation within an industrial park type setting. The heavy industrial uses should be located so that the development of heavy industrial uses will be compatible with one another and with adjacent or surrounding districts.

(Ord. 195. Passed 4-9-90; Ord. 341. Passed 7-24-00.)

1278.02 PERMITTED USES.

Those uses as listed in 1276.02 (I-1, permitted uses) or other similar uses that because of the use of heavy machinery or the need for outside storage of materials or products are not suitable for location and operation within the I-1 zoning district.

(Ord. 195. Passed 4-9-90; Ord. 341. Passed 7-24-00.)

1278.03 SPECIAL USES.

Because of the need for special review and consideration of external conditions that may be caused by the following uses due to outside storage of products or equipment or excessive noise or vibrations that could adversely influence adjoining properties above and beyond the considerations already in place for permitted uses in the I-2 District; the following uses shall only be permitted in the I-2 Heavy Industrial District following authorization by the Planning Commission as special land uses.

- (a) Concrete, stone or gravel processing or crushing operations;
- (b) Any manufacturing or processing use that requires use of a stamping machine rated in excess of 250 tons;
- (c) Processing, packing or treatment of products;
- (d) Truck facilities or terminals;
- (e) Dry cleaning and laundry;
- (f) Paper and paper product manufacturing.

(Ord. 229. Passed 12-13-93; Ord. 341. Passed 7-24-00.)

1278.04 HEIGHT REGULATIONS.

Height regulations shall be as provided in Section 1276.04.

(Ord. 195. Passed 4-9-90.)

1278.05 AREA REGULATIONS.

No building or structure nor the enlargement of any building or structure shall hereafter be erected unless the following yard requirements are provided and maintained in connection with such building, structure or enlargement:

- (a) Front yard, same as C-1 District (see Chapter 1270);
- (b) Side yard, same as C-1 District (see Chapter 1270); and
- (c) Rear yard, same as C-1 District (see Chapter 1270).

All uses in the I-2 District shall be at least fifty feet from any R or AG District.

(Ord. 195. Passed 4-9-90.)

CHAPTER 1280 General Regulations

1280.01 APPLICATION OF CHAPTER.

The provisions of this chapter are applicable to all zoning districts.

(Ord. 195. Passed 4-9-90.)

1280.02 EFFECT OF ZONING; COMPLIANCE REQUIRED.

Zoning affects every structure and land use. Except as hereinafter specified, no person shall use or occupy any building, structure or premises and no person shall erect, move, place, reconstruct, extend, enlarge or alter any building or part thereof or other structure, except in conformity with the regulations herein specified for the zone district in which it is located.

(Ord. 195. Passed 4-9-90.)

1280.03 RESTORATION OF UNSAFE BUILDINGS.

Nothing in this Zoning Code shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector.

(Ord. 195. Passed 4-9-90.)

1280.04 AREA, HEIGHT AND USE CONDITIONS AND EXEMPTIONS.

- (a) Required Area or Space. No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered or reduced as to make such area or dimension less than the minimum required under this Zoning Code. If already less than the minimum required under this Code, such area or dimension shall not be further divided or reduced.
- (b) Existing Platted Lots. Where an existing residentially zoned platted lot has an area of not less than ninety percent of its zoning district requirements and where such lot can provide the side yard requirements of its district, a single-family use is permitted. An existing platted lot in single ownership of less than ninety percent of its district requirements may be utilized for a single-family use and for such purpose the required side yards may be reduced by the same percentage the area of such lot bears to its district requirements, provided that no side yard shall be less than five feet and that off-street parking requirements are met. Where two such lots contain less than ninety percent of their district requirements, such lots shall be utilized in conformance with the minimum requirements of this Zoning Code.
- (c) Exceptions. The requirements of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, monuments, cupolas, domes, spires and penthouses housing necessary mechanical appurtenances. Additions to buildings existing at the effective date of this Zoning Code (Ordinance 195, passed April 4, 1990),

which now exceed the height limitations of the district up to the height of the existing building, will be permitted in those instances in which the lot is large enough to encompass a circular area with a radius equal to at least the height of the structure.

- (d) Mobile Homes. Mobile home dwellings are considered as dwellings and shall not be considered as accessory to a permitted use.
- (e) Transition Lots. The first R-1, R-2, R-3 or R-4 District lot with the side yard adjacent to a Commercial or Industrial District (without any street intervening between such properties) may be used for uses permitted and as regulated in the R-3 District for new residence structures. Such transition lot cannot be construed to extend for more than 150 feet from such Commercial or Industrial District. In addition, such land may be used for offices for doctors, dentists, architects and similar professions. For approval of these uses, a detailed development plan and an architectural sketch of all structures to be erected shall be submitted to the Planning Commission to determine that the plan meets the following requirements:
 - (1) Yard and area requirements of the District;
 - (2) Parking areas and access drives;
 - (3) Landscaping and screening plan; and
 - (4) That the proposed building has a residential appearance keeping in conformity with the character of the adjacent neighborhood.
- (f) Front and Side Yard Setbacks. Front and side yard setbacks shall be measured to the main wall of a building.
- (g) Fences and Vegetation. (EDITOR'S NOTE: Subsection (g) was repealed by implication by Ordinance 210, passed July 27, 1992. See Section 1464.02 of the Building and Housing Code.)
- (h) Mechanical Appurtenances. Mechanical appurtenances such as blowers, ventilating fans and air conditioning units shall be attached to the principal building and be placed not closer than twenty feet to adjoining properties.
- (i) Work on Vehicles. Mechanical work on trucks (one ton or more) or race cars owned by the occupant of a dwelling or on any vehicles not owned by an occupant of the premises is prohibited in Residence Districts. Any permitted work on vehicles shall be performed entirely within a building, and no parts or vehicles not in a legally operable condition shall be stored outside except by permit. For permitted work, refer to Section 450.02.
- (j) Use of Residential Structures for Nonresidential Purposes. Existing residential structures or buildings accessory thereto and additions to the same may not be used for commercial or industrial purposes. (Exceptions - see home occupations, Section 1250.04)
- (k) Fallout Shelters. Fallout shelters are permitted in any zoning district as an accessory use, provided that all yard and coverage requirements of the district are met. Community fallout shelters are permitted in any district as an accessory use, but only after the plans therefor have been approved by the Planning Commission as suitable for the purpose and that the shelters, and particularly exits, entrances and ventilators, are suitably located and in conformity with the character of the adjacent neighborhood.
- (l) Storage of Vehicles. In all Residence Districts, vehicles not intended for private passenger use shall be garaged at all times.
- (m) Living Quarters for Accessory Buildings. No accessory building shall include residential or living quarters for human beings.

(Ord. 195. Passed 4-9-90.)

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- (n) Animals in Residential Units. No more than three adult domestic animals in combination shall be kept or housed in any one residential unit in any Residence District.
 - (o) Outdoor Furnaces. A wood, coal, or other combustible material burning furnace situated outside intended to provide heat and/or hot water to a structure shall be allowed in (AG) Agricultural, (R-1) Low-Density Residential, and (R-2) Single-Family Residence zoned districts only. The minimum lot size for outdoor furnaces shall be two and one-half acres.

Outdoor furnaces shall be setback from the side property line by at least 100 feet or located in the rear yard setback at least fifty feet from the property line. Outdoor furnaces and combustible materials used within it may be required to be screened dependent upon the view from neighboring property owners at the discretion of the Zoning Administrator.

(Ord. 228. Passed 12-13-93; Ord. 393. Passed 7-24-06.)

1280.05 RAZING OF BUILDINGS.

No buildings, excluding farm structures, shall be razed until a permit has been obtained from the Building Inspector, who is hereby authorized to require a performance bond in any amount not to exceed one thousand dollars (\$1,000) for each 1,000 square feet or fraction thereof of floor area of the building to be razed. Such bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Building Inspector or Council may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

(Ord. 195. Passed 4-9-90.)

1280.06 ESSENTIAL SERVICES.

The erection, construction, alteration or maintenance by public utilities or Municipal departments, boards or commissions of overhead or underground gas, electrical, steam or water distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or Municipal department, board or commission, or for the public health, safety or general welfare, shall be permitted as authorized or regulated by law and other ordinances of the City in any district, it being the intention hereof to except such erection, construction, alteration and maintenance from the application of this Zoning Code.

(Ord. 195. Passed 4-9-90.)

1280.07 OUTDOOR STORAGE AND WASTE DISPOSAL.

- (a) All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.
- (b) All materials or wastes which might cause fumes, odors or dust or which constitute a fire hazard or which may be edible by rodents or insects shall be stored outdoors only in closed containers and screened from the street or adjacent property.
- (c) No materials or wastes shall be deposited on the premises in such form or manner that they may be moved off the premises by natural causes or forces.
- (d) Waste materials shall not be allowed to accumulate on the premises in such manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions.

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- (e) All outdoor storage facilities for fuel, raw materials and products for every use as enumerated and limited herein located less than 100 feet from any other district shall be enclosed by a solid fence or wall not less than six nor more than ten feet in height.

(Ord. 195. Passed 4-9-90.)

1280.08 REQUIRED YARD OR LOT CANNOT BE REDUCED.

No yard or lot existing at the effective date of this Zoning Code (Ordinance 195, passed April 4, 1990) shall be reduced in dimension or area below the minimum set forth herein. Yards or lots created after such effective date shall meet at least the minimum requirements for the district in which such yards or lots are located.

(Ord. 195. Passed 4-9-90.)

1280.09 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS.

Every use shall be so operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond any boundary line of the lot or parcel of land on which the use is located.

(Ord. 195. Passed 4-9-90.)

1280.10 TEMPORARY USES OR STRUCTURES REQUIRING PLANNING DIRECTOR AUTHORIZATION.

- (a) Temporary Building or Yard Construction Materials and/or Equipment, Both Incidental and Necessary to Construction in the Zoning District. Each permit shall be valid for a period of not more than six calendar months and shall not be renewed for more than four successive six-month periods at the same location.
- (b) Temporary Offices Both Incidental and Necessary in a Zoning District. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six calendar months and shall not be renewed for more than four successive six-month periods at the same location.

(Ord. 195. Passed 4-9-90.)

1280.11 ACCESSORY BUILDINGS.

- (a) In any district, a detached accessory building may be erected detached from an existing permitted use building or it may be erected as an integral part of the existing permitted use building. When erected as an integral part of the permitted use building, it shall comply in all respects with the requirements of this Zoning Code applicable to the permitted use building.
- (b) One permitted detached accessory building shall not occupy more than thirty percent of any required rear yard space on any sized lot or exceed 576 square feet in platted subdivisions or on lots less than a half-acre, whichever figure is smaller.
- (c) Formula For Determining Allowable Square Footage in R-1, R-2, R-3 : Required rear yard space is calculated by the front footage of a property times its rear yard setback requirement times allowable percentage = gross allowable square footage for a detached accessory building space allowed on a lot. Example: One hundred feet of frontage (*) twenty-five feet of rear yard setback (*) thirty percent in a one acre lot = 750 allowable gross square footage of detached accessory building. The required rear yard space formula will not apply to parcels under one acre. Maximum allowable square footage for less than one to two acres is 768 square feet and for over two acres the maximum square footage is 1,200 square feet.
- (d) The distance between detached accessory buildings, garages, or the principal building shall not be less than ten feet.
- (e) Detached accessory buildings or garages shall be considered as attached to the principal building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
- (f) Accessory buildings attached through covered devices to the principal building must match the principal building in all facets of construction materials, rooflines, color, and have a peak height no more than eighty percent of the principal building peak height. Square footage may not exceed sixty percent of above grade, main floor living space of the home or 440 square feet, whichever is greater.
- (g) All roofs on detached accessory buildings must have at least a 4:12 pitch if over 150 square feet or match the principal building if the pitch on the principal building is less. Roof angles and roofing materials on detached accessory buildings must resemble the principal building on any size lot.
- (h) All building materials and color comprising the outside of a detached accessory building must match or be of similar composition or appearance as principal building materials if over 200 square feet.
- (i) No commercial activities may take place within a detached accessory structure.
- (j) Stables or barns are not subject to this ordinance in Agricultural Districts.

TABLE 1: CHAPTER 1280, SECTION 1280.11

Residential Zoning Districts	District	Type of Building	Minimum Lot Area	Maximum Building Size	Maximum Building Height	Minimum Front Yard Setback and Maximum Lot Coverage	Minimum Side Yard Setback and Maximum Lot Coverage

	R-1, R-2 & R-3 For Single & Two-Family Dwellings Residential uses in PUD	<u>Detached</u>	<u>Under 1 acre</u>	576 sq. ft.	14 ft. to accessory building peak	<u>For Detached:</u> 35 ft. setback A detached accessory building may be located in front of the principal building, but no closer to the front lot line than the required front setback, if it does not occupy more than 30 percent of the front yard area between the building line of the principal building and the required	<u>For Detached:</u> 5 ft. setback A detached accessory building located in the <u>side yard</u> shall not occupy more than 30 percent of the side yard between the building line of the principal building and the required side yard setback line. <u>and</u> A detached accessory building shall not occupy more than 30 percent of the <u>side yard</u> or exceed 576 square feet in platted
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						front setback line and is setback from the side lot line the same distance as required for the principal building.	subdivisions or on lots of less than a half-acre, whichever figure is smaller.
			<u>1 to 2 acres</u>	Front footage × rear yard setback × 30% = allowable gross square footage of detached accessory building OR 768 sq. ft.	16 ft. to accessory building peak		5 ft. setback A detached accessory building located in the side yard shall not occupy more than 30 percent of the <u>side yard</u> between the building line of the principal building and the required side yard setback line
			<u>Over 2 acres</u>	Front footage × rear yard setback × 30% = allowable gross square	20 ft. to accessory building peak		5 feet A detached accessory building located in the side yard shall

				footage of detached accessory building OR 1,200 sq. ft.			not occupy more than 30 percent of the <u>side yard</u> between the building line of the principal building and the required side yard setback line.
	For Multi-Family Dwellings R-4	N/A (4)					
	R-5	N/A					Governed under the Mobile Public Act 96 of 1987

(Ord. 195. Passed 4-9-90; Ord. 372. Passed 10-27-03; Ord. 439. Passed 6-27-11; Ord. 507. Passed 7-12-21 .)

1280.12 HEIGHT LIMITATIONS.

The height limitations elsewhere stipulated in this Zoning Code shall not apply to church spires, elevated water tanks, elevator penthouses, fire towers, cooling towers, grain elevators, grain or coal silos, gas holders, smoke stacks, flagpoles, radio and television towers, masts and aerials, monuments and similar structures requiring a greater height.

(Ord. 195. Passed 4-9-90.)

1280.13 PRINCIPAL BUILDING ON A LOT.

In all Residence Districts, not more than one principal building shall be placed on a lot of record.

(Ord. 195. Passed 4-9-90.)

1280.14 FRONT YARDS.

In any Residence District where front yard setbacks on lots adjacent to the lot under consideration for building are either greater or less than the allowed front yard setback, the front yard setback shall be altered to be not less than the average setback of the two adjoining lots, provided that the depth of a front yard on any lot (in a Residence District) shall not be less than ten feet.

(Ord. 195. Passed 4-9-90.)

1280.15 DOUBLE FRONTAGE LOTS.

Buildings on lots having frontage on two nonintersecting streets shall have applicable front yards on both streets.

(Ord. 195. Passed 4-9-90.)

1280.16 CORNER LOTS IN RESIDENCE DISTRICTS.

A side yard along the side street lot line of a corner lot which lot abuts in the rear, either directly or across an alley, the side lot line of another lot in any Residence District shall have a width of not less than one-half the required depth of the front yard on such other lot fronting the side street but not less than fifteen feet in any case.

(Ord. 195. Passed 4-9-90.)

1280.17 PUBLIC UTILITIES.

All uses located in any zoning district shall tie into sanitary sewer and water service if the proposed use is located within 200 feet of a sanitary sewer and/or water line. In all other cases, a sanitation permit must be obtained from the County Department of Health, and before any structure may be occupied, a statement from the health offices shall be obtained certifying that waste disposal facilities and sanitation conform and comply with all applicable statutes and local regulations.

(Ord. 195. Passed 4-9-90.)

1280.18 INTERSECTION CLEAR VISION AREA.

No sign, fence, landscaping, or other object shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct the view of a vehicle driver approaching any intersection. Specifically, an area between two and one-half feet and eight feet above the established roadway grade, within a triangle formed by two roadway right-of-way lines and a line connecting them at points twenty-five feet from the intersection of the two right-of-way lines, shall remain clear of any visual obstructions. In the case of a rounded corner, the twenty-five-foot distance shall be measured from the intersection of the two right-of-way lines extended.

(Ord. 195. Passed 4-9-90.)

1280.19 STANDARDS FOR DWELLINGS.

A dwelling located on an individual lot or parcel is permitted if the following standards are met:

- (a) It complies with the minimum square footage requirements of this Zoning Code for the district in which it is located.
- (b) It complies, in all respects, with the B.O.C.A. National Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any Federal or State standard or regulation for construction, and where such standard or regulation is different from that imposed by the B.O.C.A. National Building Code, such Federal or State standard or regulation shall apply.
- (c) All dwellings must be firmly attached to a permanent foundation constructed on the site, in accordance with the B.O.C.A. National Building Code, and must have a wall of the same perimeter dimensions as the dwelling, and must be constructed as required in the B.O.C.A. National Building Code for single-family dwellings.
- (d) If a dwelling is a mobile home, it shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- (e) The dwelling is connected to a public sewer and water supply or to private water and sewer facilities approved by the local health department.
- (f) The lot on which a dwelling is located must contain at least 450 square feet of enclosed storage capacity not including closets, attic or basement. The space may include an attached garage or detached accessory building or other structure.
- (g) All dwellings must be aesthetically compatible in design and appearance with other dwellings in the vicinity. The following standards shall be used in determining acceptable similarity in appearance between dwelling units:
 - (1) The width of the main body of the dwelling unit shall be not less than twenty-four feet, as measured at the narrowest portion.
 - (2) The pitch of the main roof shall be not less than four feet of rise for each twelve feet of horizontal run (4:12 pitch). In general any roofing material may be used that is a generally acceptable material if applied in a manner consistent with other dwellings in the vicinity.
 - (3) The dwelling shall have a roof overhang of not less than six inches on all sides, or alternatively, window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.

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- (4) The dwelling shall have not fewer than two exterior doors, with the second one being at either the rear or the side of the dwelling. Steps to such exterior doors shall be provided where a difference in elevation exists between the bottom of the door and the ground.
 - (5) Any material that is generally acceptable, as determined by comparison to dwelling units in the vicinity, may be used for exterior finish if applied in such a manner as to be similar in appearance. However, reflection from such exterior shall not be greater than from siding coated with clean, white, glossy exterior enamel.
 - (6) The top plate of the front wall foundation of a dwelling shall not exceed twenty-four inches above the approved natural or engineered grade, nor shall any grade be altered in a manner as to cause adverse impacts to neighboring properties. Exception: The Zoning Administrator may waive the requirements of the front wall foundation height due to hardship not caused by the property owner.

The compatibility of design and appearance shall be determined in the first instance by the Planning Director upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Board of Zoning Appeals within a period of fifteen days from the receipt of notice of the Planning Director's decision. A determination of compatibility shall be based on the standards set forth in this subsection as well as on the character, design and appearance of one or more residential dwellings, located outside of mobile home parks, within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty percent of the lots situated in such area, or where the area is not so developed, on the character, design and appearance of one or more residential dwellings, located outside of mobile home parks, throughout the City. This provision shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.

- (h) The dwelling contains no additions or rooms or other areas which are not constructed with workmanship similar in quality to the original structure, including permanent attachments to the principal structure and the construction of a foundation as required in this paragraph.
- (i) All dwellings must comply with all pertinent building and fire codes.
- (j) The standards in this paragraph do not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required in the Ordinances of the City pertaining to such parks.
- (k) All construction required in this paragraph shall be commenced only after a building permit has been obtained in accordance with the applicable provisions and requirements of the B.O.C.A. National Building Code.

(Ord. 195. Passed 4-9-90; Ord. 322. Passed 8-9-99; Ord. 352. Passed 6-25-01; Ord. 379. Passed 1-10-05.)

1280.20 UPPER FLOOR APARTMENTS.

- (a) Residential uses shall be permitted in the C-2 District in buildings of two stories in height or greater in which the primary use is a commercial business, provided that the residential use is on the second floor or above. However, in buildings used for mixed business and residential occupancy, no dwelling unit shall occupy any portion of the floor at ground level. The business uses may occupy any number of floors; however, no business use shall be located on the same floor as a residential use, and no business use shall be located on a floor above a floor used for residential purposes.
- (b) Apartment units shall comply with the minimum floor area requirements as established for multiple-family dwellings in the R-4 District as set forth in Section 1260.04(d).

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- (c) Commercial businesses shall establish independent points of ingress and egress for the upper floor apartments and the primary business use.

(Ord. 288. Passed 1-13-97; Ord. 508. Passed 7-12-21 .)

1280.21 PROHIBITION ON MARIHUANA ESTABLISHMENTS AND FACILITIES.

- (a) Pursuant to Section 6 of the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended, marihuana establishments are prohibited within the boundaries of the city.
- (b) Marihuana facilities are prohibited within the boundaries of the city.

As used in this section, "marihuana establishment(s)" means that term as defined in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended, and "marihuana facility(ies)" means that term as defined in the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.

(Ord. 450. Passed 7-22-13; Ord. 485. Passed 2-11-19 .)

1280.22 VEHICLES FOR SALE.

- (a) Vehicle(s), as defined for purposes of the following regulations, include: cars, trucks, motorcycles, or any type of vehicle used for transporting people or goods and also recreational equipment such as; travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, trailers used for the transporting of recreational equipment.
- (b) The display of vehicle(s) for sale shall not become a commercial sale opportunity taking place over a period of longer than thirty days during any one calendar year (January through December) in any zoning district unless a Special Land Use has been obtained (if and where required) specifically for the commercial sale of a vehicle(s).
- (c) The use of required parking areas, in all zoning districts other than R1, R2, R3, for the storage or display of vehicle(s) for sale is prohibited, unless specifically approved by the City Planning Commission as part of site-plan review or by Special Use Permit.

(Ord. 457. Passed 3-10-14.)

1280.23 PENALTY.

- (a) Whoever violates or fails to comply with any of the provisions of Section 1280.22(a), (b), (c) is responsible for a Municipal civil infraction and shall be subject to the penalties provided in Section 202.99(b) and (c) of the Administration Code.

(Ord. 457. Passed 3-10-14.)

CHAPTER 1281 Adult Related Businesses

1281.01 ADULT RELATED BUSINESSES.

Adult related businesses as defined herein shall be regulated as special land uses within the C-1 Business District. The general standards and requirements of Chapter 1286 basic to all special land uses shall apply to any use as noted herein.

The specific and detailed requirements set forth in this section relate to adult sexually oriented uses and are requirements which must be met by the uses listed in addition to the general standards and requirements set forth in Chapter 1286.

(Ord. 319. Passed 3-22-99.)

1281.02 DEFINITIONS.

For purposes of this section, the words and phrases following have meanings assigned to them herein and are controlled by the regulations and procedures set forth in this section:

Adult Related Business : Any activity described in any of the remaining paragraphs of this section and any other business including but not limited to:

Arcade; nightclub; bar; restaurants including cabaret type restaurants which may have dancing, singing, or skits as entertainment; photographic studio;

that have any employee or entertainer (in person or by motion picture, television, hologram or other type of image) displaying any "specified anatomical area" or engaging in any "specified sexual activity" as defined herein.

Adult Book Store or Adult Video Store : Any commercial establishment where any of the below listed items or materials occupy at least twenty percent of the floor area or visible inventory within the establishment or any commercial establishment that derives at least twenty percent of its gross revenues from the sale or rental for any form of consideration any one or more of the below listed items:

- (1) Books, magazines and other periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations or media which depict or describe or which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- (2) Instruments, devices or paraphernalia that are designed for use in connection with "specified sexual activities."

Adult Motion Picture Theater : A commercial establishment which for any form of consideration regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction, description of, or relating to "specified anatomical areas" or "specified sexual activities," as defined herein.

Adult Theater : A theater, concert hall, auditorium or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or that regularly features live performances that are characterized by the exposure of or the depiction, description of, or relating to "specified anatomical areas" or "specified sexual activities," as defined herein.

Specified Sexual Activities are as follow:

- (a) Human genitals in a state of sexual stimulation or arousal.
- (b) Actual or simulated human or animal masturbation, sexual intercourse, homosexual or heterosexual contact, or sodomy.

- (c) Actual or simulated fondling of or erotic touching of human genitals, pubic region, buttock or female breast.
- (d) Bestiality.
- (e) Fellatio or cunnilingus.
- (f) Human excretory functions.
- (g) Sadoomasochistic abuse.

Specified Anatomical Areas are as follow:

- (a) Less than completely and opaquely covered human genital, pubic, buttock, female breast below a point immediately above the areola.
- (b) Human male genitals or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(Ord. 319. Passed 3-22-99.)

1281.03 SITE DEVELOPMENT STANDARDS.

Adult businesses as defined in Section 1281.02 above must comply with the following specific requirements for approval as a special land use within the C-1 Business District:

A. Location:

- (1) No adult related businesses may be established within 1,500 feet from the property line of any other lot or parcel or enclosed building where there already exists an adult related business.
- (2) The lot or parcel on which an adult related business is located shall be at least 1,500 feet from any residential zoning district, church, or public or private school, as measured between the nearest property lines.

B. Development. Adult related businesses, as defined and listed in Section 1281.02, shall comply with the following regulations:

- (1) Adult related businesses shall not be located in buildings in which dwelling units are located.
- (2) Activities conducted within buildings housing adult related businesses shall be shielded in such a manner that no person outside of the lot or parcel on which the adult related business is located shall see these activities.
- (3) Establishments where uses subject to the control of this section are located shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission, as provided herein.

(Ord. 319. Passed 3-22-99.)

CHAPTER 1282 Signs

EDITOR'S NOTE: Chapter 1282 was amended in its entirety by Ordinance 451, passed September 9, 2013.

CROSS REFERENCES
General provisions and definitions - see P. & Z. Ch. 1240
Administration, enforcement and penalty - see P. & Z. Ch. 1242

Board of Zoning Appeals - see P. & Z. Ch. 1244
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Zoning districts generally - see P. & Z. Ch. 1250

1282.01 STATEMENT OF PURPOSE.

This chapter creates the legal framework for sign regulations that are intended to facilitate a means of communication. This chapter recognizes that aesthetics and design quality cannot be satisfactorily legislated, as individual opinions vary and general public opinions vary. It is recognized, however, that a great percentage of that which is unattractive or distracting can be reduced by sensible control, through adequate maintenance and inspection and by reasonable guidelines formulated to minimize clutter.

The purpose of the sign regulations set forth in this chapter include, without limitation, the following:

- to eliminate potential hazards to motorists and pedestrians;
- to encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites which they occupy;
- to eliminate excessive and confusing sign displays;
- to retain current residents and attract new residents to the City;
- to preserve and improve the appearance of the City as a place in which to live and work as an attraction to nonresidents who come to visit or do business;
- to safeguard and enhance property values so as to protect public and private investment in buildings and open spaces;
- to supplement and be a part of the regulations imposed and the plan set forth under the Master Plan for the City of Coopersville;
- to promote the public health, safety, morals and general welfare.

(Ord. 451. Passed 9-9-13.)

1282.02 APPLICATION OF REGULATIONS.

The regulations of this chapter apply to the location, erection, and maintenance of signs in all zoning districts within the City.

(Ord. 451. Passed 9-9-13.)

1282.03 GENERAL REGULATIONS.

The requirements, conditions, prohibitions and exceptions specified in this chapter shall apply to all signs and sign structures in all zoning districts in the City. A sign not expressly permitted by this ordinance is prohibited.

(Ord. 451. Passed 9-9-13.)

1282.04 DEFINITIONS.

(a) Sign Defined :

"Sign" means any display, figure, painting, drawing, placard, poster or other device visible from a public way which is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product. Without limitation a sign may be a structure, or part thereof, painted on or attached directly or indirectly to a structure.

(b) Classification by Use Types :

- (1) "Banner" means a sign having characters, letters or illustrations applied to cloth, paper, flexible plastic, or fabric of any kind, with only non-rigid material as background.
- (2) "Billboard" is a sign that directs attention to commercial or noncommercial goods, services, uses/ideas not located on site.
- (3) "Bulletin board" means an announcement sign which directs attention and is located on the lot of a public or semipublic institution.
- (4) "Business sign" means a sign which directs attention to the name of the business or establishment, the goods or commodities sold, or services rendered, on the lot on which the sign is located.
- (5) "Campaign sign" a temporary sign related to a primary, general or special election, which displays the name, party or other related information of political candidates running for office, issues placed upon a ballot to be voted upon or other political issues. A campaign sign is not permitted in the public right-of-way.
- (6) "Digital sign or billboard" is a sign or billboard usually (but not exclusively) consisting of (or has a portion or face comprised of) a computer or playback device connected to a large, bright digital screen such as an LCD, LED, computer, plasma, or similar display. Such signs can utilize electronic changeable copy. Generally, the wording on such a sign contains letters, symbols, figures, depictions, and/or numbers that can be electronically or digitally changed or that do change electronically or digitally. Such signs can utilize digital, LED, LCD, plasma, or electronic technology.
- (7) "Directional sign" means a sign indicating the direction to which attention is called, either to the lot on which the sign is located or to another location.
- (8) "Expressive sign" a sign expressing or communicating a noncommercial message, opinion, or point of view, such as ideological, religious, and social message signs. An expressive sign is not permitted in the public right-of-way.
- (9) "Identification sign" means a sign indicating the name, owner or manager of an existing project or building.
- (10) "Illuminated sign" is a sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with or related to such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property. Illumination can be internal or external to a sign.
- (11) "Incidental sign" is any sign, handbill, or poster which is placed to advertise or announce a specific event, pertains to a particular event or occurrence or relates to an event taking place currently, and which will not be placed or installed on site for a period in excess of thirty days in a calendar year.
- (12) "Informational sign" means a sign which is designed to give general information to the public concerning the location of places for lodging or eating, vehicle service, natural phenomena, weather,

time, historic sites, areas of natural scenic beauty or outdoor recreation facilities and similar information.

- (13) "Industrial or service sign" means a sign which directs attention to the name, service or industrial establishment, goods produced or sold, or service rendered, on the lot on which the sign is located.
- (14) "Nameplate" means a sign indicating the name, address or profession of the person occupying the lot or a part of a building.
- (15) "Project sign"/"construction sign" means a temporary sign which directs attention to the promotion, development and construction of the property on which it is located and which identifies the architects, engineers, contractors and other individuals or firms involved with the construction.
- (16) "Real estate sign" means a sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed.
- (17) "Temporary sign" means a sign of any type that is on wheels or any other non-permanent construction that is placed on property to announce special events or sales, and that will be used by the owner or lessee of the building or lot for thirty days or less in a calendar year.
- (18) "Wayfaring sign" is a public sign that is provided to assist in locating a place or use of public interest.

(c) Classification by Structural Types :

- (1) "Canopy sign" means a sign attached to the soffit or fascia of a canopy of a covered entrance or walkway or to a permanent awning or marquee.
- (2) "Projecting sign" means a sign, other than a wall sign, erected on the outside wall of a building and which projects out at an angle there from.
- (3) "Ground sign" or "monument sign" means a freestanding sign which is supported by one or more poles, posts, foundations or braces in or upon the ground and which does not extend higher than ten feet into the air from the finished grade or a similar sign where the bottom of the sign is affixed to the ground.
- (4) "Pole sign" or "freestanding sign" means a sign which is supported wholly by a pole, poles in or upon the ground and which is extended into the air a maximum of twenty feet and have a minimum height clearance of seven feet to the bottom of the sign face in a MSD Motorist Service District only. Pole signs within 100 feet of the I-96 right-of-way may be as high as seventy-five feet with single steel beam construction only and have a sign face area of eighty square feet.
- (5) "Wall or panel sign" means a sign integral with the exterior face of an exterior wall of a building or attached to the wall or parallel with the wall and projecting not more than twelve inches there from.
- (6) "Window sign" means a sign painted, attached or affixed to the interior or exterior surface of windows or doors of a building.

(Ord. 451. Passed 9-9-13.)

1282.05 APPLICATION FOR PERMITS.

Except as otherwise provided in this chapter, before any sign may be erected, installed, created, placed, relocated, painted, or illuminated on a lot in the City, a permit shall be obtained from the City consistent with the terms of this chapter. Applications for permits to erect, install, create, place, relocate, paint, or illuminate a sign shall be made by the owner or lessee of the lot or parcel, or that person's designated agent, for which a sign is proposed. The application shall be submitted on forms furnished by the City and shall be made either separately or

with the application for a building permit. The fee for a sign permit shall be established by separate resolution of the City Council and must be paid at the time of application.

- (a) A sign permit shall be required for all signs as follows:
 - (1) In residential districts, if the sign exceeds six square feet in area;
 - (2) In business districts, if the total area of the sign exceeds fifteen square feet. A permit shall not be required for placing permanent signs on the surface of windows or doors; however, such signs shall be removed if the maximum gross area permitted is exceeded.
 - (3) In industrial districts, if the total area of the signs exceeds fifteen square feet.
- (b) A sign permit shall be required for all temporary signs in any zoning district.
- (c) Each permit application shall be accompanied by drawings to scale showing:
 - (1) The design and layout proposed, including the total area of the sign, the size, height, character, materials and color of letters, lines and symbols;
 - (2) For illuminated signs, the number and types of lamps and lens material and a statement, in writing, that the illumination of such sign will meet the relevant provisions of Section 1282.10.
 - (3) The exact location of the sign in relation to the building and lot; and
 - (4) Details and specifications for construction, erection and attachment as may be required by Part Fourteen-the Building and Housing Code.

In the development of a group of stores and services in any shopping complex in any zoning district a plan for the signing of the entire shopping center shall be submitted to the Planning Commission for review and approval in accordance with the provisions of this chapter.

(Ord. 451. Passed 9-9-13.)

1282.06 EXEMPT SIGNS.

The following signs are permitted in any zoning district with the following conditions:

- (a) Unless specifically limited to certain zoning districts in this section or as otherwise provided herein, the following signs are exempt from the provisions of this chapter including the requirement to obtain a sign permit.
- (b) The area of such signs shall not be included in the calculation of the area of signs otherwise permitted for any lot or use.

TYPE:	ADDRESS NUMBER AND NAME PLATES
Permitted provided:	<ul style="list-style-type: none"> • Not exceeding two square feet in area for each residential unit or dwelling. • However, address numbers and name plates in excess of two square feet in area shall be regulated as wall signs.
TYPE:	BUILDING OUTLINE LIGHTING
Permitted:	<ul style="list-style-type: none"> • Outlining of structural/architectural elements of buildings, such as roof lines, doors, windows or wall edges using neon, incandescent, or similar type of lighting in any commercial and industrial district shall not be considered a sign, nor regulated by this chapter. • However, if such outline contains text or logos, such items shall be considered signs and regulated by this chapter according to their type and placement. In no case, however, shall such building outlining flash or be animated.

TYPE:	CAMPAIGN SIGNS
Standards:	<ul style="list-style-type: none"> • The sign area of any single sign shall not exceed twelve square feet and shall be setback a minimum of five feet from all lot lines. • There shall be no more than four signs on any single property. • All such signs shall be located on private property. The total amount of sign area for all such signs on a lot shall not exceed thirty-two square feet. • Campaign signs are only permitted for a period not to exceed sixty days prior to an election or voting day, and all such signs shall be removed within fourteen days after an election or voting day. • Such signs are not permitted in the public right-of-way.
TYPE:	CONSTRUCTION SIGNS/PROJECT SIGNS
Standards:	<ul style="list-style-type: none"> • One construction sign per project construction site/parcel shall be permitted on each street frontage of the project, subject to the following:
Maximum sign area shall not exceed:	<ul style="list-style-type: none"> • Check individual Zoning Districts for size permitted in that district.
Additional Standards:	<p>Such signs shall:</p> <ul style="list-style-type: none"> • Not be erected until the applicable zoning or platting approvals have been obtained; • Be confined to the site of construction; • Meet the setback requirements for signs in the applicable district; • Be removed five days after completion of construction and prior to occupancy; • Permit Required; • Not permitted in public right-of-way.
TYPE:	EXPRESSIVE SIGNS
Standards:	<ul style="list-style-type: none"> • The sign area of any single sign shall not exceed twelve square feet and shall be setback a minimum of five feet from all lot lines. • There shall be no more than four signs on any single property and all such signs shall be located on private property. The total amount of sign area for all signs utilized shall not exceed thirty-two square feet. • Such signs are not permitted in the public right-of-way.
TYPE:	FLAGS, EMBLEMS, OR INSIGNIA OF ANY NATION, STATE, POLITICAL SUBDIVISION OR CORPORATE ENTITY
Permitted provided:	<ul style="list-style-type: none"> • The setback requirements for signs in the applicable district are met.
Additional Standards:	<ul style="list-style-type: none"> • One flag, displaying a corporate emblem, shall be permitted for each business. • Notwithstanding the above, a flag displaying a corporate emblem shall be included in the calculation of the maximum sign area permitted for freestanding signs for the site. • Not permitted in public right-of-way.
TYPE:	GARAGE SALE/YARD SALE SIGNS
Permitted provided:	<ul style="list-style-type: none"> • A single sign not exceeding four square feet in total surface area and four feet in height for each lot. • Such sign shall be located on the lot having the sale and not on or within any public right-of-way. • In the case of corner lots, one additional sign is permitted on the second street frontage of the lot, for a maximum of two signs on the lot.
Additional Standards:	<ul style="list-style-type: none"> • Sign(s) shall be permitted for no longer than three days prior to the sale and be removed immediately after the sale is completed. • Utility poles may not be used to post signs.

TYPE:	HISTORIC OR COMMEMORATIVE PLAQUES
Permitted:	<ul style="list-style-type: none"> • An historic or commemorative plaque shall not exceed four square feet
TYPE:	HOME IMPROVEMENT, HOME CONSTRUCTION, HOME REMODELING SIGNS
Permitted provided:	<ul style="list-style-type: none"> • A single sign not exceeding six square feet in total surface area and four feet in height is permitted for each lot. • Such sign shall be located on the lot on which the described activity is occurring, shall not be located on or within any public right-of-way, and shall be displayed only while such work is actually occurring. • Not permitted in public right-of-way.
TYPE:	INCIDENTAL SIGNS
Permitted:	<ul style="list-style-type: none"> • Other than directional, and parking and loading signs shall be permitted in conjunction with an event and subject to the following:
Provided that:	<ul style="list-style-type: none"> • The maximum height of the sign shall not exceed four feet. • The maximum sign surface area shall not exceed one square foot. • The sign shall be set back a minimum of ten feet from the existing street right-of-way.
TYPE:	MEMORIAL SIGNS OR TABLETS
Permitted provided:	<ul style="list-style-type: none"> • Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material. • Such signs shall not be located within any public right-of-way.
TYPE:	MODEL HOME SIGNS
Permitted provided:	<ul style="list-style-type: none"> • A single sign not exceeding sixteen square feet in total surface area and four feet in height located on the street frontage of the lot containing the model home.
Additional standards:	<ul style="list-style-type: none"> • Not be located on or within any public right-of-way or located on the model home building; and • Be removed immediately after the building no longer serves as a model home.
TYPE:	OFFICIAL SIGNS AUTHORIZED BY A GOVERNMENT OR GOVERNMENTAL SUBDIVISION
Permitted:	Signs which give traffic, directional, or warning information, and signs of public service companies indicating danger and aids to service or safety which are erected by, or on the order of, a public officer in the performance of their public duty.
TYPE:	PUBLIC NOTICES
Permitted:	<ul style="list-style-type: none"> • Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.
TYPE:	REAL ESTATE SIGNS
Permitted provided:	<p>One sign for each lot (parcel), not exceeding:</p> <ul style="list-style-type: none"> • Eight square feet in total surface area and five and one-half feet in height (for all districts permitting single- or two-family residential development); • Thirty-two square feet in total surface area and four feet in height (for any other zoning district).
Provided that:	<ul style="list-style-type: none"> • Such sign shall be located on the lot (parcel) for sale or lease and not on or within any public right-of-way or between the road and sidewalk (where applicable). • Real estate signs may not be directly illuminated. • Real estate signs must be removed within thirty days after the sale/lease/rental has been completed.
In the case of:	<ul style="list-style-type: none"> • Corner lot: one additional sign, with the same maximum dimensions, is permitted on the second street frontage, for a maximum of two signs on a corner lot.

	<ul style="list-style-type: none"> • Through lot: one additional sign, with the same maximum dimensions, is permitted on a second street frontage, for a maximum of two signs.
TYPE:	REAL ESTATE SIGNS, TEMPORARY DIRECTIONAL
Permitted provided:	<ul style="list-style-type: none"> • Temporary directional real estate signs shall be placed at no less than 200 feet from any sign of the same subdivision and no closer than twenty feet from another temporary directional real estate sign.
Additional standards:	Temporary directional real estate signs shall be permitted only if:
	<ul style="list-style-type: none"> • They are limited to freestanding signs not to exceed eight square feet in total area or four feet square feet per sign face and shall not exceed forty inches in height.
	<ul style="list-style-type: none"> • Signs shall not be placed before 5:00 p.m. on the sixth day preceding an open house and shall be removed by 7:00 a.m. on the day following an open house. All poles and stakes associated with such signage shall be completely removed.
	<ul style="list-style-type: none"> • Signs shall not be placed on private property without permission of the owner. Signs shall be placed at four feet from the pavement edge of the street (such pavement edge of the street includes the shoulder). Signs shall not touch or block the visibility of any road marking signs, nor shall they be attached to utility poles, trees or natural features.
TYPE:	SEASONAL OR HOLIDAY DISPLAYS
Permitted use:	<ul style="list-style-type: none"> • Shall not be considered signs and shall not be regulated by these regulations, so long as they contain no commercial message, are primarily decorative in nature, and are clearly incidental and customarily and commonly associated with any national, local or religious holiday.
	<ul style="list-style-type: none"> • Not permitted in the public right-of-way.
TYPE:	TEMPORARY SIGNS
Permitted use:	<ul style="list-style-type: none"> • Shall be allowed provided that the signs do not exceed a size of thirty-two square feet.
	<ul style="list-style-type: none"> • For grand openings: Grand opening temporary signs may be erected no more than ten days prior to the grand opening and shall be removed no more than five days after.
	<ul style="list-style-type: none"> • Temporary signs for City-approved or City-recognized community events may be erected throughout the year; however, the maximum number of days such signs may be displayed shall not exceed a total of thirty days per calendar year per event. In no case shall such signs remain on a lot for more than thirty consecutive days.
Provided that:	<ul style="list-style-type: none"> • Permit is required.
	<ul style="list-style-type: none"> • No more than one temporary sign for each public street frontage may be placed on a lot.
	<ul style="list-style-type: none"> • Churches and non-profit institutions are exempt from permit fee but not permit application. The maximum sign area of each sign shall not exceed thirty-two square feet.
	<ul style="list-style-type: none"> • Such signs shall not be located on or within any public right-of-way.

(Ord. 451. Passed 9-9-13.)

1282.07 PROHIBITED SIGNS.

The following signs are prohibited in all zoning districts:

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- (a) Signs in the public right-of-way. No sign or sign structure may be placed on or in the right-of-way of an alley or a street with the exception of: governmental and public signs, wayfaring signs, or projecting signs permitted by this chapter and having obtained written permission or obtaining an approved permit from the proper governmental agency.
 - (b) Signs which interfere with official signs/traffic devices.
 - (1) No sign or sign structure shall be permitted which attempts or appears to attempt to direct the movement of traffic or which interferes with or obstructs the view of, or can be confused with, imitates, or resembles any official traffic sign, signal, or device.
 - (2) No rotating beam, beacon or flashing illumination resembling any emergency light shall be used in connection with any sign display.
 - (3) No sign shall be permitted which prevents the driver of a vehicle from having a clear and unobstructed view, from an adequate and safe distance, of any official sign and approaching or merging traffic.
 - (4) No governmental and public signs or wayfaring signs shall be adorned with any type of attachment not part of the original design.
 - (c) Interference with street intersections. No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad crossing.
 - (d) Prohibition of signs affixed to utility poles, etc. No sign or sign structure shall be affixed to, displayed, or located upon any utility or public structure, equipment, or appurtenance located in or upon any public right-of-way, utility easement, or other public or private property.
 - (e) Signs on natural features. No signs shall be permitted to be painted on, attached to, or maintained upon trees, rocks or other natural features.
 - (f) Pennants. Pennants, ribbons, streamers, sheets, spinners, balloon signs, inflatable figures, wind signs except temporary signs associated with grand openings and City-approved or City-recognized community events.
 - (g) Banners. Banners shall not be permitted; provided, however, this prohibition does not apply to temporary signs involving grand openings and City-approved or City-recognized community events.
 - (h) Portable signs. Portable signs including but not limited to A- or T-frame, or signs on trailer frames whether or not the trailer wheels have been removed, shall be prohibited. No person shall park any vehicle or trailer or truck trailer on a public right-of-way, public property or on private property which is visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity. This section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to business or commercial vehicles.
 - (i) Statuary, commercial. Statues utilized and intended for commercial purposes.
 - (j) Outline lighting. Outlining of property lines or open sales areas, whether flashing or constant.

(Ord. 451. Passed 9-9-13.)

1282.08 MEASUREMENT STANDARDS.

- (a) Signs are regulated in this chapter by relating the gross area of signs to the building or use of a lot or to the size of the building to which the sign is accessory.
- (b) The area of a sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest rectangle which encloses the entire group.
- (c) Whenever the gross area of the sign is related to the size of the building or lot:
 - (1) The frontage of a building shall be the width of the facade of the building, store, service or office unit which faces the principal street or the facade containing the main entrance of a store, office, and service or manufacturing building.
 - (2) The frontage of a lot not occupied by a building shall be the number of linear feet the lot abuts on the principal street.
- (d) Buildings or lots having frontage on a secondary street or a secondary entrance to a parking area shall be permitted additional wall signs along such secondary streets or entrance, which shall, however, not exceed twenty percent of the area of the signs permitted along the main facade.
- (e) One additional wall sign per business subject to the following restrictions:
 - (1) The sign shall be placed flat against the building and shall front on the principal street.
 - (2) Such sign shall not exceed one and one-half square feet in area for each one lineal foot of wall frontage on which the sign is to be placed or 200 square feet in area, whichever is less.
 - (3) Businesses which have wall frontage on more than one street shall be permitted to have one wall sign per street frontage, subject to the size limitation contained in paragraph (b).
 - (4) The one wall sign permitted above may be divided into two wall signs with each one placed on a separate wall of the building, provided that the sum of the square footage of the two signs equals seventy-five percent or less of the overall square footage permitted above.
 - (5) One wall sign may be permitted in addition to those permitted above if a freestanding sign otherwise permitted is eliminated and the square footage of the additional wall sign equals seventy-five percent or less of the square footage permitted for the freestanding sign.

(Ord. 451. Passed 9-9-13.)

1282.09 DESIGN STANDARDS.

- (a) Signs, as permitted in the various zoning districts, shall be designed so as to be similar in character, with regard to materials, color and size, to signs designed or located on the same building and on adjoining buildings in order to equalize the attention they are meant to attract and to produce an overall unified effect and in accordance with the standards set forth in this section.
- (b) Wall or panel signs shall not project more than twelve inches from the building wall to which they are attached and shall be set back from the end of the building and party wall lines for a distance of at least three feet and shall not project beyond any corner or above the coping or eaves of any building.
- (c) Projecting signs may be attached to the building wall or canopy and project at an angle of approximately ninety degrees for a distance of not more than four feet or project over the cornice line more than one-third of the total height of the sign. Projecting signs shall be located not less than five feet from a party wall line and the lowest member of a projecting sign shall be at least eight feet above a public sidewalk and fifteen

feet above any drive or pavement used for vehicular traffic. Signs shall not project into any dedicated right-of-way.

- (d) Pole sign faces shall be no less than seven feet above the finished grade and shall not exceed twenty feet in height and seventy square feet in face area except when less than 100 feet from the I-96 right-of-way line where a seventy-five-foot tall sign is acceptable. Seventy-five-foot signs in a MSD District are not allowed within 100 feet of other signs and sign faces may not exceed eighty square feet.
- (e) Permanent ground signs shall not exceed ten feet above the finished grade.
- (f) Signs shall not project over or obstruct the required windows or doors of any building, shall not be attached to or obstruct a fire escape and shall not interfere with other safety provisions as may be further regulated in Part Fourteen-the Building and Housing Code.
- (g) Signs shall not be erected so as to obstruct lights, street name signs at intersections or street sight lines or signals at railroad grade crossings. Signs visible from the sight lines along a street shall not contain an arrow or words such as "stop," "go," "slow," etc., and the movement, content, coloring or manner of illumination shall not resemble highway traffic signs. Flashing or moving illumination shall not be permitted.
- (h) In addition to the setback requirements for signs specified in this chapter for each zoning district, no sign shall be allowed within the clear vision area on either side of a lot driveway, access road or road easement. Additionally, no sign on a corner lot shall be located within the clear vision area of the adjacent street intersection. The clear vision area shall be determined by the following formula: The clear vision area for a corner lot or for any other lot is the triangle formed by connecting a point located on the side lot line for a corner lot or on the edge of the lot driveway, access road or road easement for other lots, which point is thirty-five feet from the front lot line, with a point located on the front lot line which is thirty-five feet from the side lot line for a corner lot or from the edge of the lot driveway, access road or road easement for other lots.

(Ord. 451. Passed 9-9-13.)

1282.10 ILLUMINATION OF SIGNS.

Light sources to illuminate signs shall conform to the National Electrical Code, as adopted by the City, and shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness so as to cause glare which may be hazardous to pedestrians or drivers of automobiles or so as to cause reasonable objection from adjacent residential districts.

- (a) There shall be no flashing, strobe, moving, oscillating, or intermittent illumination of any sign, except time and temperature signs that have no other intermittent illuminated message.
- (b) All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residential or abutting roadways and shall be located at least 100 feet from any residential use or dwelling.
- (c) The illumination of any sign shall not be detrimental or unreasonably annoying to the resident or occupant of any adjoining property nor constitute a safety hazard.
- (d) This section shall not be deemed to permit illuminated, LED, or digital signs that are otherwise prohibited by this chapter. Where another provision of this chapter imposes a more stringent requirement involving illumination, an LED sign, or a digital sign, the stricter provision shall govern.
- (e) For changeable copy, digital, LED, or similar signs, the following shall apply:
 - (1) There shall be no less than seven seconds between message or copy changes.

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- (2) The slat, panel, or blade twirl time of a tri-vision sign shall be two seconds or less and the blade dwell time (i.e., stationary and able to be read) shall be no less than seven seconds.
 - (3) The rate of change between two static messages shall be one second or less.
 - (4) Transition from one message to the next shall be instantaneous and shall not fade, scroll or otherwise be animated.
 - (5) The face of the sign shall be dimmed automatically from thirty minutes before sunset to thirty minutes before sunrise down to five percent of its daylight brightness setting.
 - (6) The maximum brightness levels for digital or LED signs shall not exceed two-tenths foot-candles over ambient light levels measured at a distance of 150 feet from the face of the sign.

In residential districts and on public facility uses, only nameplates and bulletin boards may be illuminated. All signs in business and industrial districts may be illuminated. Parking lots and automotive sales area lots shall be illuminated in accordance with the provisions of this section.

(Ord. 451. Passed 9-9-13.)

1282.11 AGRICULTURAL DISTRICT.

Accessory signs in the AG agricultural district shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with the following regulations:

- (a) The types of signs permitted are as follows:
 - (1) One nameplate indicating the occupant's name and house number, not exceeding two square feet from any lot or street right-of-way line. In a multifamily district, one permanent identification sign indicating the name, owner or manager of the multifamily project, not exceeding twenty square feet in area, shall be permitted facing each major street, but not less than fifty feet from a side lot line and twenty-five feet from any street right-of-way line.
 - (2) One directional or no trespassing sign not exceeding two square feet in area shall be permitted on any building or lot located not less than twenty-five feet from any side lot line or ten feet from any street right-of-way.
 - (3) One real estate sign advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, not exceeding eight square feet in area or five and one-half feet in height, shall be permitted for each dwelling or lot, provided that such sign is located not less than twenty-five feet from any lot line and ten feet from any street right-of-way line. Illumination shall not be permitted.
 - (4) One temporary sign.
 - A. A ground or pole signs shall be permitted per lot or parcel.
 - B. The maximum sign face for temporary business signs shall be thirty-two square feet.
 - C. Signs shall not be located closer than ten feet from any highway or street right-of-way, or obstruct visibility at highway or street intersections.

(Ord. 451. Passed 9-9-13)

1282.12 RESIDENTIAL DISTRICTS.

Accessory signs in residential districts shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with the provisions of this section. The types of signs permitted as to use, structure, size and number for each dwelling or lot shall be as follows:

- (a) One nameplate indicating the occupant's name and house number, not exceeding two square feet in area, may be located on a building. Nameplates must be at least five feet from any lot or street right-of-way line.
- (b) One directional or no trespassing sign not exceeding two square feet in area shall be permitted on any building or lot and must be at least twenty-five feet from any side lot line or ten feet from any street right-of-way.
- (c) One real estate sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed, not exceeding eight square feet in area and five and one-half feet in height, shall be permitted for each dwelling or lot, provided that such sign is located at least twenty-five feet from any lot line and ten feet from any street right-of-way line. Illumination shall not be permitted.
- (d) One subdivision project ground sign not exceeding sixty-four square feet in sign face area and ten feet in height may be permitted while a subdivision is under construction, provided that such sign is located at least 100 feet from any occupied residential and at least five feet from the nearest street right-of-way or lot line. Permits for such signs shall be for a period not exceeding one year. However, such permits may be renewed while construction is pursued diligently. Project signs shall be removed within fourteen days of the commencement of the intended use.
- (e) One bulletin board or announcement ground sign, not exceeding twenty square feet in sign face area or five feet in height, may be located on the premises of a public, charitable or religious institution, but must be at least fifty feet from any residential lot line or at least five feet from the nearest street right-of-way line. Indirect illumination shall be permitted.
- (f) Campaign sign. A single sign's area shall not exceed twelve square feet and shall be setback a minimum of five feet from all lot lines. No more than four signs on any single property and all such signs shall be located on private property. Total amount of sign area for all signs utilized shall not exceed thirty-two square feet. Signs are only permitted for a period not to exceed sixty days prior to the election, and shall be removed within fourteen days after the election.
- (g) Expressive sign. A single sign's area shall not exceed twelve square feet and shall be setback a minimum of five feet from all lot lines. No more than four signs on any single property, total area of all signs utilized shall not exceed thirty-two square feet and be located on private property.
- (h) Temporary signs not exceeding thirty-two square feet in area shall be permitted. Permits shall be obtained prior to placement of the temporary sign and shall detail the size and location of the sign.
- (i) Yard sale signs are not subject to permit and are allowed to advertise sales in residential districts only. Five total signs are allowed for on-premises and off-premises display per yard sale. Each sign may be up to four square feet in sign face area. Signs may be on display for three total days with visible dates of sale for easily readable. All signs must have an address listing. Utility poles may not be used to post signs. Signs may have a maximum height of three feet from grade. All yard sale signs must be removed within one day after the yard sale. Any sign remaining after that date will be in violation of Section 660.01 of the Littering Ordinance and will be subject to a citation served to the address listed on the sign.

(Ord. 451. Passed 9-9-13.)

1282.13 BUSINESS DISTRICTS.

Accessory signs in the C-1 business district and MSD motorist service district shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with the provisions of this section.

- (a) The use types permitted shall be as follows:
 - (1) Business signs directing attention to the business establishment;
 - (2) Directional signs to direct pedestrians and vehicles;
 - (3) Professional nameplates and identification signs;
 - (4) Real estate and project signs of a temporary nature; and
 - (5) Temporary signs.
- (b) The structural types permitted shall be wall or panel, canopy, ground, projecting and pole signs.
- (c) The maximum sign face area of all permanent signs permitted for each approved use occupying a building shall be related to the width of the building adjusted, however, so that the smaller establishments may be permitted reasonable sign areas and so that the larger establishments may not have excessive sign areas. Signs accessory to a building or unit thereof shall be determined by the following formulas:
 - (1) Definition. As used in this subsection, "maximum sign face area" means the total area of one surface for a permanent sign as defined in Section 1282.08(d).
 - (2) Use occupying building. In the case of a use occupying a building or unit thereof, the following formulas shall apply. "W" means the frontage of a building in feet.
 - A. In the C-1 business district: Maximum sign face area of signs (square feet) = $W \times 1.2 + 20$ square feet.
 - B. In the C-2 business district: Maximum sign face area of signs (square feet) = $W \times 1.2 + 20$ square feet.
 - C. In the MSD motorists service districts: Maximum sign face area of signs (square feet) = $W \times 1.2 + 30$ square feet.

(Ord. 451. Passed 9-9-13.)

1282.14 LOCATION AND SUPPLEMENTARY AREA REGULATIONS FOR BUSINESS AND MSD DISTRICTS.

Accessory signs in the C-1 business district shall be controlled by location and supplementary area regulations as provided in this section.

- (a) Projecting signs shall be limited to not more than one for each establishment or store unit and shall not exceed twenty square feet in total area for each face visible from any location on a public way. Projecting signs shall be located at least ten feet from a side lot line and at least twenty-five feet from a residential district boundary line. Signs shall not project into any dedicated right-of-way.
- (b) One pole sign may be located within a required yard of a MSD business if it is at least fifteen feet from a residential district line. The maximum size of any face of a pole sign shall be seventy square feet unless within 100 feet of I-96 where eighty square feet sign faces are allowed in MSD districts. The

support for any pole sign shall not be within, nor shall such sign project over any dedicated right-of-way.

- (c) One canopy or covered walk sign may be attached to the soffit or fascia of a canopy or roof over a walkway structural member of each business use. However, the vertical dimension of such signs shall not exceed eighteen inches and the lowest member shall be at least eight feet above the sidewalk grade. The total sign face area of any sign shall not exceed five square feet.
- (d) One pole or ground sign may be located within a required yard of a business use if it is at least twenty-five feet from an existing business lot, at least five feet from any street right-of-way line and at least 100 feet from a residential district. The sign face area of any ground sign shall not exceed seventy-five square feet or ten feet in height.
- (e) Permanent directional ground signs indicating traffic routes and similar functions may be permitted in addition to the other limitations of this section, provided that each sign does not exceed six square feet in sign face area and is at least twenty-five feet from any side lot line and at least five feet from any street right-of-way line.
- (f) One temporary project ground sign, not exceeding sixty square feet in sign face area, shall be permitted if located on the lot which is occupied by the building or use promoted or if announcing a proposed building or a building under construction. Such project sign shall be located at least fifty feet from the nearest residential lot line and at least five feet from the nearest lot and street right-of-way line. Permits for such signs shall be for a period not exceeding one year; however, such permits may be renewed while construction is pursued diligently. Project signs shall be removed within fourteen days of the commencement of the intended use.
- (g) One temporary sign announcing a sale, new product, or a special business event may be permitted per parcel of property for fourteen consecutive days except on a parcel with an electronic reader board capable of performing similar functions. No parcel of property may allow more than five temporary signs per year. Temporary signs may only be displayed as a sign face with minimal supports not easily seen with the sign being attractive in nature and not distracting to drivers. Temporary signs must be placed at least five feet from the nearest residential lot line or street right-of-way. The maximum sign face is shall be thirty-two square feet. Permits shall be obtained prior to the placement of the temporary sign and shall detail size of sign and location of the sign.

(Ord. 451. Passed 9-9-13.)

1282.15 MIXED-USE PUD ZONING DISTRICT.

Accessory signs in the mixed-use PUD zoning district shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with the schedule and regulations set forth in this section.

- (a) Only one ground sign (be either ground or pole style sign) for each parcel of land is permitted.
- (b) The height of a ground sign shall not exceed ten feet or pole sign shall not exceed twenty feet in a mixed[-use] PUD development.
- (c) The ground sign or pole sign in a mixed[-use] PUD development shall not exceed a total of seventy square feet in area.
- (d) A PUD ground sign or pole sign shall be set back at least five feet from all lot lines.
- (e) A business center identification sign is allowed at each entrance, not to exceed twelve square feet, limit two per parcel.

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- (f) Wall sign may not exceed one square foot for each lineal foot of building or tenant frontage or fifty square feet whichever is less and cannot exceed 200 square feet total.
 - (g) One temporary sign per parcel per period of time not to exceed thirty-two square feet.

(Ord. 451. Passed 9-9-13.)

1282.16 INDUSTRIAL DISTRICTS.

Accessory signs in the I-1 light industrial and I-2 heavy industrial districts shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with the schedule and regulations set forth in this section.

- (a) The use types permitted shall be as follows:
 - (1) Directional signs of the type permitted and as regulated in business districts;
 - (2) Service and industrial signs, nameplates and identification signs;
 - (3) Real estate and project signs of a temporary nature;
 - (4) Temporary signs; and
 - (5) Billboards complying with state law and this chapter.
- (b) The structural types permitted shall be wall, panel, ground and pole signs.
- (c) The maximum area and number permitted shall be one permanent identification sign for each building or use. The maximum sign face area of all permanent signs permitted for each separate use occupying a building or a unit of a building in any industrial district shall be directly related to the width of the building or unit thereof as follows: the maximum sign face area of signs shall be one and one-half square feet for each linear foot of the building frontage, provided that the maximum area of any permanent identification sign shall be 125 square feet in sign area on the lot occupied by the building to which the sign is accessory.
- (d) Signs shall be located so as to maintain the same setback and yards as required for buildings, except that one industrial ground sign may be permitted within the required yards.
- (e) Ground signs shall be located 100 feet from any adjacent residential district.
- (f) A permanent ground or pole sign shall be at least twenty-five feet from a public street right-of-way lot line in an industrial district.
- (g) Permanent directional ground signs indicating traffic routes and similar functions shall be permitted in addition to the other requirements of this section, provided that each sign face does not exceed six square feet in area and is at least ten feet from any side lot line and at least five feet from the nearest street right-of-way line.
- (h) The design of wall, panel, ground and pole signs in any industrial district shall be in accordance with the standards of this chapter.

(Ord. 451. Passed 9-9-13.)

1282.17 MAINTENANCE OF SIGNS.

All signs and sign structures shall be maintained in a safe and attractive condition. Signs which no longer serve the purpose for which they were intended or which have been abandoned or are not maintained in

accordance with this zoning code and other applicable regulations of the City shall be removed by the permit holder, business owner, or property owner.

(Ord. 451. Passed 9-9-13.)

1282.18 NONCONFORMING SIGNS AND REMOVAL OF SIGNS.

Signs lawfully erected prior to the adoption of this ordinance which do not meet the standards of this chapter may continue to exist (but may not be expanded, moved, structurally altered, or modified without fully complying with this chapter), except as otherwise hereafter provided.

- (a) No nonconforming sign:
 - (1) Shall be changed to another nonconforming sign;
 - (2) Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign; or
 - (3) Shall be reestablished or continued after the activity, business, or use to which it referred has been discontinued for 180 days or longer.

Any sign that violates any of the above automatically loses its lawful nonconforming status and must either be removed or must fully comply with this chapter.

- (b) No person or business shall be required to remove a sign which was erected in compliance with this chapter if such sign was lawful when erected but becomes nonconforming due to a change occurring after the adoption of this ordinance, such sign shall be construed as a nonconforming sign.
- (c) If the owner or lessee of a sign on the premises on which a sign is located changes the location of a building, property line, such sign must either be removed or made to conform to the current ordinance.
- (d) Whenever the removal or maintenance of any permanent sign has been ordered by the planning director, no person who erected such a sign or on whose premises such sign or display structure has been erected, affixed or attached shall fail to remove or maintain such sign within the time limit set forth in the order of the planning director.
- (e) In the event of noncompliance, the planning director may take all steps authorized by law to remove the sign at the expense of the person who erected it or on whose premises it was erected, affixed or attached, and such person shall be individually and separately liable for the expense incurred in the removal of such sign.

(Ord. 451. Passed 9-9-13.)

1282.19 LIMITATION ON BILLBOARDS.

- (a) Billboards which face the front or side lot of any residential district or which face any public park, public square or similar institution located shall be at least 500 feet from the residential or public square or park lot line.
- (b) Billboards are only permitted as an accessory use in industrial zoning districts.
- (c) No billboard shall be constructed or erected on a lot at any location whereby such structure partially or wholly obstructs adjoining commercial or industrial properties from enjoying equal advertising opportunity. Billboard supports shall be a single, painted steel beam of a neutral color. The rear of any single faced billboard must be finished and maintained as the display side of the billboard.

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- (d) Any billboard, where permitted, shall conform to any applicable building side yard width or front yard depth requirement of the district, except that at the intersection of any State or Federal highways with a major or secondary street, there shall be a setback of at least 100 feet from the established right-of-way of each such street or highway.
 - (e) No billboard, where permitted, shall exceed 250 square feet in sign face area and a maximum height of ten feet and maximum width of twenty-five feet with a total height not to exceed thirty feet. There shall be not less than 1,000 feet between billboards, and no billboards are allowed within 1,000 feet of the I-96-interchange right-of-way line. One double-sided sign may be serviced by a support.
 - (f) Each billboard shall comply with Section 1282.10, illumination of signs.
 - (g) Only a single billboard may be located on any parcel or lot to the extent otherwise permitted by this chapter.
- (Ord. 451. Passed 9-9-13.)

CHAPTER 1283 Wireless Communication Facilities

1283.01 EXEMPT USES.

The following uses shall be exempt from the provisions and requirements of this section: Private mobile radio service facilities with antennas less than 100 feet in height; citizen band radio facilities; short wave receiving facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

(Ord. 317. Passed 2-22-99.)

1283.02 PERMITTED USES.

Subject to the standards and conditions set forth in this section, wireless communication facilities shall be permitted uses in all zoning districts under the following circumstances:

- A. When an existing structure will serve as an attached wireless communication facility within a nonresidential zoning district, and the existing structure is not, in the discretion of the administrative official, proposed to be materially altered or materially changed in appearance.
- B. When an existing structure will serve as an attached wireless communication facility within a residential zoning district and the accessory building associated with the wireless communication facility is either not visible from any residence or can be screened to that extent and where the existing structure is not, in the discretion of the administrative official, proposed to be either materially altered or materially changed in appearance.
- C. When the proposed collocation upon an attached wireless communication facility which had been preapproved for such collocation as part of an earlier approval by the City.
- D. When the existing structure which will serve as an attached wireless communication facility is a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the administrative official, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.

(Ord. 317. Passed 2-22-99.)

1283.03 SPECIAL LAND USES.

A wireless communication facility may be authorized under the procedures as provided in Chapter 1286, as a special land use, if it is demonstrated by an applicant to the satisfaction of the Planning Commission and as agreed to by the City Council that a wireless communication facility may not reasonably be established as a permitted use under this section and is required in order to operate a wireless communication service.

An application for a wireless communication facility as a special land use must comply with the standards and conditions set forth in Chapter 1286 and the following specific regulations:

- A. At the time of the submittal, the applicant shall demonstrate that location of a facility under the conditions required for a permitted use cannot meet the need required for operation of a system. The applicant shall demonstrate the need for the facility to be located as proposed based upon the presence of one or more of the following factors:
 - (1) Proximity to an interstate or major thoroughfare.
 - (2) Areas of population concentration.
 - (3) Concentration of commercial, industrial, and/or other business centers.
 - (4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - (5) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - (6) Other specifically identified reason(s) creating facility need.
- B. Wireless communication facilities shall be of a design such as a steeple, bell tower, or other form which is compatible with the character of the proposed site, neighborhood and general area, as approved by the City.
- C. The proposal shall be reviewed in conformity with the collocation requirements of this section. In residential neighborhoods, locations shall be considered first on the following sites, not stated in any order of priority, subject to application of all other standards contained in this section:
 - (1) Municipally owned site.
 - (2) Other governmentally owned site.
 - (3) Religious or other institutional site.
 - (4) Public park or other permanent open space areas when compatible.
 - (5) Public or private school site.
 - (6) Other locations if none of the above is available.
- D. The applicant must demonstrate that a practical collocation is not available for the coverage area and capacity needs.
- E. Any new or modified wireless communication facilities shall be designed and constructed so as to meet the collocation requirements of this section.

(Ord. 317. Passed 2-22-99.)

1283.04 STANDARDS AND CONDITIONS APPLICABLE TO ALL FACILITIES.

All applications for wireless communication facilities whether permitted uses or special land uses shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and any conditions imposed with a special land use approval:

- A. Facilities shall be located and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize attached wireless communications facilities.
- B. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a certification of compliance by the applicant's licensed engineer.
- C. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. Structures which require or are proposed to have high intensity strobe lighting shall not be permitted.
- D. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- E. The setback of a new or materially modified support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
- F. Where the proposed new or materially modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, from that parcel shall be in accordance with the required setbacks for principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
- G. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.
- H. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- I. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks. For collocation facilities served by an accessory building, there should be a single, architecturally uniform accessory building for all providers.
- J. The design and appearance of the support structure and all accessory buildings shall be reviewed and approved so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure

compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.

- K. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soil report from a geotechnical engineer licensed in the State of Michigan. This soil report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.
- L. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- M. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.
- N. The use of high intensity (strobe) lighting on a wireless communication facility shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need.
- O. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of processing by the City may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for ninety days. If, during a ninety-day tentative approval period, final approval is granted to authorize a wireless communication facility within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to collocate on the facility that has been newly granted final approval.
- P. The antenna and other attachments on a wireless communication facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size of such attachments, and shall be designed and constructed to maximize aesthetic quality.

(Ord. 317. Passed 2-22-99.)

1283.05 APPLICATION REQUIREMENTS.

- A. A site plan prepared in accordance with Chapter 1284 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- B. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
- C. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- D. The application shall include a description of the monetary security to be posted with the City to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Section 1283.08. In this regard, the security shall, at the election of the applicant, be in the form of:
 - (1) Cash;

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- (2) Surety bond;
 - (3) Letter of credit; or
 - (4) An agreement in a form approved by the City Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the City in securing removal.
- E. The application shall include a map showing existing and known proposed wireless communication facilities within the City, and within areas surrounding the borders of the City, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility.
 - F. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
 - G. The application fee, in the amount specified by the City Council.
 - H. The owner or duly authorized representative of all ownership interest in the land on which the wireless communication facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in this section.

Any information provided with the application which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. This chapter shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the City.

(Ord. 317. Passed 2-22-99.)

1283.06 COLLOCATION.

Collocation shall be deemed to be practical for purposes of this section where all of the following are met:

- A. The owner of the existing wireless communication facility will accept market rent or other market compensation and the applicant will undertake to pay market rent or other market compensation for collocation.
- B. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- C. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- D. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the City, taking into consideration the intent and purpose of this section and the several standards contained herein.

(Ord. 317. Passed 2-22-99.)

1283.07 PENALTY FOR FAILURE TO COLLOCATE OR ALLOW COLLOCATION.

- A. The policy of the City is to require collocation whenever possible. Therefore, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- B. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the City, and consequently, such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the City for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.
- C. Incentive review of an application for collocation, and review of an application for a permit for use of a facility permitted under this section, shall be expedited by the City.

(Ord. 317. Passed 2-22-99.)

1283.08 REMOVAL.

- A. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - (1) When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 - (2) Six months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or more compatible with the area.
- B. The situations in which removal of a facility is required may be applied and limited to portions of a facility.
- C. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the City Council.
- D. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty days of the applicable deadline, and after at least thirty days' written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- E. The person who had used the facility shall immediately notify the City Clerk in writing if and as soon as use of a facility ceases.

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(Replacement 2021, Update 3)

(Ord. 317. Passed 2-22-99.)

1283.09 EFFECT AND APPROVAL.

- A. Subject to the provisions of Chapter 1286 for approval of special land uses, final approval under this section shall be effective for a period of six months.
- B. If construction of a wireless communication facility is commenced within two miles of the land on which a facility has been approved, but on which construction has not been commenced during the six-month period of effectiveness, the approval for the facility that has not been commenced shall be void thirty days following notice from the City of the commencement of the other facility unless the applicant granted approval of the facility which has not been commenced demonstrates that it would not be feasible for it to collocate on the facility that has been newly commenced.

(Ord. 317. Passed 2-22-99.)

1283.10 SMALL CELL WIRELESS FACILITIES.

- A. General. The co-location of a small cell wireless facility and associated support structure within a public right of way ("ROW") is not subject to zoning reviews or approvals under this ordinance to the extent exempt from such reviews under Act 365 of 2018, as amended ("Act 365"). In such case, a utility pole in the ROW may not exceed forty feet above ground level without special land use approval and a small cell wireless facility in the ROW shall not extend more than five feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

Co-location of a small cell wireless facility or installation of an associated support structure shall require that the wireless provider apply for and obtain a permit from the City consistent with the City of Coopersville Zoning Code.

Small cell wireless facilities and associated support structures not exempt from zoning reviews are only permitted in accordance with the provisions of this zoning ordinance and Act 365, and upon application for and receipt from the City of a permit consistent with the City of Coopersville Zoning Code.

- B. Definitions.

"Wireless Communication Equipment:" The set of equipment and network components used in the provision of wireless communication services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, coaxial and fiber optic cables, but excluding wireless communications support structures.

"Wireless Communication Support Structure:" A structure that is designed to support, or is capable of supporting, wireless communication equipment. A wireless communication support structure may include a monopole, lattice tower, guyed tower, water tower, utility pole or building.

"Small Cell Wireless Facility:" a wireless facility that meets both of the following requirements:

- (i) Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six cubic feet.
- (ii) All other wireless equipment associated with the facility is cumulatively not more than twenty-five cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications

demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

- C. Wireless Communications Equipment. Wireless communication equipment (but not a wireless communication support structures) is a permitted use and allowed in all zoning districts. Wireless communication equipment does not have to be related to the principal use of the site. Wireless communications equipment is not subject to zoning review and approval if all of the following requirements are met:
- (1) The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.
 - (2) The existing wireless communications support structure or existing equipment compound is in compliance with the City's zoning ordinance or was approved by the appropriate zoning body or official for the City of Coopersville.
 - (3) The proposed collocation will not do any of the following:
 - A. Increase the overall height of the wireless communications support structure by more than twenty feet or ten percent of its original height, whichever is greater.
 - B. Increase the width of the wireless communications support structure by more than the minimum necessary to permit co-location.
 - C. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - (4) The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the City.

Notwithstanding the foregoing, wireless communications equipment otherwise exempt must still comply with all other applicable zoning codes including a requirement that the building inspector determines that the co-location will not adversely impact the structure to which it is attached.

A co-location that meets the requirements of subsections (1) and (2), above, but which does not meet subsections (c) or (d), is subject to special land use review by the Planning Commission in accordance with City of Coopersville of the zoning ordinance and Section 514 (2—6) of Act 366 of 2018, as amended ("Act 366"). Any equipment placed in a residential district shall not be erected at a height that requires lighting. Any equipment placed adjacent to a residential district or use that requires lighting shall be a continuous red beacon at night.

Wireless communications equipment that is not attached to an existing structure (thus requiring the installation of a new wireless communications support structure), is subject to special land use review consistent with the _____ zoning ordinance and consistent with the _____ Master Plan.

- (d) Special Land Use Standards for Wireless Communication Facilities.
- (1) Wireless communications support structures must be installed on a lawful lot for the zoning district in which it is located, either as a principal use, or as an accessory use related to the principal use.
 - (2) Existing wireless support structure requirements of each community (if any).
- (e) Special Land Use Standards for Non-Exempt Small Cell Wireless Facilities. The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with Act 365 shall be subject to special land use review and approval in accordance with the following procedures and standards:
- (1) The processing of an application is subject to all of the following requirements:

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- A. Within thirty days after receiving an application under this section, the City shall notify the applicant in writing whether the application is complete. The notice tolls the running of the thirty-day period.
 - B. The running of the time period tolled under subdivision A. resumes when the applicant makes a supplemental submission in response to the City's notice of incompleteness.
 - C. The City shall approve or deny the application and notify the applicant in writing within ninety days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or 150 days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and City.
- (2) The Planning Commission shall base its review of the special land use request on the standards contained in Section 1286; provided, however that a denial shall comply with all of the following:
- A. The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - B. There is a reasonable basis for the denial.
 - C. The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
- (3) In addition to the provisions set forth in subsection (2), in the Planning Commission's review:
- A. An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
 - B. An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (i) The need for a wireless support structure or small cell wireless facilities.
 - (ii) The applicant's service, customer demand for the service, or the quality of service.
 - C. The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
 - D. The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- (4) The fee for zoning review of a special land use and associated site plan shall be as established by the City Council by resolution from time to time.
- (5) Within one year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the City and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required the zoning approval is void.

(Ord. 473. Passed 1-23-17 ; Ord. 499. Passed 3-9-20 .)

CHAPTER 1284 Site Plan Review

1284.01 DESCRIPTION AND PURPOSE.

Certain land uses are quite necessary to the proper development of a community, but likewise, possess characteristics which warrant special treatment. These characteristics, in many situations, can easily become undesirable to some degree, basically because their intricate needs and/or appearance have a wide ranging influence beyond their own perimeter. In conformity with the purpose of this Zoning Code, it is hereby deemed prudent and necessary to apply limits and guidelines which will both encourage good development and discourage undesirable effects on surrounding development.

(Ord. 195. Passed 4-9-90.)

1284.02 PLANNING COMMISSION TO BE FURNISHED WITH SITE PLAN.

- (a) The Planning Commission shall be furnished a site plan of the proposed development in the following circumstances:
 - (1) Prior to the creation of a use or erection of a building in the districts and conditions cited in this chapter;
 - (2) In connection with a planned unit development.
- (b) In connection with a rezoning request in any district, the Planning Commission may require a preliminary site development plan.
- (c) A site plan shall be submitted unless specifically waived by the Planning Commission or exempted in Section 1284.03 in connection with the permitted uses in the following districts:
 - (1) R-3 Residence;
 - (2) R-4 Residence;
 - (3) R-5 Mobile Home Parks;
 - (4) PUD Planned Unit Development;
 - (5) C-1 Business;
 - (6) C-2 Central Business District;
 - (7) MSD Motorist Service;
 - (8) I-1 Light Industrial;
 - (9) I-2 Heavy Industrial; and
 - (10) Special Land Uses.

(Ord. 195. Passed 4-9-90; Ord. 207. Passed 10-14-91; Ord. 287. Passed 1-13-97.)

1284.03 APPROVAL OF BUILDING INSPECTOR AND ENGINEER REQUIRED; EXEMPTIONS.

- (a) All site plans exempted from review by the Planning Commission shall be subject to approval by the Building Inspector and City Engineer prior to issuing a building permit. If the site plan submitted to the Inspector and Engineer is disapproved by either, the applicant shall have the right to appeal to the Commission.
- (b) The following shall be exempt from Commission review of their site plans: A single-family or two-family dwelling on a lot on which there exists no other building or use.

(Ord. 195. Passed 4-9-90.)

1284.04 PRELIMINARY SITE DEVELOPMENT PLANS.

For all permitted uses required by this Zoning Code to have a site plan submitted therefor to the Planning Commission, a preliminary site plan may be submitted to the Commission as an initial step prior to the submission of the formal final site plan provided in Section 1284.05.

The preliminary site plan may be prepared by the owner of the property or by his or her representative and should contain as much of the information specified in Section 1284.05 as possible.

No fee will be charged for preliminary site plan reviews, and the proceedings shall be used for the applicant to obtain information and instructions from the Commission regarding his or her proposed site.

Upon approval of the initial site plan, a final site plan, which shall incorporate all of the items specified in Section 1284.05, shall then be submitted to the Commission before any construction on the site.

(Ord. 232. Passed 1-24-94.)

1284.05 FINAL SITE PLANS.

Each final site plan submitted shall contain the following information, unless specifically waived by the Planning Commission, in whole or in part:

- (a) The date, north arrow and scale; the scale shall be not more than one inch to 100 feet, although supplementary site plans at a one inch to fifty feet or larger scale are encouraged.
- (b) The name and address of the professional individual responsible for the preparation of the site plan as follows:
 - (1) Site plans for construction of new buildings shall always contain the imprinted seal of the professional individual preparing the plan.
 - (2) Site plans for the construction of additions of 5,000 square feet or more onto existing buildings shall always contain the imprinted seal of the professional individual preparing the plan.
- (c) The name and address of the property owner or petitioner, and proof of ownership or option to purchase;
- (d) A location sketch drawn to scale;
- (e) A legal and common or popular description of the subject property;
- (f) The size in acres and square feet of the subject property;
- (g) All lot and property lines shown with bearings and dimensions, including building setback lines on corner lots;

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- (h) The location of all existing structures within 100 feet of the subject property's boundary;
 - (i) The location and dimensions of all existing and proposed structures on the subject property;
 - (j) The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking areas including total number of parking spaces (show dimensions of a typical parking space), unloading areas, recreation areas, common use areas and areas to be conveyed for public use and purpose;
 - (k) The location, pavement width and right-of-way width of all abutting roads, streets, alleys or easements; land shall be reserved and shown on the site plan for any major streets proposed on the City of Coopersville Major Thoroughfare Plan that would go through any part of the site;
 - (l) The existing zoning of all properties abutting the subject property;
 - (m) The location of all existing and proposed landscaping and vegetation and the locations, height and type of existing and proposed fences and walls;
 - (n) Size and location of existing and proposed hydrants and utilities, including proposed connections to public sewer or water supply systems;
 - (o) The location and size of all subsurface and surface water drainage facilities (existing and proposed) and any established flood plain areas, bodies of water or other nonbuildable areas if present on the site;
 - (p) Contour intervals to be shown at five-foot intervals; and
 - (q) Summary schedules and views, affixed as applicable in residential developments, which give the following data:
 - (1) The net residential site expressed in acres and in square feet, including a breakdown of both measured for any sub-areas or staging areas;
 - (2) The number and type of dwelling units proposed, including typical floor plans for each type of dwelling unit;
 - (3) Typical elevation views of the front and side and rear of each type of building; and
 - (4) Proposed density of the net residential site.
 - (r) Architectural elevations:
 - (1) Architectural elevations of new buildings shall always contain the signature of the professional architect preparing the plan.
 - (2) Architectural elevations for the construction of additions of 5,000 square feet or more onto existing buildings shall always contain the signature of the professional architect preparing the plan.

(Ord. 195. Passed 4-9-90; Ord. 231. Passed 1-24-94; Ord. 374. Passed 11-24-03.)

1284.06 SUBMITTAL AND APPROVAL.

The following process should be followed in submitting site plans for approval:

- (a) The applicant shall meet with the Planning Director to discuss the proposed project. The application for a site plan approval shall be submitted at least thirty days prior to the next regular Planning Commission [meeting]. The application shall be submitted by all owners of interest in the land for which site plan approval is sought, or the designated agent of the owner. The applicant or a designated representative must be present at all scheduled meetings/hearings, or consideration of the application

shall be tabled due to lack of representation. The Planning Director shall make a determination if the proposed use is a permitted use, and state in writing if the project requires site plan approval. If site plan approval is required, the applicant shall be given a site plan review application.

- (b) The applicant may request to participate in a pre-application workshop to discuss preliminary development plans with the Planning Director.
- (c) The applicant shall complete the application and submit it to the City Clerk along with the application fee and the Planning Director's written statement. The application will not be processed unless the application fee is paid in full. The fee shall be established by the City Council and shall be in such amount so as to recover actual costs incurred by the review process.
- (d) The City Clerk shall verify the property's parcel number(s) and legal descriptions(s).
- (e) The applicant shall submit ten physical copies and one digital copy of the application, site plan and full color architectural elevations to the City Clerk at least thirty days prior to the date the Planning Commission reviews the site plan. The Zoning Administrator shall review the plan to make sure the required information has been included and notify the applicant if additional information is needed before the Planning Commission can review the plan. Plan omissions, which are not resubmitted within the thirty-day time limit, may cause the plan to be reviewed at the following Planning Commission meeting.
- (f) The City Clerk shall deliver copies of the application to the Planning Commission members. The Planning Commission shall review the application, site plan and architectural elevations approve, conditionally approve, or deny the site plan. If the Planning Commission denies the application, it shall state its reasons for denial and those reasons should be recorded in the official minutes. If the Planning Commission does not have sufficient information to take action on a site plan, it may table the plan until additional information can be supplied. If the Commission requires that the site plan be revised, it shall notify the applicant of revisions, which are requested. The applicant shall then resubmit the site plan with the requested revisions for the record.
- (g) In approving a site plan and architectural elevations, the Planning Commission may require that a bond or other performance guarantee be furnished by the applicant to ensure compliance with the approved plan.
- (h) In approving the site plan and architectural elevations, the Planning Commission requires a review by the City Engineer and City Architect. The cost incurred for the review of the site plan and architectural elevations by the City Engineer and City Architect will be paid by the applicant.
- (i) A site plan and architectural elevations shall be approved if it contains the information required by this Zoning Code and is in compliance with this Zoning Code and the conditions imposed hereunder and with other applicable ordinances, and State and Federal statutes.
- (j) After approval of the site plan and architectural elevations by the Planning Commission, two copies of the site plan and architectural elevations shall be signed and dated by the City Clerk, one for the record and one to be submitted to the applicant. The City Clerk shall also notify the Planning Commission Chairperson, Board of Zoning Appeals Chairperson, Zoning Administrator, Building Inspector, City Engineer, and City Assessor.

(Ord. 195. Passed 4-9-90; Ord. 374. Passed 11-24-03; Ord. 460. Passed 3-24-14; Ord. 487. Passed 5-13-19 .)

1284.065 CONDITIONS OF APPROVAL.

- (a) The planning commission may impose reasonable conditions in conjunction with the approval of a site plan for the purpose of ensuring that public services and facilities affected by a proposed and use or activity will

be capable of accommodating increased services and facility loads caused by the land use or activity, protecting natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.

(b) Conditions imposed shall:

- (1) Be designed to protect natural resources and the health, safety, and welfare of those who will use the proposed use under consideration 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 which 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.

(Ord. 374. Passed 11-24-03.)

1284.07 PLAT REQUIREMENTS.

In those instances in which the Subdivision Control Act of 1967, being Act No. 288 of the Public Acts of 1967, as amended, is involved, the owner shall, after site plan approval, submit the preliminary and final plats to the proper officer in conformance with such Act and in accordance with all other applicable codes, acts and ordinances. Such plats shall remain in conformance with the approved site plan.

(Ord. 195. Passed 4-9-90.)

1284.08 CHANGES TO THE APPROVED SITE PLAN AND ARCHITECTURAL ELEVATIONS.

Major changes (increased density, additional buildings, etc.) to the approved final site plan and/or architectural elevations shall be applied for by the applicant to the Planning Commission. Any major changes approved in the final site plan and architectural elevations shall be recorded with the site plan and shall bear the signature of the Building Inspector.

No changes are to be considered as a waiver of conditions or covenants, and all rights to enforce such conditions or covenants against any changes permitted by this Zoning Code are expressly reserved.

(Ord. 195. Passed 4-9-90; Ord. 373. Passed 11-24-03.)

1284.09 APPEALS.

If any person is aggrieved by the action of the Planning Commission, an appeal in writing to the Board of Zoning Appeals may be taken in accordance with the provisions of Chapter 1244 of this Zoning Code.

(Ord. 195. Passed 4-9-90.)

1284.10 REVIEW STANDARDS.

The standards set forth in this section shall be utilized by the Planning Commission to review all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of the site plans, as well as for the reviewing authority in making a judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention or innovation.

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- (a) Landscape Preservation. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
 - (b) Relation of Buildings to Environment. Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenue of approach, terrain features or other buildings and structures and the neighboring properties.
 - (c) Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement of parking areas that are safe, convenient and, insofar as practical, do not detract from the design of the proposed buildings and structures and the neighboring properties. Sidewalks shall be constructed according to City specifications unless waived by the Planning Commission.
 - (d) Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground drainage system. Temporary on-site storage to reduce rapid run-off from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.
 - (e) Utility Service. Electric and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site.
 - (f) Advertising Features. The size, location and lighting of all permanent signs and outdoor advertising structures or features shall be consistent with the requirements of Chapter 1282.
 - (g) Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
 - (h) Architectural Elevations. Elevations of the buildings, principal and accessory, shall be in harmony with the general character of the neighborhood, and the color of brick or other approved facing material shall be compatible with the surround area, as shown in the Architecture and Design Standards set for in Chapters 1270 and 1276.

(Ord. 195. Passed 4-9-90; Ord. 374. Passed 11-24-03.)

1284.11 TIME LIMIT FOR COMMENCEMENT OF CONSTRUCTION.

Each development shall be substantially under construction within one year after the date of approval of the final site plan by the Planning Commission.

(Ord. 227. Passed 12-13-93.)

CHAPTER 1285 Landscaping Standards

1285.01 INTENT.

- (a) The intent of this chapter is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping in parking lots, as buffer zones between uses, along roadways and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development, quality, stability of property values and the overall character of the City. The standards of this chapter shall apply to all projects subject to site plan review.
- (b) The standards of this chapter are intended to help achieve a number of aesthetic, functional and environmental objectives, such as to:
 - (1) Promote implementation of the City's Comprehensive Plan and Vision Study;
 - (2) Provide incentives to preserve quality mature trees rather than planting new but smaller trees;
 - (3) Screen headlights to reduce glare and accident potential;
 - (4) Integrate various elements of a site;
 - (5) Blend inharmonious land uses;
 - (6) Screen or filter views between incompatible land uses;
 - (7) Help define and separate or unify, as appropriate, various site elements;
 - (8) Control soil erosion by slowing the effects of erosive winds or water;
 - (9) Moderate harsh or unpleasant sounds;
 - (10) Remove air pollutants;
 - (11) Control glare and reflection;
 - (12) Slow the effects of erosion and stormwater runoff to help prevent flooding;
 - (13) Assist in directing safe and efficient traffic flow at driveways and within parking lots;
 - (14) Ensure adequate sight distance;
 - (15) Ensure sufficient access to fire hydrants;
 - (16) Distinguish and separate vehicular and pedestrian circulation;
 - (17) Block, divert or channel winds;
 - (18) Moderate the effects of climate and to create a more desirable microclimate; and
 - (19) Provide reasonable standards to gradually bring into compliance developed sites which existed prior to the adoption of these standards in relation to the extent of improvements, expansion or changes in use.
- (c) The landscape standards of this chapter are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

(Ord. 266. Passed 6-10-96.)

1285.02 TYPES OF LANDSCAPING STANDARDS.

This chapter provides minimum standards for four elements of a site:

- (a) Greenbelts . Minimal greenbelts along and within public street rights-of-way and within required parking lot setbacks in all multiple-family, office, commercial and industrial districts.
- (b) Buffer Zones . Required landscaping, walls and screening between various zoning districts.
- (c) Parking Lot Trees . The minimum number of trees within parking lots of various sizes in various zoning districts.
- (d) General Site Landscaping . Standards for placement of landscaping within cul-de-sacs and boulevard medians and to accent buildings.

(Ord. 266. Passed 6-10-96.)

1285.03 REQUIRED GREENBELTS ALONG AND WITHIN STREET RIGHTS-OF-WAY.

A greenbelt shall be planted along the right-of-way of any public street. The greenbelt shall be within the required parking lot setback; however, but the Planning Commission may allow such planting to be placed anywhere within the front yard if there is no front yard parking. The greenbelt shall meet the following standards. (See also Figure 2 following the text of this chapter):

- (a) The greenbelt shall include only living materials and planting beds, except for approved sidewalks, bikepaths, signs, driveways and essential services.
- (b) The greenbelt shall include one canopy tree per forty linear feet of the frontage, including any openings for driveways, sidewalks or easements. The number of trees required shall be rounded upward in twenty-foot increments (e.g. fifty feet of frontage equals two required trees).
- (c) The Planning Commission may approve the substitution of evergreen trees for up to fifty percent of the required greenbelt trees upon determining evergreens would be consistent with the existing character of the area.
- (d) Greenbelt trees should be arranged to simulate a natural setting such as massings or staggered rows, except where a more formal arrangement is determined to be more consistent with the character of an area.
- (e) Landscaping materials and arrangements shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles and accessibility to fire hydrants.
- (f) If there is parking in the front yard, the Planning Commission may require an undulating berm or other solid screen a minimum of two feet, six inches in height, within the greenbelt to help screen the parking lot. The berm shall be designed according to the standards of Section 1285.04(c). Commercial signs shall not be placed on top of the berm unless the berm is continuous along the frontage greenbelt.

(Ord. 266. Passed 6-10-96.)

1285.04 MINIMUM BUFFER ZONES.

- (a) General Requirements : A buffer zone shall be provided within the setback between the subject site and all adjacent properties according to the table below. The Planning Commission shall determine whether landscaping, a wall or a berm or a combination thereof is needed to attain the screening intended by this

section. The height of the wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall. All walls shall meet the standards described in subsection (b) hereof.

Zoning District of Site	AG	R1	R2	R3	R4	C1/C2	MSD	I1	I2
C1/C2	N/A	A 4' berm or 6' wall	A 4' berm or 6' wall	A 4' berm or 6' wall	A 4' berm or 6' wall	N/A	B	B	B
MSD	N/A	A 4' berm or 6' wall	A 4' berm or 6' wall	A 4' berm or 6' wall	A 4' berm or 6' wall	B	N/A	B	B
I1	N/A	A 4' berm or 6' wall	A 4' berm or 6' wall	A 4' berm or 6' wall	A 4' berm or 6' wall	B	N/A	N/A	B
I2	N/A	A 4' berm or 6' wall	A 4' berm or 6' wall	A 4' berm or 6' wall	A 4' berm or 6' wall	B	N/A	N/A	N/A

A = Two evergreens and four shrubs, or one canopy tree, one evergreen tree and four shrubs, per each twenty linear feet along the property line, rounded upward.

B = One canopy tree and four shrubs, or one evergreen tree and four shrubs, per twenty linear feet along the property line, rounded upward.

(Ord. 290. Passed 1-13-97.)

(b) Wall Standards. Required walls shall comply with the standards listed below.

- (1) Walls shall be located on the lot line, except where underground utilities interfere and/or where this chapter requires conformance with yard setback lines.
- (2) Walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter, unless specifically approved by the Planning Commission.
- (3) Walls shall be constructed of face brick or comparable nonporous facing materials on the exterior sides facing a Residential District.
- (4) Walls shall be durable, weather resistant, rustproof and easily maintainable. Wood or wood products shall be high quality durable materials as approved by the Building Official and the Planning Director. Masonry walls may be constructed with openings which do not, in any square section (height and width), exceed twenty percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required and shall not reduce the minimum height requirement.
- (5) Walls must be maintained in good condition by the property owner.

(c) Berm Standards. Required berms shall be constructed as landscaped earth mounds with a crest area at least four feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace or other means

acceptable to the Building Official and the Planning Director. Whenever an earthen slope is provided, it shall be constructed with a slope not to exceed one foot of vertical rise to three feet of horizontal distance (1:3); however, the ratio shall be one foot of vertical rise to six feet of horizontal distance (1:6) for any side facing a Single-Family Residential District.

Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected, until the seed germinates and a permanent lawn is established, by a straw mulch, hydroseeding or netting specifically designed to control erosion. The berm area shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition.

(Ord. 266. Passed 6-10-96.)

1285.05 RESERVED.

Editor's note(s)—Ord. 484, passed Feb. 11, 2019 , repealed § 1285.05, which pertained to Minimum Parking Lot Trees and Parking Lot Islands; and derived from Ord. 290, passed Jan. 13, 1997.

1285.06 GENERAL SITE LANDSCAPING STANDARDS.

- (a) Cul-de-sacs, site entrances and boulevard medians shall be landscaped with species that are tolerant of roadside conditions in western Michigan.
- (b) Landscaping within the site shall be approved by the Planning Commission in consideration of sight distances, the size of the planting area, the location of sidewalks, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility to approved signs of adjacent uses, compatibility with the visual character of the surrounding area, any maintenance-performance guarantee and curbing around landscaped areas.
- (c) Plantings within fifteen feet of a fire hydrant shall be no taller than six inches at maturity.

(Ord. 266. Passed 6-10-96.)

1285.07 SPECIFICATIONS FOR PLANT MATERIALS.

All plant material shall be hardy to western Michigan, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Association of Nurserymen. In addition:

- (a) Minimum Sizes. Minimum plant sizes at the time of installation shall be as follows:

Deciduous Canopy Tree	2-½" Caliper
Deciduous Ornamental Tree	2" Caliper Tree Form; 6' Height Clump Form
Evergreen Tree	6' Height
Deciduous Shrub	2' Height
Upright Evergreen Shrub	2' Height
Spreading Evergreen Shrub	18" to 24" Spread

- (b) Plant Material Spacing. Planting in informal groupings to create a naturalistic appearance is desirable, to relate to the City's semi-rural visual character and the goals of the Comprehensive Plan. Plant materials shall not be placed closer than four feet from the fence line or property line. Plant materials, used together in informal groupings, shall meet the following on-center spacing requirements:

PLANT MATERIAL TYPES	Evergreen	Narrow Evergreen Trees	Large Deciduous Trees	Small Deciduous Trees	Large Shrubs	Small Shrubs
Evergreen Trees	Min. 10' Max. 20'	Min. 12'	Min. 20'	Min. 12'	Min. 6'	Min. 5'
Narrow Evergreen Trees	Min. 12'	Min. 5' Max. 10'	Min. 15'	Min. 10'	Min. 5'	Min. 4'
Large Deciduous Trees	Min. 20'	Min. 15'	Min. 20' Max. 30'	Min. 15'	Min. 5'	Min. 3'
Small Deciduous Trees	Min. 12'	Min. 10'	Min. 15'	Min. 8' Max. 15'	Min. 6"	Min. 3'
Large Shrubs	Min. 6'	Min. 5'	Min. 5'	Min. 6'	Min. 4' Max. 6'	Min. 5'
Small Shrubs	Min. 5'	Min. 4'	Min. 3'	Min. 3'	Min. 5'	Min. 3' Max. 4'

- (c) Mixing of Species . The overall landscape plan shall not contain more than thirty-three percent of any one plant species. The use of trees native to the area and western Michigan and a mixture of trees from the same species association are encouraged. A botanical genus containing trees native to western Michigan is identified with an asterisk (*) in the list following of suggested (but not required) plant materials:

(1)	<u>Deciduous canopy trees</u>	Genus
	Oaks*	Quercus
	Hard Maples (Except Japanese)*	Acer
	Hackberry*	Celtis
	Planetree (Sycamore)*	Platanus
	Birch*	Betula
	Beech*	Fagus
	Gingko (Male)	Ginkgo
	Honeylocust (thornless cultivars)*	Gleditsia
	Sweetgum	Liquidambar
	Hophornbeam (Ironwood)*	Ostrya
	Linden	Tilia
	Ashes*	Fraxinus
	Hickory*	Carya
	Horn beam (Blue Beech)*	Carpinus
(2)	<u>Deciduous ornamental trees</u>	
	Amelanchier*	Amelanchier
	Redbud*	Cercis
	Dogwood (Tree Form)*	Cornus
	Hawthorn*	Crataegus
	Flowering Crabapple	Malus (disease-resistant cultivars only)
	Flowering Plum (Tree Form)	Prunus
	Flowering Pear	Pyrus
	Magnolia	Magnolia

	Hornbeam*	Carpinus
	Rose of Sharon	Hibiscus
(3)	<u>Evergreen trees</u>	
	Fir	Abies
	Hemlock	Tsuga
	Spruce	Picea
	Pine*	Pinus
	Douglas Fir	Pseudotsuga
	(Dwarf, Globe, Pendulous Species/Cultivars are not permitted.)	
(4)	<u>Narrow evergreens</u>	
	Juniper*	Juniperus
	Arborvitae	Thuja
	(Dwarf, Globe, Spreading Species/Cultivars are not permitted.)	
(5)	<u>Large shrubs</u>	
	Dogwood (Shrub Form)*	Cornus
	Cotoneaster	Cotoneaster
	Forsythia	Forsythia
	Mock-Orange	Philadelphus
	Sumac*	Rhus
	Lilac	Syringa
	Viburnum*	Viburnum
	Witchhazel*	Hamamelis
	Euonymus	Euonymus
	Privet	Ligustrum
	Ninebark*	Physocarpus
	Juniper (Hetz, Pfitzer, Savin)	Juniperus (evergreen)
	Yew (Pyramidal Japanese)	Taxus (evergreen)
(6)	<u>Small shrubs-deciduous</u>	
	Barberry	Berberis
	Boxwood	Buxus
	Quince	Chaenomeles
	Cotoneaster	Cotoneaster
	Euonymus*	Euonymus
	Forsythia	Forsythia
	Hydrangea	Hydrangea
	Holly	Ilex
	Privet	Ligustrum
	Potentilla*	Potentilla
	Currant*	Ribes
	Lilac	Syringa
	Viburnum*	Viburnum
	Weigela	Weigela
(7)	<u>Small shrubs-evergreens</u>	
	Fir	Abies
	False Cypress	Chamaecyparis
	Juniper (Low Spreading)*	Juniperus
	Spruce	Picea

White Pine	Pinus
Yew (Globe/Spreading/Upright)*	Taxus
Arborvitae (Globe/Dwarf)	Thuja

- (d) Trees Not Permitted. The following trees are not permitted, as they split easily, their wood is brittle and breaks easily, their roots clog drains and sewers, and they are unusually susceptible to disease or insect pests. The Planning Commission, however, may allow trees from this list to be used when associated with an appropriate ecosystem, such as a wetland area.

Box Elder	Soft Maples (Silver)
Elms	Poplars
Willows	Horse Chestnut (Nut Bearing)
Tree of Heaven	Ginkgo (Female)
Cottonwood	Black Locust
Mulberry	Honey Locust (with Thorns)

(Ord. 266. Passed 6-10-96.)

1285.08 INCENTIVES TO PRESERVE EXISTING TREES.

The standards below are intended to encourage the preservation of quality and mature trees by providing credits toward the required trees for greenbelts and buffer zones and within parking lots.

- (a) Trees intended to be preserved shall be indicated with a special symbol on the site plan and be protected during construction through use of a fence around the drip line.
- (b) All trees over eight inches caliper shall be identified on the site plan, distinguishing those to be preserved and those to be removed.
- (c) To obtain credit, the preserved trees shall be of a high quality and at least two and one half inches caliper. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the Planning Commission.
- (d) The credit for preserved trees shall be as follows:

Caliper of Preserved Trees* (in.)	Number of Trees Credited
Over 12	3
8 to 11.9	2
2.5 to 7.9	1

*Caliper is the diameter measured at a height of four and one-half feet above the natural grade (diameter at breast height, D.B.H.).

- (e) To protect and encourage the continued health of preserved trees, the ground area within the dripline of the trees shall be maintained in vegetative landscape material or previous surface cover. The City may allow sidewalks, bikepaths, vehicular lanes and parking within the dripline upon determining that the setback from the trunk is suitable to reasonably ensure protection of the trees and the public. Storage of soils or other materials during or after construction within the dripline is prohibited.

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- (f) If trees are lost within two years after construction the property owner shall replace with trees required before credit was allowed.
 - (g) In no case shall the minimum number of required trees be reduced by less than fifty percent through the use of existing tree credits.

(Ord. 266. Passed 6-10-96.)

1285.09 WAIVER OR MODIFICATION OF STANDARDS FOR SPECIAL CONDITIONS.

The Planning Commission, during site plan review, may determine whether existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The Planning Commission may also determine that dimensional conditions unique to the parcel would prevent development of required buffer zones, off-street parking area landscaping, greenbelts or required buffer zones. If such determination is made, the Planning Commission may waive or modify the landscaping provisions of this chapter in consideration of, but not limited to, the following:

- (a) Types of and distance to adjacent land uses;
- (b) Future land use designation in the Comprehensive Plan;
- (c) If existing natural vegetation is adequate year-round to provide intended screening;
- (d) If there is an abrupt grade change which precludes the need for buffering;
- (e) If there is an existing wetland or floodplain which will be preserved and provides effective screening;
- (f) If the building placement lessens the need for buffering;
- (g) If building heights and views lessen the need for landscaping;
- (h) If required landscaping would infringe on adequate sight distances for motorists;
- (i) If the applicant proposes fewer plant materials than required, but the overall caliper proposed is greater than required (i.e. fewer, but larger, trees);
- (j) If required landscaping would impose a greater drainage impact on adjacent lands than an alternative design proposed by the applicant.

(Ord. 266. Passed 6-10-96.)

1285.10 MINIMUM STANDARDS FOR INSTALLATION, IRRIGATION AND MAINTENANCE.

- (a) Time of Planting . Parking lot trees, required greenbelts or plantings shall be planted within six months from the date of completion of the building or improvement. A final certificate of occupancy shall be withheld until planting has been installed and approved. A temporary certificate of occupancy shall be issued in the interim.
- (b) Projects in Phases . For projects developed in phases, the landscape map shall be constructed in phases. The Planning Director shall determine the extent and timing of landscaping within each phase based on the necessity to buffer the proposed development from adjacent uses, the anticipated commencement of subsequent phases and building heights and physical characteristics of the site, such as topography or existing vegetation.
- (c) Material Removal . Tree stakes, guy wires and tree wrap are to be removed after one year.

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- (d) Irrigation. All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one outlet located within 100 feet of all planted material to be maintained.
 - (e) Maintenance. Landscaped areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials, including lawns, shall be maintained in a healthy growing condition and shall be neat and orderly in appearance. If any plant material required by this chapter dies or becomes diseased, such material shall be replaced within thirty days of written notice from the City or within an extended time period as specified in said notice.

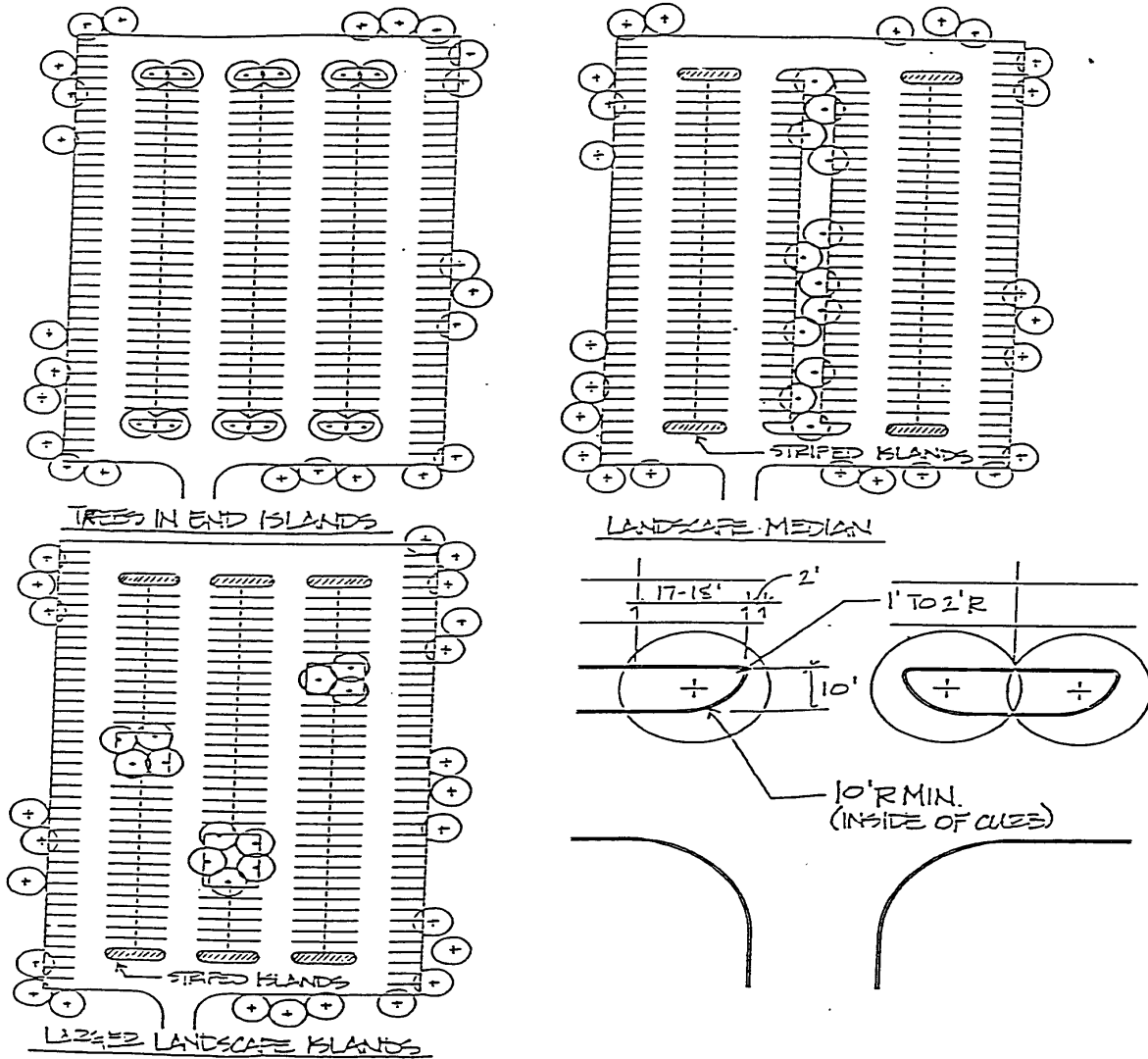
(Ord. 266. Passed 6-10-96.)

1285.11 PRE-EXISTING SITES.

In any case where a building and/or a parking area is being increased by at least twenty-five percent over the originally approved site plan, or the use is being changed to a more intense use, as determined by the Planning Commission, the site shall be brought into full compliance with the landscape standards set forth in this chapter. In instances where the increase in building and/or parking area is less than twenty-five percent over the original site plan, the extent of new landscaping shall be equal to four percent of compliance for every one percent of increase in building or parking footprint (for example, a building or parking area increase of ten percent requires a forty percent compliance with the landscape standards).

(Ord. 266. Passed 6-10-96.)

Figure 1
Landscape Islands Within Parking Lots

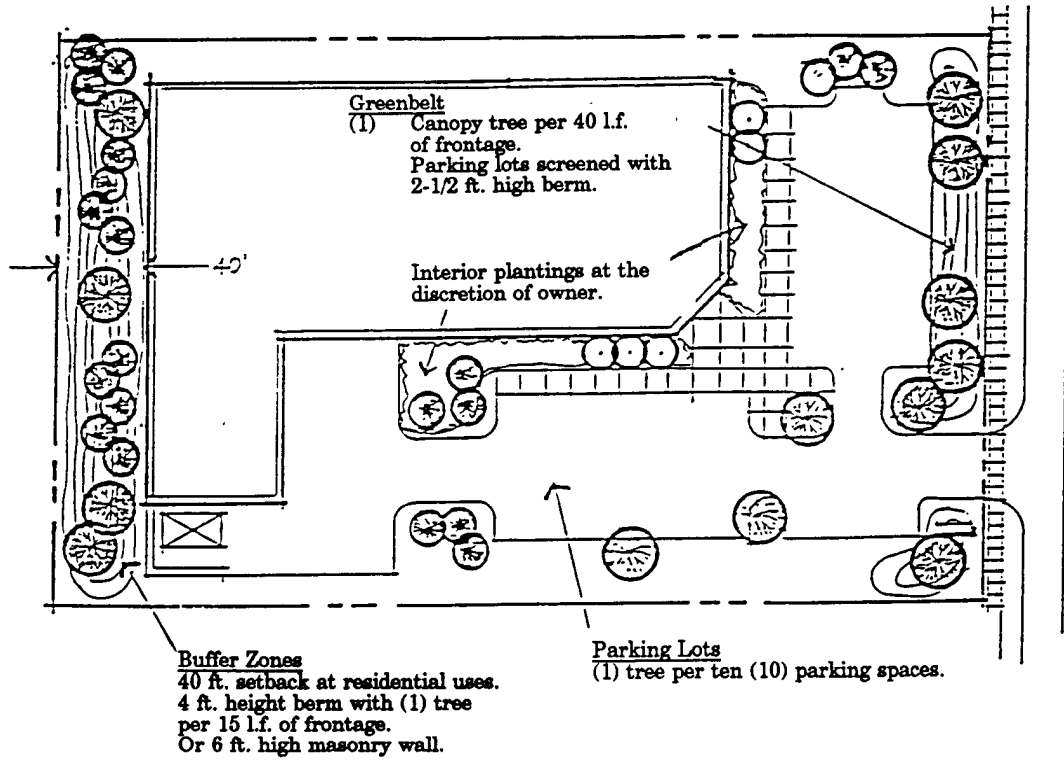


(Ord. 266, Passed 6-10-96.)

Figure 2
Industrial Landscape Recommendations

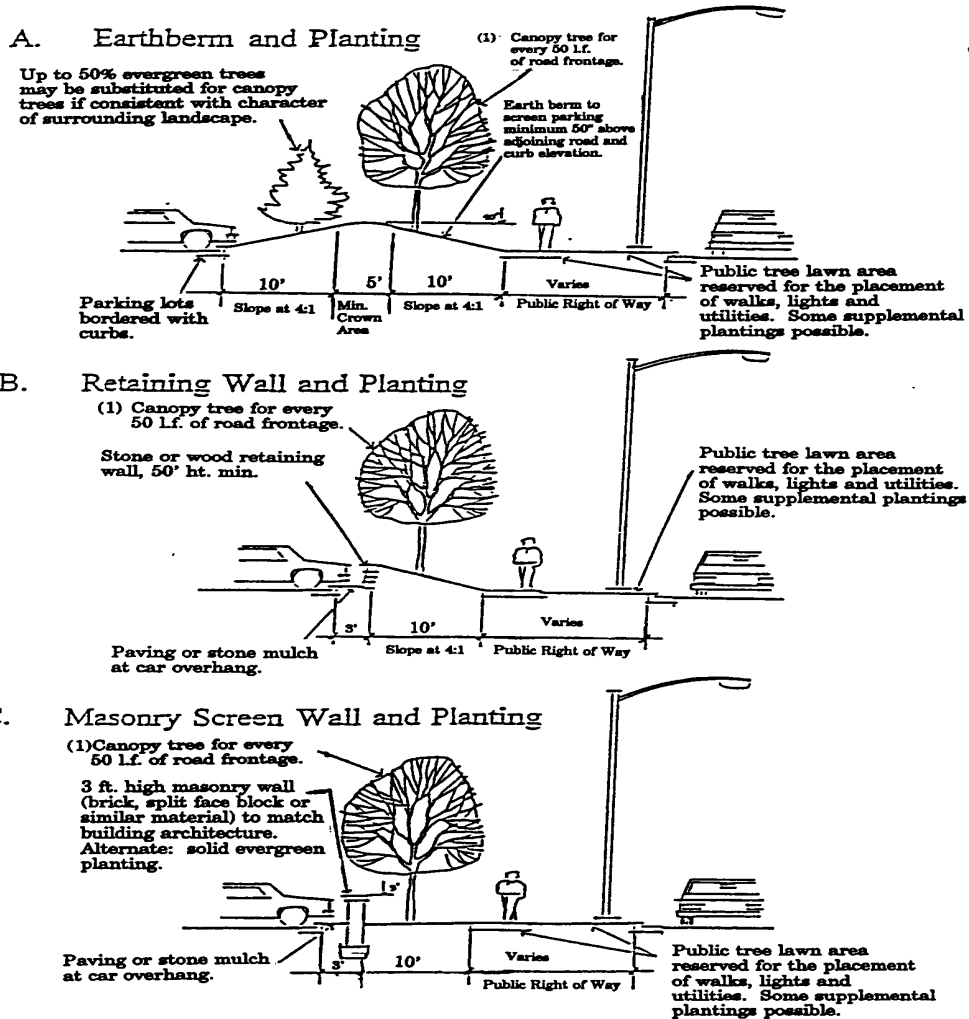
Recommendations for industrial development primarily involve the development of standards to guide the character of landscape improvements on private properties. These recommendations would serve as a framework for the development of a landscape ordinance.

The following drawings illustrate the application of landscape standards on a typical site and several options on the treatment of greenbelt planing areas.



Typical Site Development

**Figure 2
Industrial Landscape Recommendations (Cont.)**



Greenbelt Treatment Options

(Ord. 266. Passed 6-10-96.)

CHAPTER 1286 Special Land Uses

1286.01 PURPOSE.

In order to make this Zoning Code a flexible zoning control and still afford protection of property values and orderly and compatible development of property in the City of Coopersville, the Planning Commission, and for planned unit developments, the City Council, may approve the location of certain uses in the various zoning districts, which uses are designated in this Zoning Code as special land uses.

Such special land uses have been selected because of their unique characteristics which, in the particular zoning district involved, under certain physical circumstances and without proper controls and limitations, could cause a special land use to be incompatible and detrimental to permitted uses in the zoning district. Special land uses shall require a special land use permit.

(Ord. 195. Passed 4-9-90.)

1286.02 PERMITTED USES.

The following special land uses may be allowed with approval in the zoning districts specified, and when the Planning Commission, and for planned unit developments, the City Council, determines that an application for a special land use meets all the restrictions and requirements of this Zoning Code:

- (a) Farms with livestock, chicken hatcheries, poultry farms, and riding stables in the AG District;
- (b) Roadside market stands in the AG, R-1, C-1 and MSD Districts;
- (c) Automobile service stations in the C-1 and C-2 Districts;
- (d) Kennels in the AG and C-1 Districts;
- (e) Drive-through restaurants, banks and other drive-through establishments in the C-1 and C-2 Districts;
- (f) Television and radio towers in the AG, I-1 and I-2 Districts;
- (g) Sports arenas, commercial recreation facilities, racetracks and stadiums in the AG, C-1, MSD, I-1 and I-2 Districts;
- (h) Night clubs in the C-1 District;
- (i) Planned unit developments, other than industrial park planned unit developments, in the AG, R-4, C-1 and MSD Districts (see Chapter 1264);
- (j) Industrial park planned unit developments in the I-1 District;
- (k) Governmental and civic public facilities in the C-1, MSD, I-1, I-2, AG, R-1, R-2, R-3 and R-4 Districts (see Chapter 1266);
- (l) Educational and welfare public facilities in the R-1, R-2, R-3, R-4, C-1, MSD, AG, I-1 and I-2 Districts (see Chapter 1266);
- (m) Recreational public facilities in the AG, R-1, R-2, R-3, R-4, C-1, MSD, I-1 and I-2 Districts (see Chapter 1266);
- (n) Office uses in the R-3 and R-4 Districts;
- (o) Upper floor apartments in the C-2 District only;
- (p) Parking lots, public or private, in the C-2 District;
- (q) Multiple-family dwellings in the C-2 District;
- (r) Railroad maintenance facility west of Eastmanville Street in the C-2 District;
- (s) Grain elevators and farm service stores west of Eastmanville Street in the C-2 District;
- (t) Auction facilities in the I-1 District; and
- (u) Automobile auction facilities in the I-1 District.

(Ord. 229. Passed 12-13-93; Ord. 286. Passed 1-13-97; Ord. 465. Passed 5-11-15 .)

1286.03 APPLICATION PROCEDURE.

The following procedure for consideration of a special land use permit application shall be followed:

- (a) The applicant shall discuss the proposed project with the Planning Director. If the Planning Director determines that a special land use permit is the appropriate action, the applicant shall be given a special land use permit application. The application for a special land use permit shall be submitted at least thirty days prior to the next regular Planning Commission [meeting]. The application shall be submitted by all owners of interest in the land for which site plan approval is sought, or the designated agent of the owner. The applicant or a designated representative must be present at all scheduled meetings/hearings, or consideration of the application shall be tabled due to lack of representation.
- (b) The applicant shall complete the application and submit it to the City Clerk along with the application fee. The application shall not be processed unless the application fee is paid in full. The fee shall be determined by City Council as part of an overall zoning administration fee schedule, and shall be established at an amount to cover the costs of the review process.
- (c) Upon receipt of the completed application and fee, the City Clerk shall verify the property's parcel number(s) and legal description(s).
- (d) The City Clerk shall contact the Planning Commission Chairperson to determine a date for public hearing, if a public hearing is required to be held.
- (e) The City Clerk shall mail a notice of public hearing by first class mail to the applicant and all persons to whom real property is assessed within 300 feet of the subject property, and the occupants of all structures within 300 feet of the subject property. Such notice shall not be given less than fifteen days before the date of the hearing. The City Clerk shall also notify the Planning Director, Planning Commission members, City Assessor, and the Board of Zoning Appeals Chairperson.
- (f) The City Clerk shall publish a notice of public hearing in one newspaper of general circulation in the City, not less than fifteen days or more than thirty days before the date of the hearing.
- (g) The notice shall contain the following information:
 - (1) Name of applicant;
 - (2) Legal and general description of property;
 - (3) A description of the requested special land use; and
 - (4) The date, time and place of the public hearing; and the place and time period within which written comments may be submitted.
- (h) At the public hearing, the Planning Commission shall allow the public to present oral and written comments about special land use application. Public comments received shall be considered and evaluated.
- (i) Following the public hearing the Planning Commission shall make a decision regarding the special land use application within thirty days, unless additional time is needed to gather further information regarding the request. The Planning Commission shall either approve, approve with conditions, or deny the special land use application. The Planning Commission motion must be passed by majority vote.
- (j) For planned unit developments, the Planning Commission, by motion, shall make a recommendation to City Council to approve, approve with conditions, or deny the special land use application.
- (k) The pertinent facts considered and the reasons for the Planning Commission motion made shall be put in writing in a summary report, which for planned unit developments shall be provided to City Council. The summary report shall include the recommendation; a summary of comments made at the public

hearing; and detailed findings concerning the special land use application based on conformance with the review standards in Section 1285.06 of this Zoning Code; consistency with the City of Coopersville Master Plan; and compatibility with adjacent uses of land, the natural environment, and the capacities of public services and facilities.

- (l) For planned unit developments, at the next regularly scheduled City Council meeting, the City Council shall review the Planning Commission recommendation and make a motion to approve, approve with conditions, or deny the special land use application. The pertinent facts considered and reasons for the action taken shall be put in writing. The special land use application must be passed by majority vote.
- (m) After the special land use permit has been granted, two copies of the granted permit and site plan shall be signed and dated by the City Clerk, one for the record and one to be submitted to the applicant. The City Clerk shall also notify the Planning Commission Chairperson, Board of Zoning Appeals Chairperson, Planning Director, Building Inspector, City Engineer and City Assessor.
- (n) Applications for special land use permits that have been denied by the Planning Commission, and for planned unit developments, the City Council, may not be appealed to the Board of Zoning Appeals as provided by the City or Village Zoning Act, Act 207 of the Public Acts of 1921, as amended.
- (o) No authorization for a special land use shall be valid for longer than two years, unless an extension is obtained from the Planning Commission or unless a building permit for construction or alteration is obtained within such period and such construction or alteration is started and proceeds to completion in accordance with the terms of such permit.

No special land use permitting a use of a building or premises shall be valid for longer than two years, unless an extension is obtained from the Planning Commission or unless such use is established within such period.

(Ord. 195. Passed 4-9-90; Ord. 234. Passed 5-23-94; Ord. 454. Passed 1-13-14.)

1286.04 CONDITIONS OF APPROVAL.

In authorizing a special land use permit, the Planning Commission, and for planned unit developments, the City Council, may, in addition to the review standards called for in Section 1286.05, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Zoning Code and the protection of the public interest. Such conditions shall be attached to the special land use permit in the same manner as site plan conditions pursuant to Chapter 1284 of this Zoning Code.

(Ord. 195. Passed 4-9-90.)

1286.05 REVIEW STANDARDS.

A special land use shall not be granted a special land use permit to locate within the particular zoning district in which it is listed unless and until the Planning Commission is satisfied that the special land use is appropriate in consideration of the following review standards:

- (a) The establishment, maintenance or operation of the special land use would not be detrimental to or endanger the public health, safety or general welfare.
- (b) The special land use's location, size, height of buildings, walls, fences, and structures, nature and intensity of activities involved, access to existing and future streets, parks, and drainage would not be injurious to the use and enjoyment of, or diminish and impair property values of, other buildings, structures, and uses in the immediate vicinity that are permitted by right under current zoning regulations.

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- (c) The establishment of the special land use would not impede the normal and orderly development and improvement of the surrounding property for uses permitted by right in the zoning district, or the safety and convenience of persons therefrom.
 - (d) The special land uses' location, size, height of buildings, walls, fences, and structures, nature and intensity of activities involved, access to existing and future streets, parks, and drainage would be consistent with the City of Coopersville Comprehensive Community Plan and would contribute to the character of development envisioned in the Plan for the area affected.
 - (e) Adequate utilities, access roads, drainage, and necessary facilities have been or would be provided.
 - (f) Adequate measures have been or would be taken to provide ingress and egress so designed as to minimize traffic hazards and congestion in the public streets, and traffic impacts generated by the special land use would be accommodated.
 - (g) The site would be accessible to police and fire protection, and hazards arising from the use and storage of flammable materials would be minimal.
 - (h) The operations in connection with the special land use would not be environmentally objectionable to nearby buildings, structures, or uses due to noise, odors, fumes, vibration, light, or other pollution to a degree more than would be expected of any use permitted by right in the zoning district in which the special land use is proposed.
 - (i) The special land use shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located and to any additional conditions or procedures as specified in this chapter.
 - (j) With respect to automobile auction facilities, the following additional standards shall apply:
 - (1) Sale of new and used automobiles are permitted.
 - (2) The outdoor display of banners, flags, balloons or similar promotional items will be subject to Ordinance 451, Signs, Chapter 1282 of the Code of Ordinances of the City of Coopersville.
 - (3) The exterior display of vehicles or exterior automobile storage shall be permitted within the side and rear yards only.
 - (4) The sale of commercial vehicles shall be permitted.
 - (5) No single vehicle offered for sale shall remain on the premises for longer than forty-five days.
 - (6) Auctioneering and sales activities shall be conducted within the principal building.
 - (7) There shall be no disassembly of vehicles permitted on site other than in an enclosed building.
 - (8) To prevent a concentration of similar uses, an automobile auction facility shall not be located within 750 feet of another automobile auction facility, used automobile sales facility or commercial vehicle sales facility. Distance shall be measured from lot line to lot line using a straight line. This shall not preclude more than one such use being located on the same site as part of a single facility.

(Ord. 195. Passed 4-9-90; Ord. 465. Passed 5-11-15 .)

CHAPTER 1287 Mobile Home Parks

EDITOR'S NOTE: Chapter 1287, previously a codification of Ordinance 131-A, passed November 22, 1982, was repealed by Ordinance 207, passed October 14, 1991. See Chapter 1261.

CHAPTER 1288 Parking and Loading Spaces

1288.01 OFF-STREET PARKING SPACES REQUIRED.

In all zoning districts, there shall be provided at the time any building is enlarged or increased in capacity, off-street parking spaces for automobiles.

(Ord. 195. Passed 4-9-90.)

1288.02 NUMBER OF OFF-STREET PARKING SPACES REQUIRED.

- A. In all zoning districts in connection with residential, business, industrial, institutional, recreational and similar uses, space for off-street parking shall be provided in accordance with the following schedule:
- (1) Dwellings, two for each family unit.
 - (2) Lodging, rooming and boarding houses, dormitories, fraternity and sorority houses, two for each three guest rooms or each six beds for guests, whichever amount is greater.
 - (3) Private clubs, lodges, civic and social clubs, and public meeting halls one space per 250 square feet of gross square footage.
 - (4) Hospitals, institutions and clinics, one space for every two beds.
 - (5) Sanitariums or convalescent or nursing homes, one space per three beds.
 - (6) Hotels, one for each two guest rooms.
 - (7) Motels and tourist homes, one for each sleeping room.
 - (8) Theaters, auditoriums and stadiums, one for each four seats.
 - (9) Dance halls, studios, skating rinks, billiard or pool rooms, assembly halls and convention halls without fixed seats, 1.5 spaces per 200 square feet of gross square footage.
 - (10) Bowling alleys, four for each alley.
 - (11) Churches, one for each four seats in the main worship unit.
 - (12) Community centers, one space per 250 square feet of gross square footage.
 - (13) Libraries, museums and post offices, one space per 250 feet of gross square footage. Other uses within these building subject to separate requirements.
 - (14) Professional offices and buildings, one for per 200 feet of gross square footage.
 - (15) Restaurants and night clubs, grills, taverns, bars, dining rooms, dairy bars and soda fountains, one for each three seats.
 - (16) Medical doctors' offices or dental clinics, 1.5 space per 150 feet of gross square footage.
 - (17) Banks, business offices and public buildings not specifically mentioned elsewhere, one space per 200 square feet of gross square footage.

- (18) Mortuaries or funeral homes, one space per 100 square feet of gross square footage.
- (19) Drive-in establishments, 1.5 spaces per 100 square feet of gross square footage.
- (20) Retail stores, supermarkets, department stores, or similar retail/service businesses as follows:

Gross Square Footage Area	Spaces Per 1,000 Feet of Gross Square Footage
Less than 4,000	6 per 1,000
4,000 to 10,000	5.5 per 1,000
10,000 to 40,000	5 per 1,000
Over 40,000	4 per 1,000

- (21) Manufacturing, processing and/or fabricating, manufacturing buildings and/or business offices and/or research laboratories and/or other facilities related but not necessarily connected to a manufacturing or industrial building, 1.5 spaces for every two employees on the largest shift.
- (22) Other uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which such use is similar in terms of parking demand shall apply; parking standards deemed most similar shall be applied by the Planning Commission.
- (23) In the case of mixed uses in the same building, the amount of parking spaces for each use specified shall be provided and the space for one use shall not be considered as providing required spaces for any other use, except as to churches and auditoriums incidental to public and parochial schools permitted.
- (24) Motor vehicle dealerships or sales lots, one space per 5,000 square feet of gross outdoor square footage, plus one space per sales desk/office, plus three spaces per service bay. A minimum of six spaces shall be required.

B. Minimum Number of Accessible Parking Spaces

Minimum Number of Accessible Parking Spaces ADA Standards for Accessible Design 4.12(5)			
Total Number of Parking Spaces in Parking Facility (Lot or Garage)	Total Minimum Number of Accessible Parking Spaces (Column A)	Van Accessible Parking Spaces: Minimum 96" Wide Access Aisle	Accessible Parking Spaces: Minimum 60" Wide Access Aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	⅓ of Column A*	⅓ of Column A**
1,001 and Over	20, plus 1 for each 100, or fraction thereof, over 1,000	⅓ of Column A*	⅓ of Column A**

*One out of every eight accessible spaces.
**Seven out of every eight accessible parking spaces.

(Ord. 195. Passed 4-9-90; Ord. 325. Passed 8-23-99; Ord. 367. Passed 1-13-03; Ord. 488. Passed 5-13-19 .)

1288.03 JOINT USE OF FACILITIES.

The provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the individual requirements at the same time of day.

(Ord. 195. Passed 4-9-90.)

1288.04 LOCATION OF FACILITIES.

Off-street parking facilities shall be located as specified in this section. When a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve. Property owners shall be responsible to have at all times maintained the minimum standards set forth in this section.

- (a) For all residential buildings and for all nonresidential buildings and uses in residential zones, required parking shall be provided on the premises with the building or use it is required to serve.
- (b) For commercial and all nonresidential buildings and uses in business zones, required parking shall be provided within 300 feet of the building or use it is required to serve.
- (c) For industrial buildings or uses, required parking shall be provided within 1,000 feet of the buildings or uses it is required to serve.
- (d) No more than sixty percent of all the off-street parking area for any commercial building over 10,000 square feet shall be located between the front facade and within the front yard of the principal building(s) and the primary abutting street. A customer entrance must also be provided for a rear entrance. Exception: The principal building(s) and/or parking lots are screened from view by outlot development with additional tree plantings or other landscaping.

(Ord. 195. Passed 4-9-90; Ord. 373. Passed 10-27-03.)

1288.05 SIZE OF PARKING SPACES.

Each off-street parking space shall have an area of not less than 200 square feet, exclusive of access drives or aisles and shall be a minimum of ten feet in width.

(Ord. 195. Passed 4-9-90.)

1288.06 ADDITIONAL REQUIREMENTS FOR PARKING AREAS AND ACCESS DRIVES (DRIVEWAY APPROACHES, DRIVEWAYS).

Every parcel of land hereafter established as an off-street public or private parking area, including a Municipal parking lot, commercial parking lot, automotive sales and/or service lot, single-family dwelling, multiple family dwellings, businesses, industries, public assembly and institutions, shall be developed and maintained in accordance with the following requirements:

-
- (a) The access drive (driveway approaches, driveways) design, construction material and installation shall conform to the standard practices in the industry and concur with City engineering design standards. The City and its engineer reserve the right to determine whether a deviation from the specified surface materials could be granted.
 - i. Construction or alterations to drives (driveway approaches, driveways) shall match existing public infrastructure construction materials.
 - (b) In all zoning districts, all access drives (driveway approaches, driveways) on paved streets and off-street parking lots shall be surfaced with asphalt, bituminous aggregate, cement or seal coat and maintained in their entirety so to prevent sand or gravel from entering the street and storm drainage system.
 - i. Driveways exceeding one-hundred (100) linear feet shall only be required to surface with asphalt, bituminous aggregate, cement or seal coat the first one-hundred (100) linear feet measured from the public street Right-of-Way.
 - (c) It shall be properly graded for drainage, surfaced with concrete or asphalt pavement, and maintained in good condition free of dust, trash and debris. The driveways shall be treated similarly.
 - (d) With the exception of single-family dwellings, the parking area and access drive be effectively screened on each side which adjoins or faces premises situated in any R or AG District by a fence of acceptable design, wall or compact evergreen hedge. There shall also be provided on each side and rear which adjoins any R or AG District a greenbelt, ten feet in width, landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees at least five feet tall and four feet wide.
 - (e) With the exception of single-family and other similar dwellings, the parking area and access drive shall not be used for repair, dismantling or servicing of any vehicles.
 - (f) It shall be provided with entrances and exits so located as to minimize traffic congestions.
 - (g) With the exception of single-family and other similar dwellings, the parking area and access drive shall be provided with wheel or bumper guards so located that no part of any parked vehicle shall extend beyond the parking area.
 - (h) Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
 - (i) No part of any public or private parking area, regardless of the number of spaces provided, shall be closer than five feet to the public street or highway right-of-way line.
 - (j) With the exception of single-family and other similar dwellings, the parking area and access drive no more than fifty percent of approved spaces by the Planning Commission shall be between the front facade of the building and the street. In the event of a corner lot, a majority of the parking lot shall front with the side street.

(Ord. 195. Passed 4-9-90; Ord. 394. Passed 7-24-06; Ord. 492. Passed 7-8-19 .)

1288.07 OFF-STREET LOADING SPACES.

For every building or addition to an existing building hereafter erected to be occupied by manufacturing, storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar use requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition off-street loading spaces in relation to floor areas as follows, plus an area or means adequate for maneuvering, ingress or egress:

- (a) Up to 20,000 square feet, one space;

-
- (b) Over 20,000 to 50,000 square feet, two spaces;
 - (c) Over 50,000 to 100,000 square feet, three spaces; and
 - (d) One additional space for each additional 100,000 square feet or fraction thereof.

Each such loading space shall be at least ten feet in width, thirty-five feet in length and fourteen feet in height. No such space shall be located closer than fifty feet to any lot in any residential district.

(Ord. 195. Passed 4-9-90.)

1288.08 ENHANCED PARKING OPTION.

The design standards dictated by the City of Coopersville guarantee a minimum level of overall aesthetics that is deemed acceptable by the Planning Commission. Alternative parking space requirements and design plans for parking may be allowed by the Planning Commission as long as design plans meet with the intention of the Comprehensive Plan and be justified by some or all of the following criteria:

- (a) Market analysis that suggests proposed design.
- (b) Neighborhood character.
- (c) Positive overall impact on community.
- (d) Conserves greenspace.
- (e) Facilitates traffic safely.
- (f) Encourages more landscaping that required by ordinance.

The availability of vacant or otherwise undeveloped land on the same parcel as shown on the proposed development plan, will remain available to provide additional off-street parking space is subsequently determined to be necessary by the planning commission to meet the parking needs of the development.

The Planning Commission will base its decision on, but not limited to the listed criteria. Other factors such as lighting, size of spaces, and parking lot islands are examples of items that may be alternated to enhance the design over minimum requirements.

(Ord. 367. Passed 1-13-03.)

1288.09 COMMERCIAL AND INDUSTRIAL DRIVEWAY STANDARDS AND REQUIREMENTS.

1. Construction plan requirements: Right-of-way and flat work permits shall be accompanied by one set of construction plans.
 - i. All driveways, tapers, through lanes, right turn lanes, center left turn lanes, or passing lanes to be constructed, reconstructed, relocated, surfaced, resurfaced, operated, used, or maintained shall include the following dimensions and features:
 1. Widths of all driveways and lanes.
 2. Radii of driveway returns and other points of curvature and deflection.
 3. Driveway grades and profile view of driveway.
 4. Road centerline and edge of pavement grades at fifty-foot intervals or less, or as directed by the County Engineer.
 5. Sight distance for the proposed driveway approach.

- ii. Distance from existing driveway(s) and proposed driveway(s) to the nearest intersecting street, and distance from edge of driveways to property lines.
 - iii. All roadside features to be constructed within the ROW, including without limitation curb, sidewalks, paths, traffic control devices, manholes, poles, utilities, etc.
2. **Driveway location:** The location and spacing of access for commercial/industrial driveways and road approaches is an important element in the planning, design, and operation of roadways. Access points are the main location of crashes and congestion. Their location and spacing directly affect the safety and functional integrity of the roadway. Commercial/industrial driveway location and spacing shall comply with the following diagram shown in Figure 3 and the chart shown in Table 3.

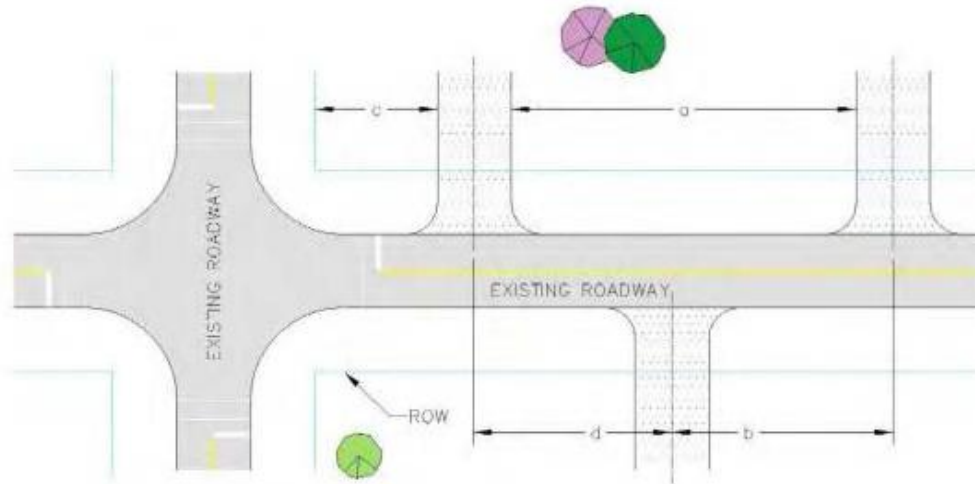


Figure 3. Commercial Driveway Spacing Requirements

Table 3. Recommended Minimum Commercial Driveway Spacing				
	Minimum Driveway Spacing (feet)			
	a	b	c	d
Two-Lane Road	100	100	150	130
Multi-Lane Road	150	250	250	75

- i. **Spacing requirements for adjacent driveways (a).** Table 3 indicates the desirable access spacing as a function of road type for adjacent commercial driveways. These distances are based on average vehicle acceleration and deceleration considered adequate to maintain good traffic operations. Driveway spacing is measured from edge of driveway to edge of driveway.
- ii. **Spacing requirements from driveways on opposite side of road (b) and (d).** To minimize turning conflicts, driveways should be either aligned with those directly across the road or offset a sufficient distance from those across the road to achieve the minimum spacing standards listed in Table 3. Driveway spacing is measured from centerline to centerline.
- iii. **Spacing requirement from a public road intersection (c).** In accordance with AASHTO guidelines, driveways shall not be situated within the functional boundary of intersections. This boundary includes the longitudinal limits of all full width auxiliary lanes. An access point may be allowed within the above boundary only if the entire property frontage is located in this boundary. A driveway shall not be constructed along acceleration or deceleration lanes and tapers, unless no other reasonable access

point is available. The City may require an extension of these lanes by the Applicant. Spacing between a road intersection and an access connection shall be sufficient to avoid creating conflicts between driveway traffic movements and road traffic movements at the intersection. Table 3 provides the minimum corner separation dimensions that are measured from the edge of the proposed driveway to the near ROW Line of the intersecting road.

3. **Sight distance requirements:** Acceptance of site access onto an existing public road is subject to the field review and recommendations of the City Engineer. Considerations include, but are not limited to, vehicle speed, sight distance, and topography. An area of clear vision, free from obstructions and encroachments, shall be provided. Fences, trees, shrubs, poles, signs, boulders, mailboxes, and other obstacles shall be removed or modified in this area to afford an unobstructed view in both directions of the approaching traffic.

A clear-vision area, as shown in Figure 1 and Table 2, shall be provided at all commercial driveways entering onto a road under the jurisdiction of the City. The City Engineer may request a sight distance diagram to verify safe sight distance for any proposed driveway or private road.

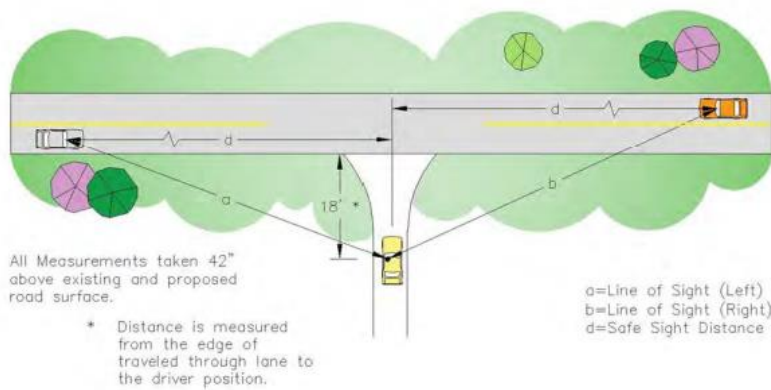


Figure 1. Recommended Minimum Sight Distance

Table 2. Recommended Minimum Driveway Sight Distance	
Existing Road Speed Limit (mph)	Proposed Driveway Safe Sight Distance, d (feet)
25	300
30	360
35	420
40	480
45	540
50	600
55	660

4. **Driveway geometrics:** A typical standard commercial/industrial driveway approach consists of a two-way traffic design (See Detail P-3).

Optional commercial driveway approach designs may be either divided three lanes with a median or a typical three-lane design. A divided commercial driveway shall have a curbed island separating the entering and exiting movements with a dedicated exiting left turn lane (See Detail P-4). A typical three-lane commercial driveway shall be designed with a dedicated exiting left turn lane (See Detail P-5).

A one-way commercial driveway is a special case and may be allowed depending on the site-specific characteristics. A one-way driveway shall either be for entering or exiting and designed to facilitate the desired turning movement and to discourage prohibited movements. The installation and maintenance of directional signs shall be the responsibility of the applicant and shall be shown on the site plan.

i. Width:

1. The typical two-lane commercial driveway design shall include one entrance lane and one exit lane, with a maximum total throat width of thirty feet from back-of-curb to back-of-curb. (See Detail P-3).
2. When larger driveway traffic volumes are expected, two exit lanes will be allowed.
 - The driveway shall be designed with a curbed median dividing the exit lanes from the entrance lane (see Detail P-4) or,
 - The driveway shall be designed with permanent lane lines and arrows to be placed and maintained by the permit holder (see Detail P-5).
 - Exit lane widths shall be twelve feet. Entrance lane widths will vary in design based on vehicle usage and range from twelve feet to a maximum of sixteen feet.

ii. Radii:

1. Driveways shall have a minimum twenty-five-foot entrance and exit radius.
2. When truck traffic is expected, a minimum thirty-foot radius shall be used.
 - The City Engineer may request that commercial vehicle turning templates be graphically placed on the proposed driveway design to verify the appropriate radius.

iii. Concrete curb and gutter:

Concrete curb and gutter is required for all commercial driveways.

Joint driveways:

1. When property owners of adjoining properties agree, a joint driveway may be constructed. The driveway shall meet the same requirements regarding commercial driveways.

5. Driveway construction standards:

Commercial driveways shall meet the following minimum subbase, aggregate base, and concrete curb and gutter requirements listed below:

- i. Subbase - MDOT Spec. 301.
 - Material - Granular Material Class II.
 - Gradation - MDOT spec. Table 902-3.
 - Thickness - Eighteen-inch minimum.
- ii. Aggregate Base Course - MDOT Spec. 302.
 - Material - Dense-graded aggregate 22A or 21AA.
 - Gradation - MDOT spec. 902-1, minimum twenty-five percent crushed.
 - Thickness - Seven-inch minimum.
- iii. Concrete Curb and Gutter - MDOT Spec. 802.
 - MDOT F4-Modified (without reinforcement) or as directed by the City Engineer.

Material - MDOT Grade S2.

Commercial driveways shall be hard surfaced with either HMA or concrete materials, and meet the following minimum requirements as listed below:

- i. HMA surface - MDOT Spec. 501.

Material - HMA mixture LVSP leveling - HMA mixture LVSP surface.

Thickness - Three and one-fourth-inch (360#/syd) minimum.

Asphalt cement - Performance grade 58-28.

- ii. Concrete surface - MDOT Spec. 601.

- 6. Temporary driveway requirements: A temporary driveway may be allowed by the City Engineer for a maximum six-month period if it is to service a site for a specific function or project.

Temporary driveways and approaches shall meet the same application process and specifications as a commercial/industrial driveway and approach.

(Ord. 495. Passed 10-14-19 .)

1288.10 RESIDENTIAL DRIVEWAY STANDARDS AND REQUIREMENTS.

- 1. Permit requirements: Language requiring ROW and flatwork permits.
- 2. Driveway location: The location and spacing of access for residential driveways is an important element in the planning, design, and operation of roadways. Access points are the main location of crashes and congestion. Their location and spacing directly affect the safety and functional integrity of the roadway. Residential driveway location and spacing shall comply with the following diagram shown in Figure 4 and the chart shown in Table 4.

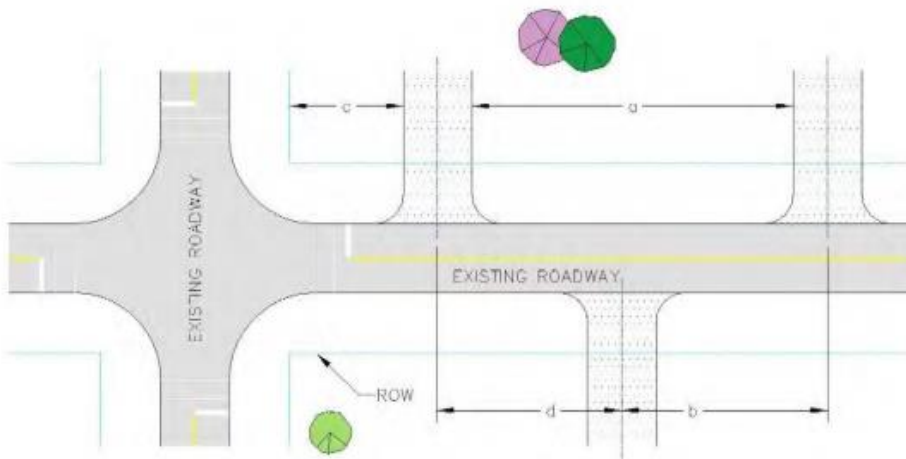


Figure 4. Residential Driveway Spacing Requirements

Table 4. Recommended Minimum Residential Driveway Spacing				
Minimum Driveway Spacing (feet)				
	a	b	c	d

Two-Lane Road	50	50	100	50
Multi-Lane Road	50	50	150	50

- i. Spacing requirements for adjacent driveways (a). Table 4 indicates the desirable access spacing as a function of road type for adjacent driveways. These distances are based on average vehicle acceleration and deceleration considered adequate to maintain good traffic operations. Driveway spacing is measured from edge of driveway to edge of driveway.
- ii. Spacing requirements from driveways on opposite side of road (b) and (d). To minimize turning conflicts, driveways should be either aligned with those directly across the road or offset a sufficient distance from those across the road to achieve the minimum spacing standards listed in Table 4. Driveway spacing is measured from centerline to centerline.
- iii. Spacing requirement from a public road intersection (c). In accordance with AASHTO guidelines, driveways shall not be situated within the functional boundary of intersections. This boundary includes the longitudinal limits of all full width auxiliary lanes. An access point may be allowed within the above boundary only if the entire property frontage is located in this boundary.

A driveway shall not be constructed along acceleration or deceleration lanes and tapers, unless no other reasonable access point is available. Spacing between a road intersection and an access connection shall be sufficient to avoid creating conflicts between driveway traffic movements and road movements at the intersection. Table 4 provides the minimum corner separation dimensions that are measured from the edge of the proposed driveway to the near ROW line of the intersecting road.

3. Sight distance requirements: Acceptance of site access onto an existing public road is subject to the field review and recommendations of the City Engineer. Considerations include, but are not limited to, vehicle speed, sight distance, and topography. An area of clear vision, free from obstructions and encroachments, shall be provided. Fences, trees, shrubs, poles, signs, boulders, mailboxes, and other obstacles shall be removed or modified in this area to afford an unobstructed view in both directions of the approaching traffic.

A clear-vision area, as shown in Figure 1 and Table 2, shall be provided at all residential driveways entering onto a road under the jurisdiction of the City. The City Engineer may request a sight distance diagram to verify safe sight distance for any proposed driveway.

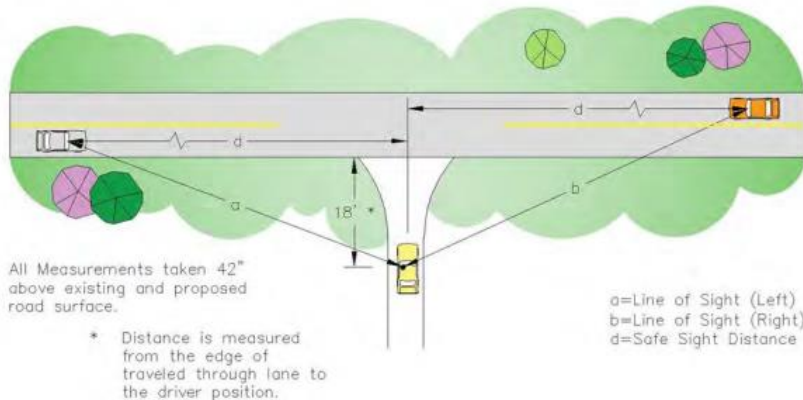


Figure 1. Recommended Minimum Site Distance

Table 2. Recommended Minimum Driveway Sight Distance	
Existing Road Speed Limit (mph)	Proposed Driveway Safe Sight Distance, d (feet)

25	300
30	360
35	420
40	480
45	540
50	600
55	660

4. Driveway geometrics: A residential driveway approach shall conform to Detail P-8.

The installation and maintenance of directional signs shall be the responsibility of the applicant and shall be shown on the site plan.

i. Width:

1. A residential driveway shall have a minimum width of ten feet and maximum width of twenty-four feet as measured by the driveway throat width.

ii. Radii:

1. A driveway may have a radius on both sides of the driveway. Each radius shall be a minimum of ten feet and a maximum of twenty feet.

iii. Flare:

1. A driveway may have a flare on both sides of the driveway. Each flare shall be ten feet in length and extend five from the driveway along the road edge.

iv. Joint driveways:

1. When property owners of adjoining properties agree, a joint driveway may be constructed. The driveway shall meet the same requirements regarding residential driveways.

5. Driveway construction standards: If the adjacent roadway has a bituminous valley curb or concrete curb and gutter, the residential driveway approach shall be hard surfaced with either HMA or concrete materials. A gravel surface will not be permitted. If the adjacent roadway does NOT have a bituminous valley curb or concrete curb and gutter, the residential driveway approach can be hard surfaced with HMA only. A concrete surface will not be permitted. Recommended Minimum Residential Driveway Construction:

- i. Subbase - MDOT Granular material Class II, twelve inches minimum.
- ii. Aggregate Base - MDOT Dense-graded aggregate 22A, six inches minimum.
- iii. HMA Surface - MDOT HMA 36A, three inches (two lifts) minimum.
- iv. Concrete surface - Minimum five inches.

*Not permitted on adjacent roadways that have no concrete curb or HMA valley curb.

6. Temporary driveway requirements: A temporary driveway may be allowed by the City Engineer for a maximum six-month period if it is to service a site for a specific function or project.

Temporary driveways and approaches shall meet the same application process and specifications as a residential driveway and approach.

(Ord. 495. Passed 10-14-19 .)

CHAPTER 1290 Nonconforming Uses

EDITOR'S NOTE: Chapter 1290, previously a codification of Ordinance 195, passed April 4, 1990, was repealed and re-enacted by Ordinance 276, passed August 26, 1996.

1290.01 CONTINUANCE OF NONCONFORMING USES AND STRUCTURES.

The lawful use of any building or structure and of any land or premises as existing and lawful at the time of the enactment of this Zoning Code (Ordinance 195, passed April 4, 1990), or an amendment to this Zoning Code, shall be considered as a lawful nonconforming use as further defined in Section 1290.015.

Any building shall be considered to have been lawfully in use for the purpose for which it was constructed if, on the effective date of this Zoning Code, a building permit has been obtained, or otherwise a substantial start has been made toward construction and is thereafter pursued diligently to completion.

(Ord. 276. Passed 8-26-96.)

1290.015 NONCONFORMING USES DEFINED.

- (a) "Class 1" means a use which is nonconforming due to non-use characteristics of the lot or structure, i.e. size of lot, width of lot, setbacks or living area of the structure.
- (b) "Class 2" means a use which is nonconforming due to use characteristics of the structure in relation to the zoning district, e.g. a commercial use located in a residential district.

(Ord. 276. Passed 8-26-96.)

1290.02 EXTENSION, ENLARGEMENT, ALTERATION, ETC. OF STRUCTURES.

- (a) Class 1 nonconforming uses may extend, enlarge, alter, remodel or modernize, provided that non-use dimensional characteristics that resulted in the nonconforming use are not made more nonconforming as a result of the extension or enlargement.

As an example, a house which is nonconforming as a result of side setbacks that are less than seven feet may add an addition on to the back of the house and may build even with the existing side of the house, but may not extend any more into the side yard than is existing. The rear yard setback may not be violated unless the existing structure had a nonconforming rear yard setback also.

- (b) Class 2 nonconforming uses may only be extended, enlarged, altered, remodeled or modernized, provided that all height, setback and/or parking and loading provisions are complied with, with respect to any such enlargement, alteration or remodeling, and only after receiving approval of the Board of Zoning Appeals, which approval shall be granted only upon a finding of all of the following facts:
 - (1) That the enlargement or extension will not substantially extend the probable duration of the Class 2 nonconforming use and that all enlargements since the use became nonconforming do not exceed fifty percent of the area of the original structure;

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- (2) That the enlargement or extension will not become a precedent for other Class 2 variations in the area; and
 - (3) That the enlargement or extension will not interfere with the use of other properties in the vicinity for uses for which they have been zoned, nor with their use in compliance with all of the provisions of this Zoning Code.

(Ord. 276. Passed 8-26-96.)

1290.03 RESTORATION AND REPAIRS.

- (a) Such repair and maintenance work as is required to keep either a Class 1 or Class 2 nonconforming structure in a sound condition may be made.
 - (1) Class 1 nonconforming structures damaged by fire, wind or an act of God, or the public enemy, may be restored or rebuilt along the same setback lines as the original structure, but may not be made more nonconforming than the original structure.
 - (2) Class 2 nonconforming structures damaged by fire, wind or an act of God, or the public enemy, may be restored or rebuilt, provided that the cost thereof does not exceed one-half the value of such building or structure after such rebuilding or restoration, such determination to be made by the Planning Director or on appeal to the Board of Zoning Appeals.
- (b) In the event any Class 2 nonconforming structure is damaged by fire, wind or an act of God, or the public enemy, and the cost thereof exceeds one-half the value of such building or structure after such rebuilding or restoration, the same shall be permitted only with the approval of the Board of Zoning Appeals, which approval shall be granted only upon either of the following findings:
 - (1) That such rebuilding or restoration will not substantially extend the probable duration of the Class 2 nonconforming use; or
 - (2) That circumstances are such that the land previously occupied by the Class 2 nonconforming structure cannot then be advantageously used for a use permitted in the zoning district.

(Ord. 276. Passed 8-26-96.)

1290.04 DISCONTINUATION OF NONCONFORMING USE.

- (a) A Class 1 nonconforming use shall be exempt from any penalty for discontinued use of the structure on the property.
- (b) A Class 2 nonconforming use which has been discontinued for a period of one year shall lose the status of nonconforming use and any subsequent use shall conform in all respects to the uses permitted in the zoning district in which the structure is located.

(Ord. 276. Passed 8-26-96.)

CHAPTER 1292 Land Division

1292.01 LOT SPLITS, AREA, HEIGHT AND USE CONDITIONS AND EXEMPTIONS.

- (a) Lot Splits. This chapter shall apply to all land divisions as governed by the provisions of the Land Division Act, Act 288 of the Michigan Public Acts of 1967, as amended. Approval of any land division does not constitute use approval of any such division. Such use of land shall comply with the City of Coopersville Zoning Ordinance or any other applicable ordinance or regulation.

It is not intended by this chapter to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this chapter imposes more stringent requirements, regulations, restrictions, or limitations upon the use of land and buildings, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this chapter shall govern.

The purpose of this chapter is to regulate the division of land within the City of Coopersville to promote the public health, safety, and general welfare; to further the orderly layout and use of land; to require that land be suitable for building sites and public improvements; that provisions are made for adequate drainage, ingress and egress; and to ensure that land divisions are correctly and accurately approved, recorded, and filed.

(Ord. 300. Passed 6-23-97.)

1292.02 LAND DIVISION APPROVALS.

- (a) Applications. The approvals and requirements of this chapter shall be satisfied prior to the issuance of a land division approval within the City of Coopersville. The approvals and requirements of this chapter shall be satisfied prior to the recording of any land division with the County.
- (b) Procedure. An application for land divisions shall be submitted through the Planning Director. Each application shall be accompanied by the following, unless deemed unnecessary by Planning Director:
- (1) The payment of a fee as established by the City Clerk;
 - (2) A completed application form, as provided by the City;
 - (3) A complete and accurate legal description of the existing lot and each proposed lot or parcel created by the land division;
 - (4) A detailed written description of the development planned for such land divisions, including a description of any proposed association or other entity which shall be responsible for operation and maintenance of any private streets, open spaces or other similar uses or activities;
 - (5) A graphic or written description of any previous land divisions from the parent parcel including the size, number, and date of such divisions;
 - (6) In areas where city water and sanitary sewer are not available, evidence of approvals from the County Health Department for on-site water supply and sewage disposal;
 - (7) Three copies of a complete tentative parcel map drawn to scale, which shall be not less than 1" = 20' for property totaling under three acres and at least 1" = 100' for those totaling three acres or more. The parcel map shall be prepared by a registered engineer or land surveyor or other such person determined by the City to be qualified to complete such parcel maps;
 - (8) The tentative parcel map shall include, at a minimum:
 - a. Date, north arrow, scale, and name of the individual or firm.

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- b. Proposed lot lines and their dimensions.
 - c. Location and nature of proposed ingress and egress locations to any existing public or private streets.
 - d. The location of any public or private street, driveway, or utility easements to be located within the proposed lot or parcel. Copies of the instruments describing and granting such easements shall be submitted with the application.
 - e. General topographical features including contour intervals no greater than five feet.
 - f. Any existing buildings, public or private streets, and driveways within 100 feet of all proposed property lines.
 - g. The zoning designation of all proposed lots or parcels.
 - h. Small scale sketch of properties and streets within one-quarter mile of the area.
 - i. Proposed method of providing storm drainage.

Applications for land divisions shall not be accepted unless all of the required materials are submitted and are complete.

- (c) Submittal. The application, along with the required materials shall be forwarded to the Planning Director.
- (d) Review and Approval. Land divisions shall be reviewed and approved by Planning Director. The Planning Director shall review the application and such other available information including recommendations or reports from the planner, attorney, engineer, or other party, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed. The approval, approval with conditions, or denial of a land division shall be accomplished within thirty days after the filing of a completed, accepted application by the Clerk. Approval of a land division does not grant approval for the use of such divided lot or parcel. Any lot or parcel proposed for division must comply with the requirements of the City of Coopersville Zoning Ordinance or any other applicable ordinances or regulations. Land division approvals shall be valid for a period of ninety days from the date of approval by the Planning Director. If such lots or parcels proposed by the land division are not properly recorded and accepted by the County Register of Deeds within this period the land division approval shall be considered null and void and a new application shall be submitted in compliance with the requirements of this ordinance.

(Ord. 300. Passed 6-23-97.)

1292.03 LAND DIVISION REQUIREMENTS.

- (a) Maximum Width to Depth Ratio. No lot or parcel shall be created the depth of which exceeds four times its width. The width to depth ratio requirements of this section shall not apply to lots or parcels that have more than one-half of their street frontage on a cul-de-sac. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the remainder of the lot. Such lots shall have a minimum lot width of forty feet at the front property line.

For corner lots, the depth of the lot shall be measured along the longest front line which is parallel or generally parallel to the public or private street right-of-way or easement. The width of the corner lot shall be that front lot line which is parallel or generally parallel to the public or private street right-of-way or easement and is the shorter of the two front lot lines. Where such lot lines are equal length, the Planning Director shall determine the measurement of lot width to depth for purposes of this section.

The Planning Commission may permit the division of a lot or parcel which does not comply with this provision provided that the following findings are made:

- (1) That the greater width to depth ratio is necessitated by conditions of the land which make compliance with this section impractical. Such conditions may include topography, road access, soil conditions, wetlands, floodplains, or water bodies, or other similar condition.
 - (2) That the division and use of such lot or parcel will not conflict with other federal, state, county, or City ordinances or regulations, unless an appropriate variance or approval is granted as required or permitted by such ordinances or regulations.
- (b) Access. Any land division shall front upon a public street or private road right-of-way or easement meeting the requirements of the City of Coopersville Zoning Ordinance for the minimum lot width required by the zone district in which the lot or parcel is located. Any proposed points of ingress or egress to a lot or parcel created by the land division must meet the location and design standards of the County Road Commission, City of Coopersville, State of Michigan, or other authority having jurisdiction over the roadway to which access is planned. A lot or parcel created by a land division shall comply with all requirements of this chapter and other applicable ordinances and regulations. The Planning Director may stipulate such additional conditions and safeguards deemed necessary to ensure compliance with the requirements of this chapter.

(Ord. 300. Passed 6-23-97.)

