

Chapter 40 ZONING¹

An ordinance to establish zoning districts and regulations governing the incorporated City of Grand Haven, County of Ottawa and State of Michigan in accordance with the provisions of Act 110 of the Public Acts of 2006, as amended; to define certain terms used herein; to provide for regulations to govern land uses, the placement of buildings on land within the city, the form of buildings and other structures, the nature and degree of impacts permitted from one land use upon another, the treatment of nonconforming uses and structures and related matters; to establish a Zoning Board of Appeals and define its duties and powers; to provide for the administration and enforcement of this Ordinance and to provide penalties for the violation of this Ordinance.

ARTICLE I. ADMINISTRATION²

Sec. 40-100. Short title.

This chapter shall be known as the "City of Grand Haven Zoning Ordinance" and will be referred to hereinafter as "this ordinance."

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-101. Purpose and intent.

The Grand Haven Zoning Ordinance is hereby established in accordance with the policies, goals and objectives of the city as expressed from time to time in the City of Grand Haven Comprehensive Plan. The illustrations, text, maps, tables, and schedules contained herein shall constitute this ordinance. Said ordinance is expressly adopted for the following purposes:

- A. To promote and protect the public health, safety, and general welfare;

¹Editor's note(s)—Chapter 40 contains the text of the zoning rules and regulations for the city which derive from an ordinance adopted March 5, 2007, with an effective date of March 16, 2007. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Cross reference(s)—Alcoholic liquors, Ch. 5; animals, Ch. 7; buildings and building regulations, Ch. 9; business regulations, Ch. 9.5; history, Ch. 19; planning, Ch. 27; streets, sidewalks and other public places, Ch. 32; subdivisions and utility extensions, Ch. 33; traffic and motor vehicles, Ch. 36.

²Editor's note(s)—Ord. No. 2021-02 , § 1(Exh. A), adopted Jan. 4, 2021, amended art. I in its entirety to read as herein set out. Former art. I, §§ 40-100—40-105, 40-109—40-122.04, pertained to similar subject matter and derived from an ordinance adopted March 5, 2007; Ord. No. 15-08, § 1, adopted Oct. 19, 2015; Ord. No. 17-01, § 1, adopted April 24, 2017; Ord. No. 17-10, § 1, adopted Dec. 18, 2017; and Ord. No. 2020-06, § 1, adopted June 1, 2020.

-
- B. To encourage the use of lands and natural resources in accordance with their character and adaptability;
 - C. To establish standards for the form and arrangement of buildings, structures and site improvements;
 - D. To implement the goals, objectives, and future land use recommendations of the city comprehensive development plan (master plan) and to regulate the intensity of land use and parcel areas in a manner compatible with said plan;
 - E. To determine the area of open spaces surrounding buildings and structures necessary to provide adequate light, scenic views and air and to protect the public health;
 - F. To protect the character and stability of the recreational, residential, commercial and industrial areas within the City of Grand Haven and promote the orderly and beneficial development of the city;
 - G. To lessen and avoid congestion on the public highways and streets;
 - H. To provide for the needs of recreation, residence, commerce, and industry in future growth;
 - I. To prevent such additions or alterations or remodeling of existing structures in such a way as to avoid the regulations and limitations imposed hereunder;
 - J. To reduce the risk of fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards to life and property;
 - K. To prevent improper uses of land and the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each district;
 - L. To provide for the completion, restoration, reconstruction, and extension of nonconforming uses;
 - M. To create an appeals board and to define the powers and duties thereof;
 - N. To designate and define the power and duties of the official or officials in charge of the administration and enforcement of this ordinance and provide penalties for the violation of this ordinance;
 - O. To provide for the payment of fees for land use permits and escrow accounts to support the expense of administration and proper review of applications for land use permits;
 - P. To ensure that a variety of housing types and sizes can be developed to meet the needs of the entire community;
 - Q. To preserve and protect the city's wetlands, ravines, rivers, dunes, shoreline and other natural spaces;
 - R. To accomplish any other purposes contained in Public Act 110 of 2006, as amended.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-102. Regulation of form.

Within certain portions of the city, it shall be the purpose of this ordinance to establish standards and regulations to guide the placement of buildings and structures, the nature and form of site improvements and landscaping, the form and materials of buildings and related measures to promote and strengthen the defined character of certain neighborhoods. It is hereby determined that the form and development of particular neighborhoods contribute to the unique and desirable characteristics of the city and the measures set forth herein are necessary and appropriate to promote and strengthen such characteristics.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-103. City code.

This ordinance shall be cited in general as chapter 40 of the Codified Ordinances of Grand Haven, Michigan.
(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-104. Projects in progress.

Approvals granted to projects in progress or under construction under the previous City of Grand Haven Zoning Ordinance (chapter 40) shall be valid and enforced under the ordinances that were applicable at the time of approval, until such development is complete or such approval has expired. Once a site plan or other approval is completed or has expired, any subsequent submittal shall conform with the terms of this zoning ordinance. The adoption of this ordinance shall not prevent or bar the continuation or institution of proceedings for offenses heretofore committed in violation of any previously existing ordinances.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-105. Conflicting regulations or standards.

Whenever any provision of this ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this ordinance shall govern, whenever the provisions of any other law or ordinance imposes more stringent requirements than are imposed or required by this chapter, then the provisions of such law or ordinance shall govern.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Secs. 40-106, 40-107. Reserved.

Sec. 40-108. General review criteria.

In any review and in taking any action or making any decision required or permitted under this ordinance, the zoning administrator, building official, planning commission, zoning board of appeals, city council and any other city official, representative or consultant shall consider the following criteria, when applicable:

- A. Whether the streets and highways, water distribution lines and facilities, sanitary sewer collection lines and facilities, stormwater facilities, electrical utility lines, communications lines and equipment, sidewalks and other pedestrian access, and other infrastructure as they now exist and may be modified as part of or in conjunction with proposed project or action are reasonably sufficient for the needs existing and planned uses in the city as a whole, the existing and planned uses in the vicinity of the site, and the existing and planned uses on the site, including during times of reasonably foreseeable strains on such infrastructure due to reasonably frequent weather events, special community-wide events, anticipated construction activity, or similar causes.
- B. Whether the buildings, structures, and entrances thereto proposed to be located upon the site are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
- C. Whether natural features of the landscape are retained, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist

in preserving the general appearance of the neighborhood or help control erosion or the discharge of stormwaters.

- D. Whether there are any adverse effects of the proposed development, its uses and any activities emanating therefrom upon owners, occupants, residents, and uses of nearby property.
- E. Whether the proposed development and uses comply with other city ordinances.
- F. Whether the proposed buildings and other structures on and uses of the site will be compatible with those on nearby property.
- G. Whether the proposed buildings and other structures on and uses of the site will generally support and advance the policies and objectives of the city's master plan.
- H. Whether the proposed buildings and other structures on and uses of the site will comply with applicable laws, rules, regulations, permit and license requirements, orders and directives of other governmental agencies or officials of competent jurisdiction. There is no affirmative duty to make this determination. However, if it seems that violations are likely to result or exist, such likely violations can and should be considered.
- I. Whether all buildings and structures are reasonably accessible to emergency vehicles.
- J. Whether the buildings and structures on the site are accessible for regular maintenance, repair and improvement.
- K. Whether the layout and location of any publicly owned utilities, roads, sidewalks or other infrastructure on the site allow for reasonably normal operation, use, maintenance, repair, replacement and improvement including snow removal and storage.
- L. Whether the proposed development is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to character of a particular area, its peculiar suitability for particular uses and the general appropriate trend and character of land, building, and population development.
- M. Whether the development provides open areas, green space and other areas.
- N. Whether the development accommodates sight lines and preserves views that are key assets of the community and its character.
- O. Whether the development will be a significant asset to the community's economic development.
- P. Whether the development includes "best management practices" and "Green" designs and construction materials and methodologies.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-109. Graphics, tables and text, other elements.

The graphics, tables, and text used throughout this ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" is not regulatory and is provided for illustrative purposes only.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-110. Scope of regulations.

The use and form of all land and structures and the construction, reconstruction, alteration, repair and moving of all structures within the City of Grand Haven shall conform with all applicable provisions of this ordinance, unless the nonconformance is a matter of record on the effective date of this ordinance.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-111. Nonconformance.

Sec. 40-111.01. Scope and intent.

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformance with the provisions of this chapter. It is the intent of this chapter to permit legal nonconforming lots, structures, or uses to continue until they are brought into conformity, removed, extinguished, or forfeited.

It is recognized that there exists within the districts established by this chapter and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to March 16, 2007, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-111.02. Nonconforming lots.

- A. *Lots of record.* Any platted and/or recorded lot of record existing as of the effective date of this ordinance may be used for any principal use permitted in the district in which the lot is located, other than special land uses for which special lot area requirements are specified in this chapter, whether or not such lot complies with the lot area and width requirements of this chapter. Such use may be made provided that all requirements other than lot area and width prescribed in this chapter are complied with, and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this chapter for required lot area for each dwelling unit.
- B. *Combining nonconforming lots.* If two (2) or more lots or combinations of lots and portions of lots with continuous frontage and in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved may be combined to create a conforming lot or a lot with a lesser degree or extent of nonconformity.

(Supp. No. 13)

Created: 2021-12-13 14:17:36 [EST]

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-111.03. Nonconforming uses of land.

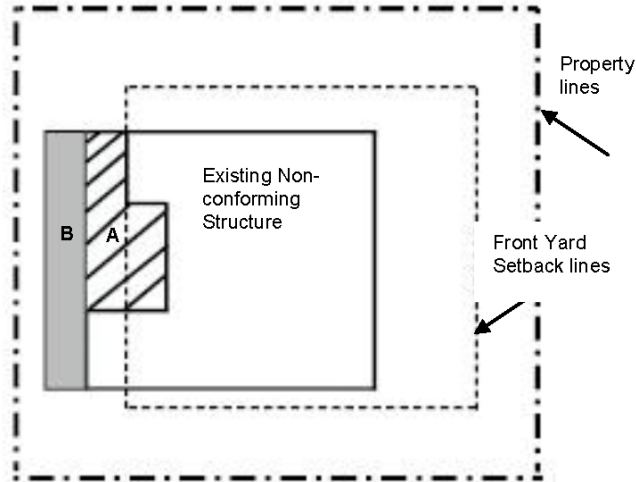
Where, at the effective date of adoption or amendment of this chapter lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter, unless so doing shall make the use less nonconforming.
- C. If such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- D. Work may be undertaken to renovate and/or modernize nonconforming uses, including structural changes in a building or structure containing a nonconforming use, provided that such renovations or modernization (1) occurs only on the inside of the building or structure, and (2) does not result in an unreasonable increase in intensity of the nonconforming use.
- E. Additions, enlargements, and exterior improvements to a building containing a nonconforming residential use may be permitted provided that the number of bedrooms or residential units within the building is not increased and that all other provisions of this ordinance are met.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-111.04. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, parking, or other characteristics of the structure or its location on the lot, including restrictions on site and building placement, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:



Alteration "A" does not increase the degree of nonconformity and would be permitted. Alteration "B" increases the degree of nonconformity and is prohibited.

- A. No such structure may be enlarged or altered in a way that increases the degree of its nonconformity. However, structures may be enlarged in a way that does not increase the degree of its nonconformity with regard to its side and rear setbacks or building form, provided that structures shall be a minimum of three (3) feet from property lines. For the purposes of this section, the degree of the nonconformity refers to:
 - 1. Enlarging any portion of the existing structure which is located in a required yard in the direction of the adjoining property line, and/or
 - 2. Increasing the height of any portion of a structure such that it would exceed the height limits of the district.
- B. In all districts except OT, S, E, DR and NS, should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation, at the time of destruction, it shall be reconstructed only in conformity with the provisions of this chapter. Within the OT, S, E, DR and NS districts where many substandard conditions exist, such a residential structure destroyed by any means, to an extent of more than sixty (60) percent of its replacement cost, exclusive of its foundation, may be reconstructed on its former footprint and at its previous roof height, style, orientation and pitch such that either matches the former building despite any previously nonconforming conditions, or that conforms to the requirements of the district.
- C. A structure incorporating building form elements as regulated in article IV hereof, which fail to meet the requirements of the zoning district, shall not be considered nonconforming for the purposes of this ordinance. Provided, however, that any improvements to such a structure which involve any nonconforming building form elements shall incorporate measures to reduce, eliminate or mitigate such nonconforming conditions; except upon a finding by the planning commission, if subject to planning commission review, or by the zoning administrator if subject to zoning administrator review, that such measures would be impractical.
- D. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-111.05. Nonconforming uses of structures and land.

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter that would not be permitted in the district under the terms of this chapter the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions, and as otherwise set forth in this ordinance:

- A. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the zoning board of appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the zoning board of appeals may require conditions and safeguards in accord with the purpose and intent of this chapter. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for twelve (12) consecutive months or, for twenty-four (24) months during any three-year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excluded from this provision.
- F. Where nonconforming use status applies to a structure and land in combination, removal, or destruction of the structure shall eliminate the nonconforming status of the land.
- G. Except for circumstances described in subsection C, when a nonconforming structure within the OT, S, E, DR or NS district is reconstructed as permitted by section 40-111.04.B, any nonconforming residential use of that structure and land may be continued as if there were no disruption in that use.
- H. A legal nonconforming use is permitted to have signage consistent with legal conforming uses in the respective zoning district and shall not be considered an expansion of the nonconforming use. In the event the legal nonconforming use ceases to operate, signage associated with the use must be removed immediately.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-111.06. Repairs and maintenance of nonconforming uses.

On any building or parcel devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building or parcel as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent

the strengthening or restoring to a safe condition any building or part thereof, or parcel declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-111.07. Change of tenancy or ownership.

A change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination, shall be permitted.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-111.08. Nonconforming short-term rental uses.

- A. *Nonconforming short-term rental uses permitted.* When a lawful short-term use existed at the effective date of an amendment to this chapter and is not permitted under the terms of the amendment, the use may be continued as a nonconforming use so long as it remains otherwise lawful and complies with the provisions of this section.
- B. *Examples.* By way of example only, the following uses are nonconforming:
1. A short-term rental use that lawfully existed without a special use permit in a zoning district where a special use permit is now required.
 2. A short-term rental use that lawfully existed in a zoning district where short-term rentals are now prohibited.
 3. A short-term rental use that lawfully existed in a dwelling where the underlying residential use was nonconforming, before the city prohibited short-[term] rental uses in such dwellings.
- C. *Regulations.* Notwithstanding any other provision of this chapter:
1. The ability to operate a nonconforming short-term rental use is not impaired by the making of modifications, improvements, or repairs to the structure or land where the use is located. However, if the underlying residential use is nonconforming, the underlying use may be impaired by such activities as provided in sections 40-111.03 and 40-111.05.
 2. The ability to operate a nonconforming short-term rental use is not impaired by any transfer of ownership or control of the property. Owners are responsible for transferring short-term rental certificates in accordance with the processes provided in chapter 9 of the Code of Ordinances.
 3. A short-term rental use shall be deemed abandoned if: (a) the short-term rental certificate for the property expires, terminates, or becomes invalid, and (b) a new certificate or renewal certificate is not obtained within twelve (12) months of the expiration, termination, or invalidation. An abandoned short-term rental use cannot be resumed as a nonconforming use.
 4. Notwithstanding subsection C.3, the ability to operate a nonconforming short-term rental use is not impaired by the demolition of the structure in which the use is located, so long as: (1) there is a valid short-term rental certificate in effect at the time of the demolition, and (2) a short-term rental certificate is obtained for the newly constructed dwelling on the property within eighteen (18) months of the date of the demolition permit.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-112. Zoning administrator.

The city manager shall designate an individual to serve as the zoning administrator to administer and enforce this ordinance. The zoning administrator may delegate duties to such other persons as the city manager may assign to assist.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-112.01. Duties and limitations of the zoning administrator.

- A. The zoning administrator shall have the authority to grant land use permits and to make inspection of buildings or premises necessary to carry out his or her duties in the enforcement of this ordinance.
- B. It shall be unlawful for the zoning administrator to approve any plans or issue a land use permit for any excavation or construction or use until such plans have been reviewed in detail and are found to be in compliance with this ordinance. To this end, the zoning administrator shall require that an application for a land use permit for excavation, construction, moving, alteration, or change in type of use or type of occupancy, shall, where required by this ordinance, be accompanied by a site plan, in accordance with section 40-115 hereof.
- C. If the proposed excavation, construction, moving or alteration, or use of land as set forth in the application, and site plan, when required, is in conformity with the provisions of this ordinance, the zoning administrator shall issue a land use permit. If an application for such permit is not approved, the zoning administrator shall state in writing the cause for such disapproval.
- D. The zoning administrator may, but shall not be required to, accept a preliminary application and an incomplete submittal where a basic clarification is desired prior to proceeding with further technical work; and the zoning administrator may on such preliminary submittal take the formal action of tentative denial or tentative approval. Provided, that the applicant shall be advised, in writing, that such tentative denial or approval may be overturned by the planning commission.
- E. Issuance of a land use permit shall in no case be construed as waiving any provisions of this ordinance. The zoning administrator shall have no authority to grant exceptions to the actual meaning of any clause, order, or regulation contained in this ordinance to any person making application to excavate, construct, move, alter, or use buildings, structures, or land. The zoning administrator shall have no authority to make changes to this ordinance or to vary the terms of this ordinance in carrying out his or her duties. During times of emergency, for example emergency declarations at any level, civil unrest, or natural disaster, staff is enabled to make temporary exceptions to specific dimensional, procedural, temporal or other requirements contained in the Zoning Ordinance. Such exceptions shall:
 - 1. Be reported to the planning commission for informational purposes only at the next regular or special meeting, and
 - 2. Be directly related to carrying on peaceful, uninterrupted and reasonable uses of land during the time of emergency, and
 - 3. Continue in effect no longer than necessitated by the conditions brought on by the emergency, and
 - 4. Demonstrably relieve applicant from damaging conditions, and
 - 5. Not create any legal nonconforming status related to use or structure, and
 - 6. Include a statement summarizing that the conditions are unique, the circumstances are temporary and the relief granted serves the preservation of the safety and well-being of the public.

-
- F. The zoning administrator shall not refuse to issue a land use permit when the applicant has complied with all applicable conditions required by this ordinance. Violations of contracts such as covenants or private agreements which may result upon the granting of said permit are not cause for refusal to issue a permit.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-112.02. Land use permit.

- A. It shall be unlawful to commence the excavation or site work for or the construction of any building or other structure, including an accessory structure, or to commence the moving, or structural alteration, including an accessory structure, costing more than one hundred dollars (\$100.00) or exceeding one hundred (100) square feet in floor area, until the zoning administrator has issued for such work a land use permit including a certification of his/her opinion that plans, specifications, and intended use of such structure do in all respects conform to the provisions of this ordinance.
- B. It shall be unlawful to alter the contour of land, remove or damage wetlands or sensitive areas, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the zoning administrator has issued for such intended use a land use permit.
- C. In all cases where a building permit is required, application for a land use permit shall be made coincidentally with the application for a building permit and in all other cases shall be made not less than ten (10) days prior to the time when a new or enlarged use of a building or premises or part thereof is intended to begin. This application shall be made in writing to the zoning administrator and shall provide all relevant project information. A record of all such applications shall be kept on file by the zoning administrator.
- D. Any land use permit issued under the provisions of this ordinance shall be valid only for a period of one year following the date of issuance thereof. Any project which has not substantially commenced within the one-year period may not be started or continued unless the permit is reissued or extended or a new land use permit is issued.
- E. When the zoning administrator receives an application for a land use permit, which requires a special land use approval, variance, or other approval, he shall so inform the applicant.
- F. Before any land use permit shall be issued, an application and inspection fee and any required escrow fees shall be paid. The amount of such fees and escrows shall be fixed by a schedule established by resolution of the city council.
- G. No building or structure or use for which a land use permit has been issued shall be used or occupied until after a final inspection has been performed which indicates that all the provisions of this ordinance are met and a certificate of occupancy has been issued by the building official. The issuance of a certificate of occupancy shall in no case be construed as waiving any provisions of this ordinance.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-113. Zoning board of appeals.

Sec. 40-113.01. Establishment.

There is hereby established a zoning board of appeals in accordance with Act 110 of the Public Acts of Michigan of 2006, as amended. The zoning board of appeals shall perform its duties and exercise its powers as provided by said Act, as amended, and in such a way that the objectives of this ordinance may be equitably achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the

application of this ordinance; that the health, safety, and welfare of the public be served; and that substantial justice be secured.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-113.02. Membership, terms of office.

The zoning board of appeals shall consist of seven (7) members appointed by the city council. At least one member of such board shall be a member of the planning commission, and the commissioner's term on the board shall be co-terminus with the member's term on the planning commission. The members selected shall be representative of the population distribution and of the various interests present in the city. An elected officer of the city shall not serve as chair of the zoning board of appeals.

The total amount allowed the zoning board of appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum may be appropriated annually in advance by the city council. Members of the zoning board of appeals shall be removable by the city council for non-performance of duty or misconduct in office upon written charges and after public hearing. Members shall disqualify themselves from a vote in which they have conflicts of interest. Failure of a member to disqualify oneself from a vote in which there is a conflict of interest shall constitute misconduct in office.

The term of each member shall be for three (3) years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The mayor and city council shall seek to stagger the expiration dates of members of the zoning board of appeals so at least one member's term expires each year and to achieve a reasonable degree of continuity of membership from one year to the next. With approval of council, the mayor shall appoint at least two (2) alternate members, who shall serve for three (3) years.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-113.03. Meetings.

Meetings of the zoning board of appeals shall be held at the call of the chair and at such other times as the board in its rules of procedure may specify. The chair or in his absence, the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the zoning board of appeals shall be open to the public. The board shall maintain a record of its proceedings which shall be filed in the office of the city clerk and shall be a public record. The board shall not conduct business unless a majority of the members of the board are present. All meetings of the zoning board of appeals shall comply with the requirements of Act 267 of 1976, as amended. A public hearing shall be required for appeals, interpretations, variances, and all other matters upon which the zoning board of appeals is authorized to act. Notice of a public hearing shall be provided pursuant to section 40-122 hereof.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-113.04. Rules, hearing and decisions of appeals, right to and grounds of appeal.

The zoning board of appeals shall act upon all questions within its authority as they may arise in the administration of this ordinance, including the interpretation of the zoning maps, and may fix rules and regulations to govern its procedures. The concurring vote of a majority of the members of the zoning board of appeals shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of an applicant any matter upon which they are required to pass under this ordinance. Such appeal may be

taken by any person aggrieved or by any officer, department, board, or bureau of the city, county, or state. The grounds of every determination shall be stated.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-113.05. Time to and notice of appeal: Transmission of record.

Such appeal shall be taken within such time as shall be prescribed by the zoning board of appeals by general rule, by the filing with the city clerk, the zoning administrator or other officer from whom the appeal is taken and with the zoning board of appeals of a notice of appeal specifying the grounds thereof together with a fee established by the city council which shall be paid to the zoning administrator at the time the notice of appeal is filed. The officer from whom the appeal is taken shall forthwith transmit to the zoning board of appeals all the papers constituting the record upon which the action appealed was taken.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-113.06. Stay of proceedings pending appeal.

An appeal shall stay all proceedings in furtherance of the action appealed, except as provided herein. Proceedings shall not be stayed in the event the officer from whom the appeal is taken certifies to the zoning board of appeals, after the notice of appeal is filed, that a stay would cause imminent peril to life or property. The zoning board of appeals or the circuit court may issue a restraining order to re-institute a stay on application and notice to the officer from whom the appeal is taken with due cause shown.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-113.07. Hearings, and notices, right to be heard, disposition of appeals, decision not final.

The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof in accord with section 40-122, hearing notice requirements hereof. Upon hearing, any party may appear in person or by agent or by attorney. The zoning board of appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises. Where there are practical difficulties in the way of carrying out the strict letter of this ordinance, the zoning board of appeals shall have the power, in passing upon appeals, to vary or modify any of its rules, regulations or provisions so that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done. The decision of the zoning board of appeals shall be final, unless any person having an interest affected by this ordinance shall appeal said decision to the circuit court.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-113.08. Duties and powers.

The zoning board of appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this ordinance, but does have power to act on those matters where by statute or this ordinance provision is made for an administrative review, interpretation, variance or exception as defined therein.

- A. *Appeals.* The Zoning Board of Appeals shall herein decide appeals from, and review any order, requirements, decision, or determination made by, an administrative official charged with

enforcement of this ordinance and any other ordinance adopted pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. It shall also herein decide all matters referred to it or upon which it is required to pass under this ordinance.

- B. *Interpretation.* The zoning board of appeals shall have the power to:
1. Interpret, upon request, the provisions of this ordinance in such a way as to carry out the intent and purpose of the ordinance and in accordance with applicable law.
 2. Determine the precise location of the boundary lines between zoning districts.
- C. *Variances.* The board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that all of the basic conditions set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.
3. Basic conditions. The board shall find that a variance request meets all of the following conditions.
 - a. The requested variance shall not be contrary to the public interest or to the intent and purpose of this ordinance.
 - b. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
 - c. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
 - d. The conditions or situation of the property or its intended use is not so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.
 - e. Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
 - f. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.
 - g. The requested variance is the minimum variance that will make possible the reasonable use of the improvement.
 4. Rules. The following rules shall be applied in the granting of variances:
 - a. The board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this ordinance. The breach of any such condition shall automatically invalidate the permit granted.
 - b. Each variance granted under the provisions of this ordinance shall become null and void unless: The construction authorized by such variance has received a city land use permit within one year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one year after the issuance of the land use permit, unless an extension of time has been granted by the zoning board of appeals. The zoning administrator may grant one six-month extension of construction.

After expiration of a six-month extension, all extension shall be granted by the zoning board of appeals.

- c. No application for a variance which has been denied wholly or in part by the board shall be re-submitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the zoning administrator who shall place it on the agenda of the zoning board of appeals along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the zoning board of appeals. If the zoning board of appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the zoning administrator to accept a new application for the previously denied variance. An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of this ordinance.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-114. Planning commission.

The city planning commission is hereby designated as the commission specified in section 211 of Act 110 of 2006, as amended, and in section 11 of Act 33 of 2008, as amended. The planning commission shall perform the zoning duties of the commission as provided in Act 110 of 2006, as amended, and Act 33 of 2008, as amended, in connection with this ordinance and chapter 27 of the City of Grand Haven Code of Ordinances, as amended.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-115. Site plan process.

Sec. 40-115.01. Purpose.

The intent of this section is to provide for consultation and cooperation between the applicant and the planning commission in order that the applicant may accomplish his/her objectives in the utilization of land within the regulations of the ordinance, with minimal adverse effect on the land, shores, roadways, natural features, infrastructure, and on existing and future uses of property in the immediate vicinity, and to insure that a proposed land use or activity is in compliance with this ordinance. In this connection, a site plan includes the documents and drawings required by the zoning ordinance to address whether a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-115.02. Scope.

Every application for a land use permit shall include a site plan. A land use permit shall not be issued or otherwise authorized until a site plan, submitted in accordance with this section 40-115.02, shall have been reviewed and approved, and any required securities have been received, based on the following submittal requirements:

-
- A. A basic site plan shall be required for new dwellings, additions to dwellings, or construction or placement of accessory structures over one hundred (100) square feet in area, the site plan shall be subject to zoning administrator review. Site plans shall comply with subsection 40-115.04.C.
 - B. A detailed site plan shall be required for any permitted use (other than those addressed in [subsection] 40-115.02.A) special land use or private parking lot. The site plan shall be subject to planning commission review. Detailed site plans shall comply with subsection 40-115.04.D, and shall be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor, or planner.
 - C. Public uses such as streets, streetscape, utility improvements and similar public improvements that are located within street or highway rights-of-way shall not require site plan review, provided, however, that the planning commission shall be advised of projects which significantly alter traffic, permanently impact neighboring properties, or other large scale projects.
 - D. Prior to commencement of construction, demolition, or clearing of land, proposals for public uses such as parking lots, parks, civic buildings, utility structures and other uses, or modifications to established uses, owned or sponsored by the city and located outside of street rights-of-way, shall be presented to the planning commission in a regularly scheduled session, in sufficient detail that the planning commission may understand the scope and the potential impact of such projects. The planning commission may defer the site plan review of any such project to the zoning administrator. However, the planning commission shall review any site plan for such a project owned or sponsored by the city that:
 - 1. Results in a new significant improvement or expansion of an existing public facility;
 - 2. Has the potential to impact surrounding neighborhoods, including increases in intensity of use, traffic, parking demands, noise, public safety concerns, or other nuisances;
 - 3. Constitutes a significant change in the nature of the use of a public facility.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-115.03. Optional sketch plan review.

Preliminary sketches of proposed site and development plans may be submitted for review to the zoning administrator and/or the planning commission or a committee of the planning commission, prior to official review and approval. The purpose of such procedure is to allow discussion between an applicant and the zoning administrator and/or planning commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall, at a minimum, include the following:

- A. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers and email addresses.
- B. Legal description, property parcel number, and street address of the subject parcel of land.
- C. Sketch plans showing tentative site and development plans, produced on a scaled drawing illustrating existing and proposed structures, parcel boundaries, natural features, and all improvements, easements, streets, and sidewalks.
- D. The planning commission shall not be bound by any comments or observations made pertaining to a sketch plan.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-115.04. Application procedure.

Request for site plan review shall be made by filing with the zoning administrator the required filing fee and escrow, the application form and either a basic or detailed site plan, together with any special studies required. The zoning administrator may recommend to the planning commission the waiver of any site plan submittal requirement upon a finding by the zoning administrator and confirmed by the planning commission that the required information is not applicable to the site. The following describes the required submittals.

- A. An application fee and review escrow as determined by resolution of the city council.
- B. One copy of the completed application form for site plan review which shall contain at a minimum the following information (a narrative attachment is recommended in addition to the application form to sufficiently address all of the following items):
 - 1. Name, address, and signature of applicant and property owner.
 - 2. Legal description, property parcel number, and street address of the subject parcel of property.
 - 3. Area of the subject parcel of property stated in acres, or if less than one acre, in square feet.
 - 4. Present zoning classification on parcel and on adjacent parcels.
 - 5. Present and proposed land use.
 - 6. Applicant's statement of the expected effect on emergency service requirements, schools, utility system (gas, electric, telephone, cable, etc.), stormwater systems, automobile and truck circulation patterns and local traffic volume.
 - 7. A description of the proposed development and the land use proposed.
- C. *Basic site plan.* A basic site plan shall be required for applications involving new single-family dwellings, driveways in residential or commercial areas, additions to existing single- or multiple unit dwellings and for any new accessory building over one hundred (100) square feet in area. A basic site plan shall be subject to review only by the zoning administrator.

The zoning administrator may refer basic site plan review and approval to the planning commission pursuant to section 40-115.05 if, in the opinion of the zoning administrator, the site plan involves judgments that require the discretionary authority of the planning commission.

Basic site plans shall include and illustrate at a minimum the following information:

- 1. A scale drawing of the site and proposed development thereon, including the date, name, and address of the preparer, parcel lines and parcel area.
- 2. The scale of the drawing and north arrow which shall be not less than 1" = 200' nor greater than 1" = 20'.
- 3. Existing manmade features, including dwellings, fences, landscaping and screening, accessory structures, and similar features; and the heights and floor area of such structures and other important features.
- 4. Proposed manmade features, including location of dwelling addition and/or accessory structures, fences, landscaping and screening, as applicable; and heights and floor area of such structures and other important features.
- 5. Setback lines and their dimensions.
- 6. Location of existing and proposed driveways and curb cuts, if any.

-
7. Location of existing public and private rights-of-way and easements contiguous to and on the property.
 8. Natural features, including trees with a diameter at breast height of three (3) inches or more, water bodies and wetlands, high-risk erosion areas, beach, sand dunes, slopes in excess of twenty-five (25) percent, drainage and similar features.
 9. Any other information as may be required by the zoning administrator to aid in the review of the site plan.
- D. *Detailed site plan.* A detailed site plan shall be required for all uses other than those that may submit a basic site plan. Detailed site plan shall include fourteen (14) copies (unless otherwise required by the city) and a PDF of all required information documents rendered in color. It shall be prepared by an engineer, architect, landscape architect, or planner licensed to work in Michigan and shall include and illustrate at a minimum the following information:
1. A scale drawing of the site and proposed development thereon, including the date, name, address, and professional seal of the preparer. In no instance shall the scale of the drawing be greater than one inch equals ten (10) feet nor less than one inch equals two hundred (200) feet. One copy shall be submitted in a photo-reduced form on 17" x 11" paper.
 2. The scale of the drawing and north arrow.
 3. A vicinity map illustrating the property in relation to the surrounding street system as well as the uses on, and zoning of, adjoining parcels.
 4. Topography of the site and its relationship to adjoining land illustrated at two-foot contours and including an area extending one hundred (100) feet from the parcel boundary.
 5. Existing manmade features, including buildings, fences, landscaping, parking, screening and the locations, heights and footprint of each.
 6. Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each.
 7. Setback lines and their dimensions.
 8. Percentage of land covered by buildings and impervious surfaces and that reserved for open space.
 9. Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable.
 10. Project phasing, if applicable, including approximate commencement and completion dates of each phase.
 11. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
 12. Curb-cuts, driving lanes, parking and loading areas, including the number of parking spaces and parking calculations; vehicular circulation patterns and features, location and size of all parking spaces and the identification of service lanes and parking.
 13. Curb-cuts and driveways on adjacent properties.
 14. Location and type of drainage, sanitary sewers, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.

-
15. Existing and proposed water main, sanitary and storm sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
 16. Proposed changes to the topography of the site illustrated at no greater than two-foot contours and quantities of soil to be removed or added.
 17. Soil erosion, sedimentation, and dust control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development.
 18. Detail on proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination, in accordance with article VII, hereof.
 19. A lighting plan meeting the requirements of section 40-317, lighting.
 20. A written and illustrated landscape plan prepared in accord with section 40-804, application and maintenance, of this zoning ordinance.
 21. If the parcel is a result of a parcel division undertaken after the adoption of this ordinance, the site plan shall illustrate all structures and buildings, drawn to scale located on the previously undivided property.
 22. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the zoning administrator or the planning commission. This may include information pertaining to such potential off site impacts as noise, vibration, fumes, odors and similar effects.
 23. Any required approvals, permits, changes, or modifications required by any applicable regulatory agency.
 24. Special groundwater protection. Site plans for facilities which use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety-five (95) liters (approximately twenty-five (25) gallons) per month, whichever is less; or store greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately twenty-five (25) gallons), whichever is less; shall be subject to the following additional site plan submittal requirements:
 - a. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
 - b. Location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
 - c. Location of exterior and interior drains, on-site sewage systems, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
 - d. Location of all water wells on the site and within one hundred fifty (150) feet surrounding the parcel's property boundaries.
 - e. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of site cleanup.
 - f. Submission of the "Hazardous Substances Reporting Form for Site Plan Review."
 - g. Submission of the "State/County Environmental Permits Checklist."

-
25. Written and illustrated documentation of measures to comply with the requirements of any city stormwater provisions.
- E. Special studies or research. For complex site plans and/or for land uses that may generate significant impacts on surrounding land uses or public facilities, the zoning administrator may recommend and the planning commission may require any or all of the following reports or studies, or components thereof, as a part of a complete site plan.
1. Environmental assessment. This shall be a summary review of the environmental impacts of a project in accordance with the following standards:
 - a. The purpose of the environmental assessment shall be:
 - 1) To provide relevant information to the planning commission on the potential environmental impact of applications for special land use permits for substantial projects that may have an impact on the natural, social and economic environment of the city;
 - 2) To inject into the developer's planning process consideration of the characteristics of the land and the interests of the community at large; and
 - 3) To facilitate participation of the citizens of the community in the review of substantial developments.
 - b. Guidelines. When required by the planning commission pursuant to this section, an applicant for site plan, special use permit or planned development approval shall prepare an environmental assessment in accordance with these guidelines. An environmental assessment is not an environmental impact statement, but rather a summary review of the site in question considering the past and present land uses and the proposed development. The analysis is intended to determine how the proposed development will meet the goals of the community as they are expressed in the master plan. The complexity of the environmental assessment will depend on the scope of the project and the magnitude of the potential impact. In preparing the environmental assessment, judgment should be exercised to keep the form and extent of responses in proportion to the scope of the project. Each answer is to be as brief as practicable, although the planning commission may request further elaboration. The planning commission may waive elements of these guidelines as either not applicable or previously addressed in other submittals, on a case-by-case basis. All information must be submitted in the following format and shall not merely reference a study or report completed previously, rather whenever possible, the environmental assessment report shall incorporate a summary of the findings of such study or report in addition to such cross-references. In addition, any cross-referenced study or report shall be submitted with the environmental assessment.
 - c. Content. The following material shall be included and/or addressed in the environmental assessment, unless specifically waived by the planning commission as not applicable:
 - 1) A description of the site in its current condition. This shall indicate any buildings to be preserved and those to be removed along with an indication of what will be done with the demolition debris. This must also include information on:
 - a) Flora and fauna (be sure to list any endangered species on-site).
 - b) General topography and drainage patterns including any regulated features such as wetlands, high risk erosion areas or other features.
 - c) Adjacent waterways.

-
- d) Existing wells, approximate depth, and use.
- 2) A description of any asbestos abatement proposed for the site. If applicable, this shall include a description of the method to be sure this material does not get into the surrounding area.
 - 3) A description of any existing contamination on-site. This should include a description of the nature of the contamination on-site and what will be done on this project to mitigate or contain it, including the proposed methodology and any state or federal regulatory agency reviews that may apply. If the project includes work that may disturb or displace existing contaminated soils or water, this should include a description of proposed methods to contain and/or dispose of the generated waste.
 - 4) If the proposed project will impact any coastal areas or floodplain or involve riparian work along adjacent waterways, a description of the proposed work and the methodology proposed to protect waterways shall be provided.
 - 5) A description of the existing soils on-site and a statement as to the suitability of these soils for the proposed use.
 - 6) A description of any historical or archeological significance associated with the site. If any such areas are present, this shall include a description of methods to protect and preserve any historic or archeological resources.
 - 7) A description of any emissions from the proposed development as it relates to air quality. If any emissions are proposed, this shall include a description of each constituent and the effects of each constituent to nature and human life.
 - 8) A description of any hazardous materials or waste to be stored on-site. This shall include a description of proposed methods to contain such materials and prevent any migration into adjoining soils or groundwater or into the atmosphere.
 - 9) A description of any stormwater or process water discharges from the site. This shall include a characterization of such discharge in terms of the quantity, quality and chemical constituents and temperature and a description of the possible effects this discharge may have on the receiving waters.
 - 10) If a federal, state, or local regulatory authority has conducted an environmental assessment, environmental impact statement, or a preliminary assessment/site inspection or environmental survey of the site, a brief description of the findings and provide a copy of the report or results.
 - 11) A description of the anticipated noise levels to be generated at all property lines of the proposed use. This shall include a description of measures proposed to mitigate noise.
 - 12) A description of off-site impacts from odors or lighting and measures to mitigate such effects.
 - 13) A description of the anticipated traffic to be generated by the proposed use.
 - 14) A description of plans for site restoration after construction.
 - 15) A description of methods to handle sanitary waste for the project both during construction and after completion.

-
- 16) A description of how potable water will be provided to the site. If any on-site wells are proposed or any lake-draw systems are proposed for the project, this shall include a description of the type of well or lake draw system, any regulatory requirements that may apply and the status of such regulatory approval.
 - 17) A description of any additional items as needed to describe the potential environmental impacts of the proposed project.
 - 18) Chain of title history from abstract company detailing easements, deed restrictions or other encumbrances.
- d. The individual preparing the environmental assessment must sign and seal (if prepared by a registered engineer, land surveyor, community planner or landscape architect) the submitted document.
 - e. The zoning administrator may submit the study to a recognized consultant(s) in the field for review and independent comment. The cost of any such review shall be borne by the applicant.
2. Traffic impact study. The zoning administrator may recommend and the planning commission may require that a traffic impact study completed by qualified professional be prepared as an attachment to a site plan submitted for any development in the city meeting the requirements of this section. The purpose of this section is to set forth the standards to be used by the planning commission in requiring the submission of such a traffic impact study, the required minimum content of such a study and the standards and procedures for the review of its findings.
- a. Description. A traffic impact study shall include an analysis of the existing traffic conditions on the roadway network in the vicinity of a proposed project, including any accident history, average speeds, average daily and peak hour traffic volumes and levels of service of all key roadway segments and intersections. The study shall further indicate the effect of a proposed development on adjacent roadways and intersections and indicate the anticipated points of origin, direction, and volume of traffic flow to and from the proposed development. The study shall be prepared by either a registered professional engineer (P.E.) or transportation planner with at least five (5) years of experience preparing traffic impact studies in Michigan. The study shall include a summary of the qualifications and documented experience of the author and specifically describing experience in preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design recommendations, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
 - b. Criteria for requiring a traffic impact study. The zoning administrator may recommend and the planning commission may require that a traffic impact study be prepared as an attachment to a site plan for any proposed commercial, industrial, residential, or mixed use development which has the potential to significantly increase traffic volumes on the surrounding roadway network. In determining the level of potential impact, the zoning administrator or planning commission shall consult appropriate planning and engineering texts including, but not limited to, Trip Generation, published by the Institute of Transportation Engineers and may seek the counsel of other professionals with experience with developments similar to that proposed. A traffic impact study may be required under this section when, in the judgment of the zoning administrator or planning commission, the proposed development will result in either an increase of either the average daily traffic or the peak hour traffic equal to or greater than ten (10) percent of the current traffic volume

on the adjoining roadway or other significant demonstrable traffic impacts on local roadways.

- c. Required study content. In general, a required traffic impact study shall document existing conditions on the existing roadway network including all intersections within one mile of the proposed development including average daily traffic and peak hour volumes in all directions, existing turning movements, levels of service, average traffic speeds, and accident history. Existing pedestrian and non-motorized traffic volumes shall also be estimated. The traffic impact study shall project the impact of the proposed development on the roadway network including all intersections within one mile of the proposed development including projected average daily traffic and peak hour volumes in all directions, anticipated turning movements, and anticipated levels of service. Anticipated impacts on pedestrian and non-motorized traffic volumes shall also be projected. The following specific elements shall be addressed in a required traffic impact study, unless specifically waived by the planning commission:
- 1) A narrative summary at the beginning of the report, including, but not limited to:
 - a) The applicant and project name.
 - b) A location map.
 - c) The size and type of development.
 - d) Generated traffic volumes based on type and size of land use which are compatible with those listed in the Institute of Transportation Engineers - publication, Trip Generation (current edition).
 - 2) Project phasing identifying the year of development activities per phase and proposed access plan for each phase.
 - 3) A transportation system inventory, which describes the physical, functional, and operational characteristics of the study area highway system and, where appropriate, locate transit services. The description should provide, where pertinent, data on:
 - a) Peak-hour volumes (existing and projected).
 - b) Number of lanes.
 - c) Cross-section.
 - d) Intersection traffic signals and configuration.
 - e) Traffic signal progression.
 - f) Percentage of heavy trucks.
 - g) Adjacent access point locations.
 - h) Jurisdiction.
 - i) Grades.
 - 4) Plan showing proposed roadway per phase for each access. Driveway design and roadway improvements shall meet Michigan Department of Transportation (MDOT) or City of Grand Haven standards and guides.

-
- 5) Capacity analysis shall be performed at each access point. The city's preference is the use of highway capacity software, (HCS 2000), or a later version thereof. Default values shall not be used when actual values are reasonably available or obtainable. The interaction of conflicting traffic movements shall be addressed in the traffic impact study. Any proposed signalized access within one mile of an existing signalized intersection shall be analyzed in coordination with the existing signal timing.
 - 6) A traffic impact study shall include an analysis of conditions with and without the proposed development on the existing system, and with the proposed development for both existing and projected traffic volumes. The traffic volumes for the development shall assume a total build out. The completed analysis shall be summarized in a table showing all the measures of effectiveness (MOE) for all of the above conditions.
 - 7) Required operational changes shall be part of the site plan review and any access permit approval process.
- d. Evaluation and criteria. As a general criteria, the existing roadway network and all access points to a proposed development shall be demonstrated to be fully capable of accommodating the increased average and peak hour traffic anticipated. In the event the anticipated level of service on any roadway segment or intersection is shown to decline, the traffic impact study shall present alternative approaches proposed to manage anticipated traffic without such decline.
 - e. The city engineer, planner, and/or an independent traffic engineer or transportation planner may be asked to review and comment on any traffic impact study prepared pursuant to this section. The cost of any such review shall be borne by the applicant.
3. Market study. For unique development proposals, projects that may entail some financial expense or risk on the part of the city and/or projects that may, in the judgment of the planning commission, fundamentally alter the character of the community, the planning commission may require a market study to demonstrate a reasonable expectation that a market exists for a proposed development. Such a study shall be prepared in accord with this section.
 - a. Description. A market study shall be a detailed and documented analysis of the existing and projected economic conditions in the community that may impact both the proposed demand for the products or services to be generated on a site and the impact on other potentially competing businesses and services in the community that may result from the proposed development.
 - b. Content. Unless specifically waived by the planning commission, a market study shall include the following elements:
 - 1) An executive summary which outlines the key findings of the study.
 - 2) The background for the study including both project background and the methodology and approach used.
 - 3) An overview of the market area including area demographic information and a description of the transportation and service infrastructure that would serve the proposed development.
 - 4) A trade area delineation describing the likely geographic area that may be influenced by the proposed development along with detail on the methodology used in defining the trade area.

-
- 5) A market feasibility analysis that defines the supply of competing facilities existing and planned in the marketplace, the inventory of alternative sources of supply or services that may compete with the proposed development and the demand for the products and services to be provided by the proposed development. This shall include a supply/demand gap analysis and a description of the ways in which the proposed development may address the gap defined.
 - 6) The credentials of the author(s) of the market study.
- c. Evaluation. The zoning administrator and planning commission shall review the market study to be satisfied that there is a reasonable expectation that the proposed development will meet with economic success without creating excessive dislocations within the existing marketplace. The zoning administrator may submit the study to a recognized consultant(s) in the field for review and independent comment. The cost of any such review shall be borne by the applicant.
4. Other studies or research. The zoning administrator and/or planning commission may require studies or reports not specifically listed above to aid in the review of a proposed site plan. Such studies may include, but are not limited to, health impact assessments, economic impact studies, feasibility studies, and similar information. In all cases, required studies and reports shall be performed by a qualified professional and shall provide documentation in sufficient detail to enable the city to make an informed decision on the application.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-115.05. Action on application and site plans.

- A. Upon receipt of a submitted application and site plan, the zoning administrator shall review the plan to determine its completeness. If the submittal is incomplete, the zoning administrator shall provide the applicant with a list of items needed to make the submittal complete.
- B. If a basic site plan is found to be complete, the zoning administrator shall review the site plan in accordance with section 40-115.06, review criteria, and approve or deny the application accordingly. The applicant and the zoning administrator shall sign an approved basic site plan, and a copy shall be kept on file with the City of Grand Haven for future review and enforcement.
- C. If a detailed site plan submittal is complete, the zoning administrator shall record the date of receipt and transmit copies thereof to each of the planning commissioners; to the department of public safety when necessary; to other area review agencies, such as the city engineer, county health department, Michigan Department of Transportation, retaining at least one copy in the zoning administrator's office. The zoning administrator and city officers and agencies shall have forty-five (45) days from receipt of a complete site plan review application to prepare staff comments on the application.
- D. A meeting shall be scheduled for a review of the application, plans, and of the recommendation of the zoning administrator with regard thereto. Members of the planning commission shall be delivered copies of the same prior to the meeting for their preliminary information and study. The meeting shall be held within forty-five (45) days of the date of the receipt of the complete plans and completed application.
- E. The applicant shall be notified of the date, time, and place of the meeting on the application not less than three (3) days prior to such date.
- F. After conducting a review of the site plan, the planning commission shall approve, approve conditionally, or reject the site plan, as it pertains to requirements and standards contained in the zoning ordinance. Any conditions required by the planning commission shall be stated in writing and shown on the site plan,

Created: 2021-12-13 14:17:36 [EST]

(Supp. No. 13)

together with the reasons for such conditions, and delivered to the applicant. Decisions by the planning commission shall be made within a reasonable time of the receipt of the completed application and any additional materials requested by the city. The planning commission may impose conditions on the application and site plan pursuant to section 40-120.

- G. A site plan approved or conditionally approved by the planning commission which includes a landscape plan submitted under section 40-804, application and maintenance, shall require a performance guarantee pursuant to section 40-125, fees, escrows and performance guarantees.
- H. Two (2) copies of the approved site plan, with any conditions, shall be maintained as part of the city records for future review and enforcement. One copy shall be returned to the applicant. Each copy shall be signed by the applicant and the chair of the planning commission and dated with the date of approval for identification of the approved plans. If any variances from the zoning ordinance have been obtained from the zoning board of appeals, the minutes concerning the variances, duly signed, shall also be filed with the city records as a part of the site plan and delivered to the applicant for information and direction.
- I. The applicant shall also provide one electronic copy of the site plan in a format compatible with the city's systems.
- J. To insure compliance with the site plan, zoning ordinance, and any conditions, limitations or requirements imposed on the applicant, the zoning administrator, with the consent of the planning commission, may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond in an amount and under conditions permitted by law. Such security shall be deposited with the city treasurer at the time of permit issuance authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the zoning administrator may authorize a return of a portion of the deposit in reasonable proportion to the completion of the required improvements. Such security shall not exceed the estimated cost to fulfill the required conditions, and limitations established for the site plan.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-115.06. Review criteria.

In the process of reviewing a site plan, the planning commission or zoning administrator shall consider:

- A. That there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the City or the Michigan Department of Transportation.
- B. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
- C. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of stormwaters.
- D. That any adverse effect of the proposed development and activities emanating therefrom upon adjoining and nearby residents or owners shall be minimized by appropriate screening, fencing or walls, or landscaping.
- E. That all provisions of this ordinance are complied with unless an appropriate variance therefrom has been granted by the zoning board of appeals.

-
- F. That all buildings and structures are accessible to emergency vehicles.
 - G. That a plan for erosion control and stormwater discharge has been approved by the appropriate public agency, and, if appropriate, the city's engineer.
 - H. The relationship to shore and river preservation principles where appropriate.
 - I. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to character of a particular area, its peculiar suitability for particular uses and the general appropriate trend and character of land, building, and population development.
 - J. That all utility services shall be provided on site in a manner least harmful to surrounding properties, and that all utilities are located underground, as applicable, unless specifically waived by the planning commission.
 - K. That all applicable local, regional, state, and federal approvals are in place, or that such approvals shall be in place prior to issuance of a land use permit. Further, the failure to remain in compliance with any such approval may be grounds for denying or revoking approval hereunder.
 - L. Projects proposed within three hundred (300) feet of Lake Michigan and/or the Grand River shall be arranged to preserve the maximum possible view corridor from public activity areas to said bodies of water. For the purpose of this section, public activity centers shall include pedestrian walkways, outdoor recreation areas, outdoor eating/drinking facilities, outdoor attractions, or amenities (such as fountains, statues, monuments, public benches/seating, and other similar features) which are designed to attract and promote the gathering of the general public on-site.
 - M. That the proposed development shall be reasonably compatible in appearance and layout with property in the vicinity.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-115.07. Conformity to approved site plans.

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, any conditions pertaining thereto, and any amendments thereto which have received the approval of the planning commission and/or the zoning administrator. If construction and development does not conform with such approved plans and conditions, or if the proposed development is found in violation of this ordinance, the approval shall be revoked by the zoning administrator by written notice of such revocation posted upon the premises involved and mailed to the applicant at the last known address. The zoning administrator shall be empowered to issue a stop work order for any development that is not in compliance with this ordinance. Upon issuance of such stop work order or revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. However, the planning commission and/or the zoning administrator may, upon proper application, approve an amendment to the site plan pursuant to section 40-115.09, amendment to the site plan.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-115.08. Term of approval of the site plan.

Approval of the site plan shall be valid for a period of one year after the date of approval. The planning commission may grant extensions if applied for and granted in writing. The reasons for extensions may be the inability to complete the requirements, financial constraints, regulatory approvals or other proven hardship. If a land use permit has not been obtained or the on-site development has not commenced or is not making reasonable progress within said one year, the site plan approval shall become null and void and a site plan approval application shall be required and approved before any construction or earth change is commenced upon the site.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-115.09. Amendment to the site plan.

No changes shall be made to an approved site plan prior to, during, or after construction except upon application to the zoning administrator according to the following procedures:

- A. The zoning administrator may approve minor amendments to a site plan including, but not limited to:
 - 1. Changes to the number of parking spaces by no more than ten (10) percent.
 - 2. Changes in the building size, up to fifteen (15) percent of the gross floor area.
 - 3. Movement of buildings or other structures by no more than twenty (20) feet.
 - 4. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size and/or number.
 - 5. Changes to building materials or updates or alterations to a building facade to a comparable or higher quality.
 - 6. Changes in floor plans that do not alter the character of the use.
 - 7. Changes required or requested by the city, the Ottawa County Road Commission, or other county, state or federal regulatory agency in order to conform to other laws or regulations.
 - 8. Other changes that are deemed by the zoning administrator to be minor.
- B. Major changes or amendments to an approved site plan involving a change of use, change in the number and location of accesses to public streets and alleys, and increase in projected traffic volumes, a major relocation of a building, increase in the gross floor area of more than fifteen (15) percent and changes in or heights of buildings, a reduction in open space, and similar major changes that, in the judgment of the zoning administrator, constitute a significant increase in development intensity or a fundamental change in the character of the development, shall require the approval of the planning commission, in the same manner as the original application was submitted, reviewed, and approved.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-115.10. Appeals.

With regard to site plan approval decisions, an appeal may be taken to the zoning board of appeals only with regard to matters relating to the interpretation of the terms of this ordinance as such interpretation of the zoning ordinance by the zoning administrator or planning commission may impact a decision on a site plan or land use permit. Such appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the city. The zoning board of appeals shall state the grounds of each determination.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-116. Special land use process.

Sec. 40-116.01. Special uses.

A special use is a use that is permitted within a specified zone district after meeting specific requirements listed in article V. Such uses may not be appropriate in all circumstances, but with certain restrictions or conditions can be made compatible in others. It is the purpose of this article to name, describe, and list any additional requirements for each individual conditional land use. Due to the nature of the use, special uses require special consideration in relation to the welfare of adjacent properties and to the community as a whole.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-116.02. Special use procedures.

A special use application shall be submitted and processed according to the following procedures:

- A. *Submission of application.* Applications shall be submitted through the zoning administrator to the planning commission. Each application shall be accompanied by the payment of a fee and any applicant escrow payments as required by section 40-125 and in accordance with the schedule of fees adopted by the city council to cover the costs of processing the application. An application shall be submitted to the zoning administrator on a special use application form. A special use application shall be placed on the agenda of the planning commission by the zoning administrator within forty-five (45) days of the submission of a complete application prepared in accordance with this zoning ordinance. An application, which is incomplete or otherwise not in compliance with this ordinance, shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees and escrow payments paid in full.
- B. *Data required.* Fourteen (14) copies (unless otherwise required by the city) and a PDF of an application for a special use permit shall be presented to the zoning administrator and accompanied by the following documents and information.
 1. A complete special use permit application including the following information:
 - a. Name and address of applicant and owner(s).
 - b. Legal description, property parcel number, and street address of the subject parcel of land.
 - c. Area of the subject parcel of land stated in acres, or if less than one acre, in square feet.
 - d. Present zoning classification of the parcel and of adjoining properties.
 - e. Present and proposed land use.
 - f. A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.
 - g. Applicant's statement of the expected effect of the special use on emergency service requirements, schools, stormwater systems, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes.
 - h. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the zoning administrator or the planning commission; including, but not limited to, measures

Created: 2021-12-13 14:17:36 [EST]

(Supp. No. 13)

which will be undertaken to control soil erosion, dune protection, view protection, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment.

- i. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in this section and other standards imposed by this ordinance affecting the special use under consideration.
 2. A complete site plan containing all the applicable data required by section 40-115, site plans.
 3. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing special use permit applications as provided in section 40-116.03.
 4. Any additional information deemed necessary for the planning commission to determine the impact of the proposed special use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, a traffic impact analysis as required by subsection 40-115.04.E.2, an environmental assessment as required by subsection 40-115.04.E.1, a market study as required by subsection 40-115.04.E.3, or reports and/or information provided by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.
 5. The zoning administrator may recommend to the planning commission the waiver the submission of materials outlined in this section if such materials are determined to be not applicable to the proposed special use or relevant to the consideration of the planning commission. Provided however, the planning commission may require that any waived materials be prepared if such material are germane to the decision.
- C. *Special use review procedures.* An application for special use approval shall be processed as follows:
1. Optional planning commission pre-public hearing discussion. The zoning administrator shall forward a copy of the complete application for the special use request to the planning commission within forty-five (45) days of receiving the completed application. Prior to the public hearing, the applicant may request that the planning commission conduct a pre-public hearing discussion on the proposed special land use. The pre-public hearing discussion is intended to foster discussion between the applicant and planning commission regarding the proposed special land use and to allow the planning commission to request any additional information or special studies to aid in its review. At such meeting, (if conducted) the planning commission may review the application and question the applicant about the special use. Any comments made by the planning commission at the pre-public hearing discussion shall be non-binding and shall not be construed to constitute any kind of approval or disapproval of the application. Prior to the public hearing, the planning commission shall not render any formal judgments or decisions on the application.
 2. If the application is deemed complete by the zoning administrator and following the pre-public hearing discussion (if conducted), a public hearing shall be scheduled as set forth in this section. Notice of the public hearing to consider a special use application shall be given as required by section 40-122.
 3. Planning commission action. After the public hearing on of the special use permit application, the planning commission shall review the application and any reports of city planning personnel, planning, or engineering or other consultants and reach a decision to approve, approve with conditions, or deny the application. Such decision shall be reached within a reasonable time following the public hearing on the application. The planning commission's decision shall be

incorporated in a motion containing conclusions reached relative to the proposed special use, which motion shall provide the basis for the decision and any conditions imposed.

4. **Basis for action.** In arriving at their decision, the planning commission shall refer to and be guided by those standards set forth in this article. If the facts regarding the special use do not establish by a preponderance of the evidence that the standards and requirements set forth in this article can and will be met, the application shall be denied.
 5. **Attachment of conditions.** The planning commission may prescribe conditions of approval pursuant to subsection 40-116.03B and section 40-120.
- D. **Issuance of a special use permit.** Upon approval by the planning commission, the zoning administrator shall issue the special use permit. It shall be the responsibility of the zoning administrator to monitor compliance with the terms, conditions, and restrictions of any special use permit and take any enforcement action necessary in the event of a violation of the special use permit.
- E. **Appeals.** No decision or condition related to a special use application shall be appealed to the zoning board of appeals. An appeal of a special use decision or condition may be taken to circuit court.
- F. **Duration of approval.** The special use permit shall become effective upon planning commission approval.
1. The zoning administrator or building official shall not issue a building permit and land use permit until approval of such special use permit and the satisfaction of any conditions pertaining to such approval.
 2. Until a building permit has been granted pursuant to the special use permit, there shall be no construction or excavation of said land, nor shall there be any use of the land in anticipation of the special use unless such use is incorporated in the conditions of approval adopted by the planning commission.
 3. Land subject to a special use permit may not be used or occupied for such special use until after a certificate of occupancy has been issued pursuant to the provisions of this ordinance, or the approval of the zoning administrator has been granted for uses not subject to the requirements for a certificate of occupancy.
- G. **Amendments.** Amendments to special use permits shall be handled in the same manner as the initial special use permit application. Minor non-substantive changes to a site plan in accordance with section 40-115.09 may be made to an existing special use permit with the approval of the zoning administrator.
- H. **Transfers.** Prior to completion of construction related to a special use, the special use permit, with any and all associated benefits, conditions and required security may be transferred to a new owner only upon the sale or transfer of the property in question and only upon the approval of the planning commission. Such approval shall not be unreasonably withheld if the planning commission is satisfied that the proposed owner has similar qualifications and capabilities as the approved owner. The responsibility for affecting the transfer shall be the original owner. The original owner, upon transferring the special use permit, shall advise the zoning administrator of said transfer in order to insure the continued validity of the permit, compliance with security, and other conditions. Following completion of construction and commencement of the special use, the special use permit shall run with the land, subject to subsection 40-116.02.1.4, pertaining to abandonment, and may not be moved or transferred to another location.
- I. **Expiration.** A special use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The special use permit will expire on the occurrence of one or more of the following conditions:

-
1. If replaced or superseded by a subsequent permitted use or special use permit.
 2. If the applicant requests the rescinding of the special use permit.
 3. If the use is abandoned, moved or vacated for a period of one year.
- J. *Violations.* Any violation of the terms, conditions, or limitations of a special use permit shall be cause for revocation or suspension of the permit. The planning commission may either revoke or suspend, pending correction of the violation, any special use permit. The act to revoke or suspend the permit shall occur after giving notice to the permit holder, specifying the alleged violation(s) and disclosing when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit, the planning commission shall make a finding that a material violation of the special use permit exists. The permit holder shall be given reasonable opportunity to correct the violation(s).

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-116.03. Special use review standards.

- A. *General review standards.* The planning commission, before acting on a special use permit application, shall employ and be guided by standards which shall be consistent with and promote the intent and purpose of this zoning ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The planning commission shall review each application and take action to approve a special use application only if it finds that such special use meets each of the following standards, together with any and all special use standards reflected for the zoning district, and any and all applicable specific review standards found in this article. The planning commission shall find adequate evidence that each use at its proposed location will be consistent with the public health, safety, and welfare of the city and shall comply with the following standards:
1. The special use shall be consistent with the adopted City of Grand Haven Master Plan.
 2. The special use shall be designed, constructed, operated, and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
 3. The special use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
 4. The special use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
 5. The special use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
 6. The special use shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property, or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.
 7. The special use shall meet the intent and purpose of the zoning ordinance; be related to the standards established in the ordinance for the land use or activity under consideration; and will be in compliance with these standards.

-
8. The special use shall comply with the City of Grand Haven Code of Ordinances, as amended, including but not limited to chapter 23, nuisances, as well as any applicable state and federal laws.
- B. *Conditions and approval standards.* The planning commission may establish reasonable conditions of approval for a special use permit pursuant to section 40-120 of this ordinance. Further, the planning commission may adopt specific review standards for any proposed special use proposed if this section 40-116 or section 40-120 do not provide such specific review standards for such use.
- C. *Specific review standards.* In addition to the general review standards set forth in subsection 40-116.03.A, of this zoning ordinance, the planning commission shall apply the specific review standards set forth in article V for each named special use. In the event this section 40-116 does not set forth specific review standards for the special use under consideration, pursuant to section 40-325 unclassified uses, the zoning administrator may propose, and the planning commission may incorporate specific review standards for such use. Provided, however, that any such standards adopted and any such conditions applied shall conform with the requirements of subsection 40-116.03.B, herein.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Secs. 40-117—40-119. Reserved.

Sec. 40-120. Conditions of approval.

The zoning administrator, planning commission, city council and zoning board of appeals may attach reasonable conditions with the approval of special land uses, planned unit developments, site plans, variances, and other discretionary zoning decisions. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity 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 insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of this zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- D. Conditions shall not be placed on an approval for rezoning except as permitted through conditional rezoning pursuant to section 40-121.01.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-121. Amendments.

Any person affected by this ordinance may submit a petition in writing to the zoning administrator requesting that consideration be given to amendments to this ordinance, including the zoning map, in the particulars set forth in the petition. The planning commission shall hold a meeting to consider said petition in accordance with Section 403 of the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended).

Prior to making a recommendation on the proposed amendment to the city council, the planning commission shall consider the factors specified as follows:

- A. If the proposed amendment is a map amendment (rezoning), the planning commission shall consider the following:
 - 1. If the proposed zoning amendment is consistent with the city's adopted master plan.
 - 2. If the proposed zoning amendment is consistent with recent development trends in the area.
 - 3. If the zoning amendment is compatible with existing or future land uses in the vicinity of the subject site or throughout the zoning district(s) affected by the proposed amendment.
 - 4. If existing or planned public infrastructure, including streets, sanitary sewers, storm water, water, sidewalks, and street lighting are capable of accommodating potential changes in land use resulting from the proposed amendment.
 - 5. If the proposed amendment is consistent with the intent and purpose of this ordinance and whether the proposed amendment would protect the health, safety, and welfare of the city.
- B. If the proposed amendment is a text amendment, the planning commission shall consider the following factors:
 - 1. If the proposed text amendment would clarify the intent of the ordinance or correct an error.
 - 2. If the proposed text amendment would address changes to state legislation, recent case law, or opinions from the attorney general, or promote compliance with changes in other county, state or federal regulations.
 - 3. In the event the amendment will add a use to a district, if the proposed use is fully consistent with the character of the range of uses provided for within the district, and that the amendment will not create incompatible land uses within a zoning district, or between adjacent districts.
 - 4. If the proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, and similar technical items.
 - 5. If the proposed amendment is consistent with the city's ability to provide adequate public facilities and services, and is consistent with the city's desire to protect the public health, safety, and welfare of the community.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-121.01. Conditional rezoning.

- A. Any interested property owner may voluntarily offer in writing, and the city may approve, certain uses and/or development of the land as a condition to a rezoning of the land.
- B. Application procedure.
 - 1. If the applicant wishes to submit an offer of conditions or restrictions related to the site, the proposed use or its impact on the community along with a petition to rezone land, such offer of conditions or restrictions shall be presented in writing. Proposed restrictions shall be stated clearly, as determined by the zoning administrator. The offer of conditions or restrictions shall be received with the application to rezone the land, except as provided in subparagraph B.4 hereof.
 - 2. The applicant may request a pre-application meeting, in which the zoning administrator and other city officials may identify concerns reasonably related to the rezoning request. The city shall not require the

Created: 2021-12-13 14:17:36 [EST]

(Supp. No. 13)

applicant to offer conditions or restrictions as a prerequisite for rezoning nor shall the presentation of an offer of conditions or restrictions create any obligation on the part of the city to rezone any land.

3. The City of Grand Haven shall not add to, alter, or augment the offer of conditions or restrictions.
4. The offer of conditions or restrictions shall be received in writing with the rezoning application, prior to the planning commission public hearing on the rezoning request. Provided, if an offer of conditions is proposed at a planning commission public hearing on the rezoning request, the public hearing may be adjourned or recessed to provide the city time to consider the offer; and if an offer of conditions is proposed at a city council meeting, the rezoning request and such conditions shall be remanded back to the planning commission for consideration.
5. The planning commission or city council may table a request to give residents of the City of Grand Haven more time to fully understand the offer of conditions.

C. Standards for approval.

1. When reviewing a rezoning request and/or an offer of conditions or restrictions, the city may consider, but shall not be limited to; future land use recommendations in the master plan; goals and objectives in the master plan; the availability and capacity of utilities; potential impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety and health of area residents.
2. Offers of conditions or restrictions shall not be approved if such conditions or restrictions would have the effect of departing from the standards of the zoning ordinance or other regulations or ordinances promulgated by, or applicable in, the City of Grand Haven.
3. When considering an offer of conditions or restrictions, the city shall determine whether the conditions or restrictions offered would address or mitigate impacts that might otherwise be reasonably expected to result from the rezoning request.

D. Expiration of agreement, reversion, and extensions.

1. In approving the conditions, the city may establish a time period during which the conditions apply to the land. Except for an extension under subparagraph D.3 hereof, if the conditions are not satisfied within the time specified, the land shall revert back to its former zoning classification, per subparagraph D.4 hereof.
2. The city shall not add to or alter the approved conditions during the time period specified under subparagraph D.1.
3. The time period specified under subparagraph D.1 may be extended upon the application of the property owner and approval of the city.
 - a. The applicant shall submit in writing a request to the zoning administrator, who will forward the written request and his recommendation on the request to the planning commission. The written request shall include reasons why the extension is being solicited.
 - b. Upon recommendation of the planning commission, the city council may extend the time period specified under subparagraph D.1. If the extension is approved and if the conditions are not satisfied within the time specified under the extension, the land shall revert back to its former zoning classification, per subparagraph D.4.
4. If the conditions are not satisfied or the restrictions are not established within the specified time period, the zoning administrator shall initiate the reversion process, in which the land reverts back to its former zoning classification, in accordance with this paragraph. After a public hearing and after determining that the applicant has failed to satisfy the approved conditions, the planning commission shall make a recommendation to the city council. The planning commission shall state what specific

conditions were not met, shall note all comments and reports requested or the absence of such. The city council shall then consider the rezoning of the land back to its former zoning classification.

- E. Coordination and performance bonds.
 - 1. Where proposed conditions or restrictions involve public improvements, the applicant shall submit the following to the planning commission prior to final approval of the rezoning and offer of conditions:
 - a. A construction schedule.
 - b. Costs and obligations.
 - c. Responsible parties for obtaining permits.
 - d. Proof, in writing, that applicable utility or regional agencies or reviewing bodies have reviewed and approved final design of said public improvements.
 - 2. The city may require submission of performance bonds or similar tools as part of the agreement or approval.
- F. Notices and hearing. Rezoning or zoning reversion of land shall require notice of public hearing in accord with section 40-122 hereof.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-122. Public hearing notice requirements.

All applications for development approval, amendments, variances, or other deliberations requiring a public hearing under the terms of this ordinance shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this section with regard to public notification.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-122.01. Responsibility.

When the provisions of this ordinance or the Michigan Zoning Enabling Act require that notice be published, the zoning administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the city and mailed or delivered as provided in this section.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-122.02. Content.

All mail, personal and newspaper notices for public hearings shall:

- A. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned development, variance, appeal, ordinance interpretation or other purpose and the procedures to be followed in evaluating the request.
- B. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be

listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

- C. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
- D. Indicate when and where written comments will be received concerning the request.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-122.03. Timing of notice.

Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this ordinance where applicable, notice of a public hearing on an application for a rezoning, text amendment, special land use, planned development, variance, appeal, or ordinance interpretation, publication shall occur shall be provided as follow:

- A. Publication shall occur at least fifteen (15) days before the date the application or other matter will be considered for approval.
- B. Personal notice by mail or delivery shall occur not less than fifteen (15) days before the date the application or other matter will be considered for approval.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-122.04. Distribution of notice.

If the hearing involves a request for an interpretation of the zoning ordinance by the zoning board of appeals, an appeal of an administrative decision by the zoning board of appeals or consideration of a zoning map change involving ten (10) or fewer adjacent properties, in addition to publication of the notice as required, notice shall be provided by mail or personal delivery to:

- A. The owner(s) of the property for which approval is being considered and/or to the person(s) requesting the interpretation or appealing the decision, as applicable; and
- B. To all persons to whom real property is assessed within three hundred (300) feet of the property, regardless of whether the property is located within the City of Grand Haven; and
- C. Occupant(s) of all structures within three hundred (300) feet of the property, regardless of whether the occupant(s) are located within the City of Grand Haven. If the name of said occupant(s) is not known, the notice may be addressed to "occupant."

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-123. Reapplication.

No application for a special land use, site plan review and approval, planned unit development, variance or interpretation of the zoning ordinance which has been denied, in whole or in part, by either the city council, planning commission, or the zoning board of appeals may be resubmitted for a period of twelve (12) months from the date of the denial, except on the grounds of newly discovered evidence.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-124. Rehearing.

- A. The city council, planning commission, or zoning board of appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
 - 1. The applicant who brought the matter before the planning commission or zoning board of appeals made misrepresentations concerning a material issue, which was relied upon by the planning commission or zoning board of appeals in reaching its decision.
 - 2. There has been a material change in circumstances regarding the planning commission's or zoning board of appeals' findings of fact which occurred after the public hearing.
 - 3. The city's legal counsel by written opinion states that in the legal counsel's professional opinion the decision made by the planning commission or zoning board of appeals or the procedure used in the matter was clearly erroneous.
- B. A rehearing may be requested by the applicant or by the zoning administrator, or a rehearing may be granted by the planning commission or zoning board of appeals on its own motion, pursuant to the following procedure:
 - 1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the planning commission's or zoning board of appeals' minutes regarding the decision for which the rehearing is being requested.
 - 2. A request for a rehearing made by the zoning administrator or a rehearing granted by the planning commission or zoning board of appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
 - 3. Whenever the planning commission or zoning board of appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the planning commission or zoning board of appeals holds a hearing at which it considers whether to grant a rehearing.
- C. If the planning commission or zoning board of appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-125. Fees, escrows, and performance guarantees.

- A. *Fees and escrow accounts.* The city council shall establish a schedule of fees and escrow amounts to be paid by applicants for any permit, review, approval, appeal or other service provided in this ordinance. All such fees shall be paid at the time of application. A schedule for returning escrow fees to the developer shall be determined by the city council.
- B. *Performance guarantees.* In approving any variance, any conditional, temporary or special approval permits, any site plan, or any planned development, the zoning administrator may recommend and the planning commission, the zoning board of appeals, or the city council, may require that a performance guarantee be

furnished to ensure compliance with the requirements, specifications and conditions imposed with that approval and to ensure the discontinuance of a temporary use by a stipulated time.

1. Such performance guarantee may be in the form of a cash deposit, certified check, performance bond, irrevocable bank letter of credit, all in a form and containing such provisions as are acceptable to the approving official or body and to the city's legal counsel.
2. Such performance guarantee shall be in a principal amount reasonably estimated to enable the city to recover any costs the city incurs to complete such work or otherwise assure compliance with the requirements, specifications, and conditions of such approval should the applicant fail to do within the time specified within the approval. The zoning administrator, the city manager, the city's legal counsel and the applicant shall work together to establish the amount needed to reasonably cover the costs of non-performance. The terms of the performance guarantee may, but shall not be required to, provide for partial releases of the amount of the guarantee as the requirements, specifications and conditions imposed with the approval are fulfilled. If the applicant disagrees with the city staff as to the amount needed to reasonably cover the costs of non-performance, the body or official first giving the approval shall determine the amount required.
3. Such costs include, but are not limited to:
 - a. Costs incurred for design and construction engineering or architectural services;
 - b. Amounts paid to any contractors constructing, installing or demolishing any buildings, structures or other improvements;
 - c. Costs for any infrastructure construction, installation, improvement or replacement;
 - d. Costs for any excavation or site work;
 - e. Legal expenses incurred to investigate and in any way address any non-performance, to collect any amounts due the city, or that are in any other way related to non-performance of the applicant's responsibilities under the terms of such approval;
 - f. Costs of any signage, pavement marking or similar informative efforts;
 - g. Costs of any required meeting or other notices;
 - h. Costs of any compensation, including fringe benefits and overtime, paid to city staff address such non-performance; and
 - i. The reasonable rental value of any city vehicles, tools, and equipment used to address such non-performance.
4. The performance guarantee shall be provided before any permits are issued pursuant to this ordinance or the construction code and the failure of any such performance guarantee shall be a basis for revoking any permit granted under this ordinance or the construction code.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-126. Violations.

- A. If the zoning administrator shall find that any of the provisions of this ordinance are being violated, he/she shall notify the person responsible for such violation, indicating the nature or the violation and ordering the action necessary for correction. He/she shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal addition, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this ordinance or general law to ensure compliance with or to prevent violation of the provisions of this ordinance.

-
- B. Unless otherwise specifically provided, the violation of any provision, section, rule, or regulation or order adopted or issued in pursuance thereof, of this zoning ordinance, shall be a municipal civil infraction. Persons determined responsible for a municipal civil infraction shall be punished in accordance with this section 40-126.
1. Penalty. A municipal civil infraction shall be punished by a fine of not less than fifty dollars (\$50.00) or more than twenty-five hundred dollars (\$2,500.00) and the costs of prosecution of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00).
 2. Separate offense. Each act of violation and every day during which a violation continues shall be deemed a separate offense.
 3. Additional penalties. The penalty provided by this section shall be in addition to the abatement of the violating condition, any injunctive relief or revocation or any permit or license provided pursuant to this, or any other ordinance of the City of Grand Haven.
 4. Compliance required. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this ordinance.
 5. Relief. The foregoing penalties shall not prohibit the City of Grand Haven from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

ARTICLE II. INTERPRETATION AND DEFINITIONS³

Sec. 40-200. Rules of construction.

For the purpose of this ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section. Unless the context clearly indicates to the contrary:

- A. Words used in the present tense include the future tense;
- B. Words used in the singular number include the plural; and words used in the plural number include the singular;
- C. The word "herein" means this ordinance;
- D. The word "regulation" means the regulations of this ordinance; and
- E. The words "this ordinance" shall mean "the ordinance illustrations, text, tables, maps and schedules included herein, as enacted or subsequently amended."
- F. The term "shall" is always mandatory.
- G. Lists of examples prefaced by "including the following", "such as," or other similar preface shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar examples which are not expressly mentioned.

³Editor's note(s)—Ord. No. 2021-02 , § 1(Exh. A), adopted Jan. 4, 2021, amended art. II in its entirety to read as herein set out. Former art. II, §§ 40-200—40-201.26, pertained to similar subject matter and derived from an ordinance adopted March 5, 2007; Ord. No. 15-02, § 1, adopted Jan. 5, 2015; Ord. No. 17-01, § 2, adopted April 24, 2017; Ord. No. 19-06, § 1, adopted March 4, 2019; Ord. No. 19-07, § 1, adopted March 4, 2019; Ord. No. 20-03, § 1, adopted Feb. 17, 2020.

-
- H. The term "building", "structure," "premises" or any similar term, shall be interpreted to include any part of the building, structure, premises or other similar term unless otherwise stated.
 - I. The "city council," "zoning board of appeals," and "planning commission" are respectively the City Council, Zoning Boards of Appeals, and Planning Commission of the City of Grand Haven.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201. Defined terms.

For the purpose of this ordinance, the following terms shall take the meaning set forth in this article. Terms not expressly defined shall be given their customary meaning from common parlance.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.01. "A."

Access: A way or means of approach to provide vehicular or pedestrian physical entrance to a property or place.

Accessory, or accessory use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces, or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to, the following:

- A. Residential accommodations for domestic assistance and/or caretakers and garages for private vehicles;
- B. Swimming pools and tennis courts for the use of the occupants of a residence, or their guests;
- C. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure;
- D. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays;
- E. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations;
- F. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations;
- G. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located;
- H. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex;
- I. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located;
- J. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

Accessory building: An accessory building, as defined herein, which is a supplementary building on the same parcel as the principal building, or part of the principal building, occupied by or devoted exclusively to an accessory use. When an accessory building is attached to the main building in a substantial manner (such as a wall or roof),

the accessory building shall be considered a part of the main building for setback purposes. Examples are private garages, carports, sheds and gazebos.

Accessory structure: A structure which is clearly subordinate or incidental to a principal structure or principal use. Accessory structures include, but are not limited to, the following: parking lots, loading docks, radio and television antennas, or any part thereof; but shall not include fences or elements related to septic systems.

Act of God: For the purposes of this ordinance, an "act of God", shall include weather-related damage, accidental landslide or accidental fire or explosion, or other casualties not related to the intentional actions or negligence of persons.

Adaptive reuse: The development of a new use for an older building or for a building originally designed for a special or specific purpose. Adaptive reuse is the redevelopment, including expansion, of an older building into apartments or condominiums, which may include some or all of the ground floor, on-street frontage committed to retail, office, and service uses.

Adult foster care: A governmental or non-governmental building having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care does not include any of the following:

- A. Nursing homes and hospitals licensed Article 17 of Act 368 of the Public Acts of 1978, as amended;
- B. Hospitals for persons with mental disabilities or a facility for the developmentally disabled operated by the department of mental health under Act 258 of the Public Acts of 1974, as amended;
- C. County infirmary operated by a county department of social services under section 55 of Act 280 of the Public Acts of 1939, as amended;
- D. A child care institution, children's camp, foster family home, or foster family group home licensed or approved under Act 116 of the Public Acts of 1973, as amended;
- E. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care; and
- F. A veteran's facility created by Act 152 of the Public Acts of 1885, as amended.

Affordable housing: Housing that costs no more than thirty (30) percent of a household's monthly income.

Airport: Any location which is used for the landing or taking off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities, and all appurtenant rights-of-way, either heretofore or hereafter established.

Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alterations: Any change, addition or modification in construction or type of use, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to therein as "altered" or "reconstructed."

Animal boarding: (see Kennel).

Animal grooming service: Any property, structure, building, or premise in or on which pets and other domesticated animals are bathed and/or groomed for commercial gain, but excluding any veterinary or clinical services.

Apartment: A suite of rooms in a two-family or multi-family dwelling arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Apartment, efficiency: A dwelling unit in a two-family or multi-family dwelling consisting of not more than one room in addition to a kitchen and necessary sanitary facilities.

Articulation: The provision of emphasis to architectural elements that create a complementary horizontal pattern or rhythm by a measured and proportioned inflexion and which divides buildings into smaller identifiable segments.

Attic: That part of a building that is immediately below and wholly or partly within the roof framing.

Automobile gasoline station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and convenience items; and which may include as an accessory use the servicing and repair of automobiles and the sale and installation of lubricants, tires, batteries, and similar vehicle accessories; but which does not include an automobile service center.

Automobile repair, major: An establishment engaged in the general repair, engine rebuilding, transmission rebuilding, overhaul or reconditioning of motor vehicles; collision repair services, such as body, frame or fender straightening and repair; major welding activities; and overall painting and undercoating of automobiles.

Automobile repair, minor: An establishment engaged in the general mechanical repair and maintenance of passenger automobiles and trucks weighing less than seven thousand (7,000) pounds, including muffler repair, suspension and brake repair, upholstery repair, oil change and general lubrication service, and tire service, but not including major automobile repair.

Automobile sales facility: An open air business selling new or pre-owned motor vehicles.

Automobile service center: An establishment primarily engaged in furnishing automotive repair that is an integral portion of, or a detached accessory use to, an open air business, such as an automobile sales facility and which is composed of the same construction materials and design of the open air business and wherein automobile products such as motor oils, lubricants and various automobile parts sold at the open air business, may be serviced or installed in an automobile.

Automobile wash: Any building or premises or portions thereof used for the commercial washing automobiles.

Awning or canopy: Any covered structure made of cloth, metal or other material with supporting frames attached to a building which projects beyond the building wall and/or is carried by a frame supported by the building, ground or sidewalk below it.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.02. "B."

Backlit lettering: A sign illumination technique in which raised lettering is formed from opaque material and extended horizontally from the sign face with light sources obscured behind the lettering to create a silhouette of the lettering against the sign face.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Base panel: The horizontal piece that forms the lowest member of a facade located between finished grade and the base of a window. (See graphic under "Sign band")

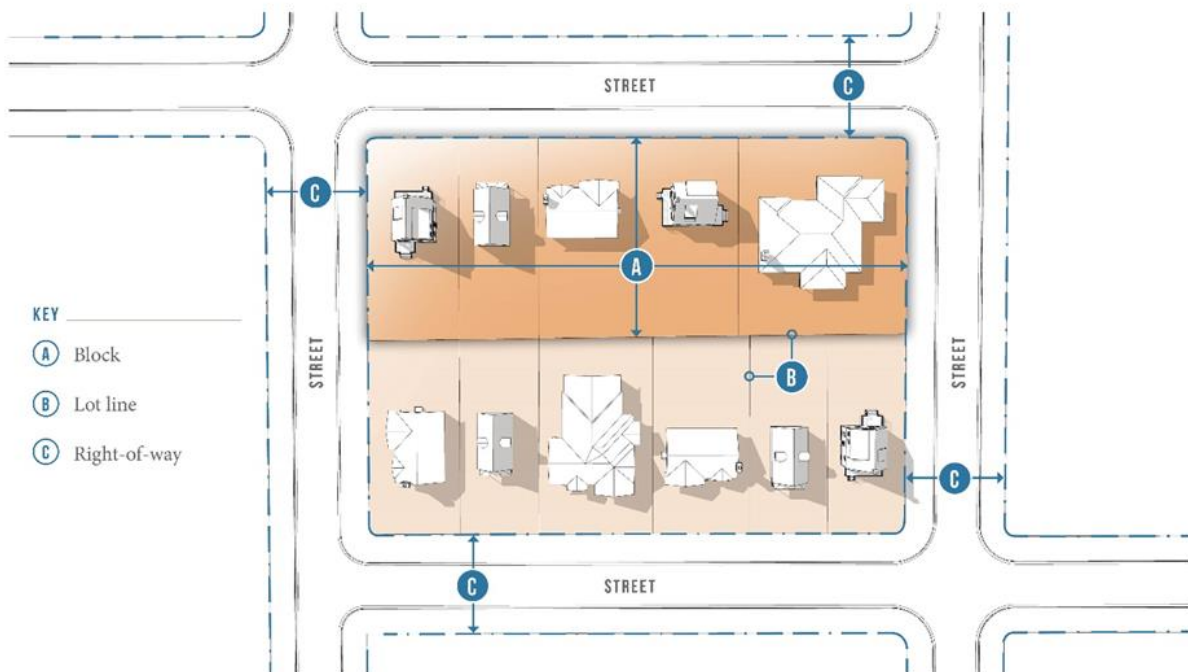
Bed and breakfast: A building at which overnight accommodations and a morning meal are provided to transients for compensation, for periods no longer than fourteen (14) days. For the purposes of this ordinance, a bed and breakfast shall not be considered a short-term rental.

Billboard: An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.

Blank wall: Any wall or portion of a wall that is located within forty (40) feet of the street right-of-way, parking area or park and is without a ground level window, door, or other architectural feature along a wall of twenty-five (25) feet in length or greater.

BLOCK ELEMENTS

FIGURE 2-1



Block: The property abutting one side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the city.

Boarding house: A dwelling unit or part thereof in which, for compensation, lodging and more than one meal is provided, for periods of more than seven (7) days.

Boat: A vehicle used or capable of being used as a means of transportation on water.

Boat launch: A public or private facility designed and used for boat access to the Grand River or Lake Michigan.

Boat slip: A parking space for the parking or storage of a boat.

Boulevard: A broad thoroughfare which contains a landscaped median comprised of turf, trees, shrubs and other landscape material.

Buffer area: A landscaped open space free of development, structures, parking, and buildings, but which may include an obscuring wall, plantings, and berms used to physically separate and screen one use or property from another so as to visually shield or block noise, lights, and other nuisances.

Building: Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building department: The Building Department of the City of Grand Haven, Michigan.

Building envelope: The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations and minimum yard setbacks.

Building footprint: The total area contained within the exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building exclusive of unroofed porches, terraces, patios, decks, and steps, and of awnings and nonpermanent canopies.

Building frontage: That facade of the building that abuts the required front yard or corner front yard as stipulated in this zoning code.

Building height: The vertical dimension from the median grade of the building, structure, or wall exposed above grade to the highest point of the roof, parapet wall, or other uppermost part.

Building line: The outermost wall of the building foundation.

Build-to zone: A thirty-six-inch wide area parallel to and between a right-of-way line and building frontage.

Bus passenger station: A premises for the storage and parking of motor-driven buses and the loading and unloading of passengers.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.03. "C."

Cantilever: A projecting beam or building member or component supported at only one end.

Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides.

Cemetery: Grounds and facilities including any one or a combination of more than one of the following a burial ground for earth interment; a mausoleum for crypt entombment; a crematory for the cremation of human remains; and a columbarium for the deposit of cremated remains.

Child care center: A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

- A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve-month period.
- B. A facility operated by a religious organization where children are cared for not more than three (3) hours while persons responsible for the children are attending religious services.

Child care family home (up to 6 clients): A private home in which one but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Child care, group home (7—12 clients): A private home in which more than seven (7) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

Church: see Place of public assembly.

Clinic: A facility for the medical or dental care, diagnosis, or treatment of sick, ailing, infirm and injured persons and those who are in need of medical, dental, or minor surgical care attention, but who are not kept on the premises for more than eight (8) hours.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Commercial parking facility: A parking area or parking building available to the public, with or without fee, used to temporarily store motor vehicles.

Commercial storage facility: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Commercial vehicle: Any motor vehicle for hire, which is used for the transportation of passengers, or which is constructed or used for the transportation of goods, wares or merchandise, or which is designed and used for the purpose of transporting other vehicles.

Commission: The Planning Commission of the City of Grand Haven, Michigan.

Community garden: A lot or portion thereof where agricultural plants are cultivated and maintained by individuals or group(s) of individuals from the community. Community gardens may produce food for individual consumption or for sale, may be designed for beautification of the community, and may be used for educational purposes.

Condominium: A building or group of buildings in which individual portions thereof are owned by, or offered for sale to separate entities with common elements owned jointly as prescribed in Act 229 of the Michigan Acts of 1963, as amended.

Conference or convention center: See Place of public assembly.

Contractor's establishment: A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly, or staging areas.

Convenience store: Any retail establishment offering for sale such items as prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.04. "D."

Deciduous tree: A tree that provides shade during the growing season and sheds leaves seasonally or at certain life cycle stages.

Deck: An accessory structure or platform supported by pillars or posts, either attached or unattached to a building, that is higher than seven (7) inches above grade at any portion of the structure or platform, and which does not contain walls.

Density: The number of dwellings per unit of land.

Development: The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure or building; any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, landfills, grading, paving, excavation or drilling operations, or land disturbance; and any use or extension of the use of land.

Dish antenna: An earth based station whose purpose is to receive communications or signals from orbiting satellites or other signal energizing sources together with other equipment pertaining directly to the function of a dish antenna.

District: A part, zone, or geographic area within the city within which certain zoning or development regulations apply.

Domesticated animals: Animals commonly domesticated and kept in homes, including, but not limited to dogs, cats, birds, fish, rabbits, small rodents, small reptiles, and similar animals that do not represent an unusual risk to persons or property.

Dredging facility: A facility designed or used to remove and/or store earth from the bed of a water body, watercourse, or wetland.

Drive-through business: A principal use or accessory use of an establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A private roadway providing access to a street.

Driveway curb-cut: The opening along a curb line at which point vehicles may enter or leave the street.

Driveway, shared or common: A driveway serving two (2) or more structures or off-street parking areas, which are located on individual lots.

Dry cleaning and laundry establishment: A commercial establishment providing dry cleaning and laundry services on-site for businesses and residents, but which does not include a dry cleaning plant.

Dry cleaning and laundry establishment, on-site: A commercial establishment providing dry cleaning and laundry services on-site for businesses and residents and which includes a dry cleaning plant.

Dry cleaning plant: A facility used or intended to be used for cleaning fabrics, textiles, clothing, laundry or other similar articles by immersion and/or agitation in solvents or other processes.

Dumpster: An accessory use of a property where trash or recyclable material, or other type of waste or refuse, is stored temporarily, having a capacity of at least one cubic yard.

Dwelling: A building or portion thereof that is used exclusively for human habitation and which provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation.

Dwelling, accessory: A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure and located on the same parcel of land as an existing single-family structure.

Dwelling, manufactured: A one-family dwelling which is substantially or completely built, constructed, assembled, or finished off the premises upon which it is intended to be located and which meets the National Manufactured Home Construction and Safety Standards Act.

Dwelling, multiple-family: A building containing three (3) or more attached dwelling units and is surrounded by open space or yards.

Dwelling, one-family: A building containing one dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, site built: A dwelling which is substantially or completely built, constructed, assembled or finished on the premises upon which it is intended to be located. For the purpose of this definition, site built shall include dwellings consisting of pre-cut materials or panelized wall, roof and floor sections when such sections require substantial or complete assembly and finishing on the premises which it is intended to be located.

Dwelling, two-unit: A building containing two (2) attached dwelling units and is surrounded by open space or yards.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.05. "E."

Eating and drinking establishment: A retail establishment selling food and drink for consumption on the premises, including restaurants, taverns, coffee houses, bakeries, lunch counters, refreshment stands, and similar facilities selling prepared foods and drinks for immediate on-site consumption or for take-out.

Educational facility: A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of Michigan.

Elderly: Adults over the age of sixty (60).

Employee: One employed by another for wages or salary.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or city departments for the general health, safety or welfare.

Evergreen tree: A cone-bearing tree whose foliage remains green and functional through more than one growing season.

Excavation: Any breaking of ground, except common household gardening and ground care.

Exception: Permission to depart from the use or design standards of this zoning ordinance provided an "exception" is not a "variance."

Exotic animal: Any species of animal, reptile, or bird that is not indigenous to the environs of Grand Haven and which is not, in the judgment of the zoning administrator, normally considered a farm animal or a pet and which may potentially be dangerous to humans, domestic animals or property if not properly managed.

Exterior cladding material: Materials used to clad the exterior walls of a building to provide a finished surface. Said materials must meet minimum requirements as set forth in the Michigan Building Code for Exterior Walls.

A. *Composite siding:* A man-made factory engineered panel used mainly for exterior cladding, partitioning, load bearing walls and roofing elements. Panels are manufactured of dissimilar materials

bonded together on a continuous lamination basis with metal (steel or aluminum) facings encapsulating a foamed polyurethane core to increase performance. Materials selected must be of high quality and durable. The planning commission reserves the right to evaluate and approve use of this contemporary material and design element.

- B. *Decorative concrete block*: A concrete masonry unit having special treatment of its exposed face for architectural effect, which may consist of exposed aggregates or beveled recesses or other articulation or texture for a patterned appearance (e.g., split face, fluted, burnished).
- C. *Fiber cement board*: An architectural composite material of fly-ash, Portland cement, wood pulp and water that is steam heated and formed into planks. The result is a durable product that is resistant to damage, rot, insects and is also flame retardant.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.06. "F."

Family: A single individual or individuals, domiciled together whose relationship is of a continuing, non-transient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit, but not including 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 period of time.

Farm animals or livestock: Animals customarily kept by humans for the purpose of providing food, clothing or work, and which are customarily raised for profit, including but not limited to, equine, bovine, ovine, caprine, porcine, fowl, and bees.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Fence, decorative: A designed open or solid fence or wall that contributes to the identification and beauty of the principal use; is not erected to satisfy any other provision of this code; does not act as a retaining structure; and is made of material that typically is not found in security fences.

Fence, obscuring: A fence that is eighty (80) percent or more opaque.

Flag pole: A freestanding structure or a structure attached to a building or to the roof of a building and used for the sole purpose of displaying non-commercial flags.

Floodplain: That area mapped by the National Flood Insurance Program having a flood elevation that has a one percent chance of being equaled or exceeded each year, and as determined by the Federal Emergency Management Agency.

Floodway: Means that area of land adjoining a river or stream that will be inundated by a 100-year flood, which, for the purposes of this chapter, is taken to mean the floodplain area mapped by the National Flood Insurance Program, as determined by the Federal Emergency Management Agency.

Floor area, gross: The sum of the gross horizontal areas of the several floors of a building or structure, including a basement but excluding a porch or other similar unenclosed area, from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

Floor area, residential: The sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings; and excluding areas of basements, unfinished attics, attached garages or carports, breezeways, and enclosed and unenclosed porches and decks.

Floor area, usable: The sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls; including those areas used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers; and not including those areas which are used or intended to be used principally for parking, the storage or processing of merchandise, hallways, or for utilities or sanitary facilities.

Flowering landscape tree: A flowering tree whose primary purpose is to be ornamental.

Footprint: See Building footprint.

Foster care: The long-term continuous residential care of adults or children.

Fuel storage: Any combination of storage tanks or containers, including pipes connected thereto, which is used to contain petroleum or other flammable liquids.

Funeral home: See Mortuary.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.07. "G."

Garage, private: A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and other storage incidental to a residential use such as rakes, lawnmowers, garbage cans, etc., and that is not a separate commercial enterprise available to the general public.

Golf course: A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, driving range, pro shop, shelter, and related accessory uses.

Governmental buildings: The official offices of any department, commission, independent agency, officer, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or other governmental unit.

Grade, finished: The final elevation of the ground level after development.

Grade, median: The finished median ground elevation along the perimeter of the building.

Grade, natural: The elevation of the ground level in its natural state, before construction, development, filling, or excavation, as defined on the official City of Grand Haven Topography Map comprised of the 2004 Ottawa County aerial photography with topographical lines at two-foot intervals.

Greenbelt, obscuring: A landscape area of definite width, height and location and containing plant materials of definite spacing designed and intended to serve as an obscuring device in carrying out the screening requirements of this zoning ordinance.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants, but excluding medical marihuana, for subsequent sale, distribution or for personal enjoyment.

Grower: A state operating licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center pursuant to the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 et seq.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.08. "H."

Hazardous substances: One or more of the following:

- A. A chemical, toxic substance, or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
- B. "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980.
- C. "Hazardous waste" as defined in Article II, Chapter 3, Part 111 of P.A. 451 of 1994, as amended, being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act.
- D. "Petroleum" as defined in Article II, Chapter 8, Part 213 of P.A. 451 of 1994, as amended, being the Leaking Underground Storage Tanks part of the Natural Resources and Environmental Protection Act.

Health club: See Recreation facility.

Home occupation: Any occupation, profession, or activity carried out for gain from a residential property that is clearly subordinate and incidental to the residential nature of the property, and which may involve business activities generally conducted at other locations, or the sale or exchange of services at the residential property.

Home occupation, major: A home occupation as defined herein that may be apparent to neighbors by virtue of activities on site, signage, outdoor storage, or modifications to structures or grounds.

Home occupation, minor: A home occupation as defined herein that, under normal circumstance, is not apparent to neighbors.

Horizontal expression line: A projecting horizontal feature which is located at the top of a facade. (See graphic under "Sign band")

Hospital: A facility providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the hospital facility.

Hotel: A facility offering transient lodging accommodations to the public with access from interior lobbies, and which may provide such additional services or facilities meals or restaurant service, meeting rooms, entertainment, and recreational facilities.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.09. "I."

Impervious surface: Any material that prevents the absorption of stormwater into the ground.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.10. "J."

Junk: Scrap or waste material of any kind or nature collected or accumulated for resale, disposal, or storage.

Junkyard: Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.11. "K."

Kennel/animal day care: Any lot or premises on which three (3) or more domesticated animals are either permanently or temporarily boarded or trained for remuneration.

Key street segment: Specific streets and portions of streets identified in article III and subject to additional standards of this ordinance.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.12. "L."

Land division: A land division as defined in the Land Division Act of the State of Michigan, being Public Act 288 of 1967, as amended.

Land preserve: A site with environmental features intended to be preserved and protected in its natural state.

Land use permit: A City of Grand Haven Land Use Permit as established in section 40-111.02 of this zoning ordinance.

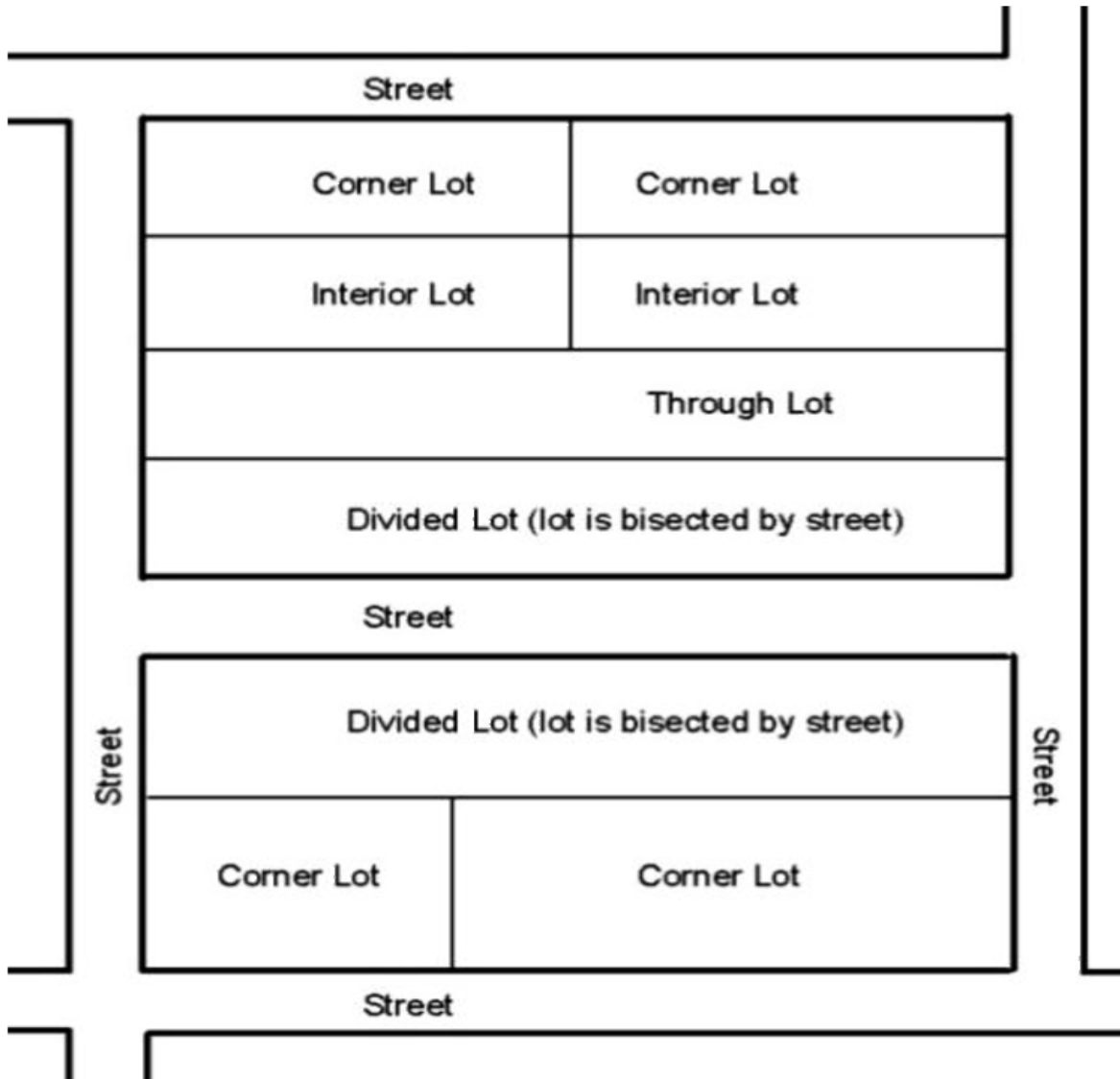
LEED: The LEED (Leadership in Energy and Environmental Design) Green Building Rating System; a voluntary, consensus-based national standard for developing high-performance, sustainable buildings.

Library: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as, but not limited to, books, manuscripts, computers, recordings, or films, are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

Live/work: A structure, or a part of a structure, used both as a residence and for any nonresidential use permitted in the zoning district in which the unit is located.

Living area: An area that is habitable for the entire year.

Loading space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.



Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings or utilized for the principal uses and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this zoning ordinance. A lot may or may not be specifically designated as such on public records.

Lot area: The total horizontal area within the lot lines of a lot.

Lot, corner: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this zoning ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot coverage: That part or percent of the lot occupied by buildings and accessory buildings, including roof overhangs exceeding two (2) feet, roofed decks, roofed patios, and porches.

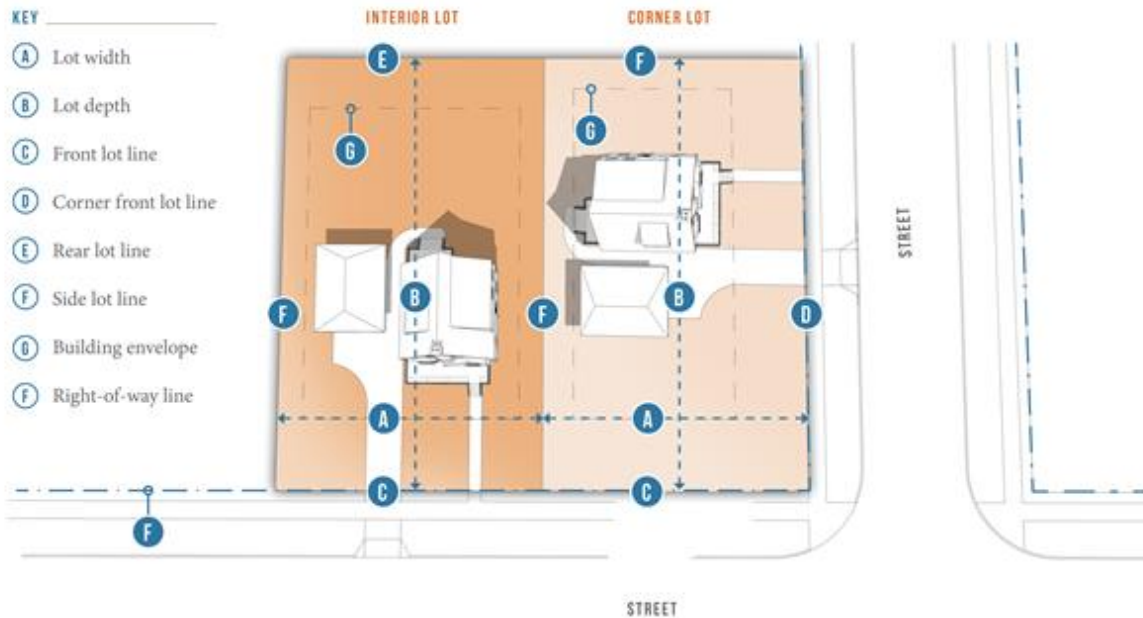
Lot depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the rear most point of the lot where there is no rear lot line.

Lot, divided: A lot that is bisected by a street or private street.

Lot, interior: Any lot other than a corner lot.

LOT ELEMENTS

FIGURE 2-3



Lot lines: The lines bounding a lot as defined herein:

- A. *Front lot line:* In the case of an interior lot, is that line separating the lot from the street. In the case of a through lot, is that line separating the lot from either street. In the case of a corner lot, the shorter street line shall be considered the front lot line and the longer line shall be the corner front lot line; except in the case of both street lines being equal, the choice may be made at the discretion of the property owner. However, once declared, the designated front lot line shall remain as such.
- B. *Rear lot line:* That lot line opposite the front lot line, except in the case of corner lots, which shall not have a rear lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- C. *Side lot line:* Any lot line other than the front lot line, corner front lot line, or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record: A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by city or county officials, and which actually exist as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot, through: A lot that fronts upon two (2) more or less parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot.

Lot width: The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the minimum front setback line intersects the side lot lines.

Lot, zoning: A single tract of land, located within a single block, which, at the time of filing of a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot need not coincide with a lot of record, and may consist of a single recorded lot, a portion of a recorded lot, or any combination thereof.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.13. "M."

Maneuvering lane: An area within a parking area intended to provide ingress and egress to parking spaces.

Manufactured home: A dwelling which is transportable in one or more sections, that is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by Michigan statute, and administrative rules promulgated thereunder.

Manufactured home sales: An establishment engaged in the selling of manufactured homes to the general public and which may render services incidental to the sale of such manufactured homes.

Manufactured housing community: A use which is a parcel of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary manufactured home or trailer.

Manufacturing, compounding, or processing: An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.

Marihuana, also known as marijuana, also known as cannabis: The term shall have the meaning given to it in section 7601 of the Michigan Public Health Code, 1978 PAS 368, MCL 333.7106, as referred to in section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d). Any other term pertaining to marihuana used in this chapter and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or the General Rules of the Michigan Department of Community Health issued in connection with that Act.

Marina: A facility, including three (3) or more waterfront boat slips, which provides for the servicing, storing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina.

Masonry: Construction that involves the shaping, arranging, and uniting of stone, brick, building blocks, or similar materials to form walls or other parts of a structure.

Master deed: A legal instrument under which title to real estate is conveyed and by which a condominium is created and established.

Master plan: The comprehensive, long-range master plan intended to guide growth and development in the City of Grand Haven which includes recommendations on future land use, economic development, housing, recreation, transportation, open space, and community facilities.

Medical office: A facility in which medical, health, and related providers maintain offices and provide services to patients on an outpatient basis.

Medical use of marihuana: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Medical Marihuana Act, PA 2008, initiated Law, MCL 333.26421 et seq.

Mezzanine: An intermediate floor in any story occupying more than one-third ($\frac{1}{3}$) of the floor area of such story.

Mixed use development: A development of a tract of land, building, or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district.

Mortuary or funeral home: A facility used for the preparation of the deceased for burial and for visitation and for the conduct of memorial and funeral services.

Motel: An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Multi-tenant commercial establishment: A building housing more than one business operated under common management, or a unified grouping of individual businesses, served by a common circulation and parking system.

Municipal uses—Utilities: The generation, transmission, and/or distribution of electricity, gas, steam, communications, and water; the collection and treatment of sewage, stormwater and solid waste; and the provision of mass transportation; as provided by the city or an instrumentality of the city or other governmental unit, entity or collaborative of which the city is a member or to which the city has consented.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.14. "N."

Natural feature: Physical characteristics of the subject property that are not manmade.

Nonconforming lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the applicable zoning district or other zoning regulations.

Nonconforming structure or building: A structure, building or portion thereof lawfully existing on March 5, 2007, or the effective date of applicable amendments hereto, which thereafter does not conform to the provisions in the district in which it is located relative to building height, bulk, area or setbacks.

Nonconforming use: A use for which a building or land was lawfully used on March 5, 2007, or the effective date of applicable amendments thereafter, which does not contain a use of land permitted in the district in which it is located.

Nuisance factors: An offensive, annoying, unpleasant or obnoxious activity or practice; a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics or activity or use across a property line which can be perceived by or affects a human being. The generation of an excessive or concentrated movement of people or things, such as, but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibrations; shock waves; heat; electronic or atomic radiation; objectionable effluent; noise of congregation or people, especially at night; passenger traffic; and invasion of non-abutting street frontage by traffic.

Nursery, plant materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this article does not include any space, building, or structure used for the sale of fruit, vegetables or Christmas trees.

Nursing care facility: A residential care facility providing long-term care for elderly, infirm, terminally-ill, physically, emotionally and/or developmentally disabled persons, including a nursing care facility that provides independent living services, assisted living services, and nursing care and medical treatment services, in a campus-like setting that has shared facilities or common areas, or both.

Nursing home/assisted living: A residential care facility providing long-term care for elderly, infirm, terminally-ill, physically, emotionally and/or developmentally disabled persons, licensed in accord with Article 17 of Act 368 of 1978, as amended.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.15. "O."

Office building: A building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, and may include ancillary services for office workers, such as a coffee shop or child-care facilities.

Off-street parking lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Open air business: A permanent business including the sales and/or display of retail merchandise or services outside of a permanent structure.

Open space, common: An area within a development designed and intended for the use or enjoyment of all residents or occupants of the development or for the use and enjoyment of the public in general.

Ordinary high water mark: The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

Outdoor combustion furnace: An outdoor wood, oil, pellet, or biomass-fired boiler, freestanding or housed within a small, insulated building and typically used to heat indoor environments, domestic hot water, swimming pools, and jacuzzi tubs via pipes running along the ground or beneath the surface.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.16. "P."

Parapet: That portion of a wall that extends above the roof line.

Park or parkland: A tract of land, designated, maintained, and used by the public for active and/or passive recreation and which is owned and controlled by a public entity or unit of government.

Park, private: A tract of land owned or controlled and used by private or semi-public entities or groups for active and/or passive recreational purposes.

Parking space: An area of definite length and width, such area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

Parkway: A lawn panel customarily located between the curb line, or pavement edge of a street or road and the street or road right-of-way line.

Patio: A level, landscaped, and/or surfaced area directly adjacent to a principal building at or within seven (7) inches of the finished grade and not covered by a permanent roof.

Pergola: A covered slatted or lattice structure primarily intended to cover an outdoor dining/seating area and create shade. Pergolas are often used as supports for climbing plants or as shelters of vines or branches. For the purposes of this ordinance, pergolas shall be considered buildings.

Personal service business: An establishment primarily engaged in providing services involving the care of a person or his or her goods or apparel, but not including a tattoo or piercing parlor.

Pet: Any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Place of public assembly: Buildings, structures and grounds, including theaters, churches, auditoriums, convention space, stadiums, sports arenas, concert halls, lecture halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship or similar activities involving assembled groups of people numbering thirty (30) or more.

Place of public assembly, small: A place of public assembly shall be considered a small facility if it has either less than two thousand (2,000) square feet in gross floor area or total seating capacity of no more than one hundred (100) in the largest room or space intended for public assembly.

Place of public assembly, large: A place of public assembly shall be considered a large facility if it has either two thousand (2,000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room or space intended for public assembly, or the capability to expand to meet these standards in the future.

Planned development (PD): A specific parcel of land or several contiguous parcels of land, under single ownership and control, for which a comprehensive physical development or redevelopment plan has been prepared establishing a functional use area or areas, density patterns where applicable, a fixed system of streets, including limited access service drives where applicable, service drives, provisions for public utilities, drainage and other essential services, all of which shall be subject to review and approval by the city and which has been, or will be, developed in strict accordance with the approved plan.

Planned residential development (PRD): A specific parcel of land or several contiguous parcels of land, under single ownership and control, for which a comprehensive physical plan, meeting the requirements of section 40-552 of this zoning ordinance and establishing functional use areas, density patterns, a fixed system of streets, provisions for public utilities, drainage and other essential services, and subject to review and approval by the planning commission and city council in accordance with section 40-552, and which has been or will be developed in full accordance with the approved plan.

Pond, detention: A pond designed to temporarily detain stormwater runoff for a short period of time, gradually releasing it to the natural watercourse immediately after the peak volume of stormwater has dissipated.

Pond, retention: A pond designed and intended to hold water for a considerable length of time for aesthetic or consumptive purposes as well as for the collection and holding of stormwater runoff, the volume of which may never be totally discharged to a natural watercourse.

PORCH & STOOP

FIGURE 2-4



Porch: A patio or deck that is either fully or partially enclosed with screening, glazing or other means of enclosure, whether or not it is heated or cooled by mechanical means.

Power generating facility: A facility designed and used for the production of electrical energy primarily for the purpose of commercial sale to wholesale and retail customers connected to electrical transmission grid. Such facilities include geothermal, hydro, solar, coal, diesel, fuel oil, nuclear, natural gas combustion as well as solid waste incinerators.

Primary caregiver: A person who is at least twenty-one (21) years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

Principal building: A building in which is conducted the principal use of the lot on which it is located.

Principal use: The main use to which the premises are devoted and the principal purpose for which the premises exist.

Private communications antenna: An accessory structure used for, or intended to be used for, reception of satellite or radio transmissions.

Processor: A state operating licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center pursuant to the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102 et seq.

Professional service establishment: An establishment engaged in providing assistance, as opposed to products, to individuals, businesses, industries, governments, and other enterprises, including printing, legal, engineering, consulting, and other similar services.

Provisioning center: A state operating licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers pursuant to the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102 et seq. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the

caregiver through the Michigan Department of Licensing and Regulatory Affairs (LARA) marihuana registration process in accordance with the MMMA is not a provisioning center for purposes of this article.

Public and quasi-public uses: Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate, such as churches, municipal off-street parking lots, libraries, museums, or fraternal organizations.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.17. "Q."

Sec. 40-201.18. "R."

Recreation facility: A place designed and equipped for the conduct of sports and leisure-time activities.

Recreation facility, commercial: A recreation facility operated as a business and open to the public for a fee.

Recreation facility, indoor: A permanent building containing facilities for recreational activities, such as tennis, bowling, billiards, platform games, swimming, exercise rooms, handball and similar activities.

Recreational vehicle, or RV: A vehicle designed or constructed for the transportation of people, primarily for recreational purposes, and which may permit occupancy thereof as a dwelling or sleeping place, including motor homes, campers, camper trailers, off-road vehicles, boats and utility trailers.

Refuse incineration: The burning of solid waste, unwanted or discarded material.

Research and development: An establishment for carrying on investigation in the natural, physical, or social sciences, which may include engineering and process or product development, but which does not involve the mass manufacture, fabrication, processing, or sale of products or services.

Residential above retail or office: A mixture of land uses in which dwelling units are located on floors or stories above retail businesses or office uses.

Restaurant: See Eating and drinking establishment.

Retail business or retail sales: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retaining wall: Any vertical assembly, with a horizontal length-to-thickness ratio greater than three (3), consisting of materials assembled and designed to resist the lateral load action of soil.

Right-of-way: A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, sidewalk, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

Roof pitch: The amount of slope of the roofline in terms of angle or other numerical measure; for example, one unit of vertical rise for three (3) units of horizontal shelter is expressed as "1:3."

Rooftop mechanical equipment: Any permanently installed device, structure or equipment located on a building roof and intended or used for heating, air conditioning, make-up air, dust collection, plumbing ventilation, exhaust, telecommunication, or other purposes associated with the occupancy of the building.

Rubbish: Waste, rejected material, trash or debris.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.19. "S."

Safety compliance facility: A state operating licensee that is a commercial entity that receives marihuana from a facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the facility pursuant to the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102 et seq.

Satellite dish: A parabolic dish antenna including its structural supports, used for reception of various television programming signals or used to transmit or receive other radio or electromagnetic waves between terrestrially or orbitally-based uses.

Screen: To conceal from view; or a structure or landscape materials providing enclosure and a visual barrier between the area enclosed and adjacent properties and rights-of-way.

Self-service storage facility: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Secure transporter: A state operating licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee pursuant to the Michigan Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102 et seq.

Senior assisted living facility: A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living, which may or may not include a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, and where the emphasis of the facility remains residential.

Sensitive area: An area not suitable or desirable for intense development due to environmental constraints or natural features, including, but not limited to, floodplain area; wetlands; lakes, rivers, streams, and adjacent lands; dunes and the Lake Michigan shoreline; significant vegetation; slopes; and habitat for animal and plant species of concern.

Service drive: A minor public or private street or driveway which may be parallel to and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

Service establishment accessory to a principal use: An establishment whose primary activity is the provision of assistance or products, to individuals, business, industry, government, and other enterprises, and which is located interior to or inside an office building or other principal use.

Setback: The distance required to obtain minimum front, side or rear yard open space provisions of this ordinance.

Setback, elevated: A distance required to obtain minimum front, side or rear yard open space provisions and view corridors, which occurs at a certain elevation above natural grade.

Sexually oriented business: An establishment engaged in providing services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Shared commercial facility. An establishment or facility designed to accelerate the growth of entrepreneurial endeavors by providing access to physical space, equipment, working capital, or other common services to multiple users or tenants. Examples include, but are not limited to, business incubators, co-working spaces, commissary or test kitchens, pop-up retail establishments, artist markets, and similar facilities.

Sheltered housing: A community service facility offering temporary refuge for persons in domestic transition living together as a group of individuals or families.

Short-term rental: A dwelling unit providing transient accommodations for periods of less than one month, more than three (3) times per year.

Showroom: An indoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising a business, product or service.

Sidewalk cafe: An area adjacent to abutting space controlled by the user of a street-level restaurant located within the sidewalk area or pedestrian plaza area of the public right-of-way and used exclusively for dining, drinking, and pedestrian circulation.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images; including the following sign types:

SIGN TYPES

FIGURE 2-5



- A. *Sign, animated or moving:* Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation, not including electronic message boards.
- B. *Sign, bench:* A sign painted, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public place or roadway.
- C. *Sign, bulletin board:* A sign that identifies an institution or organization on the premises of which it is located and that contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.
- D. *Sign, construction:* A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape

architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

- E. *Sign, directional*: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."
- F. *Sign, electronic message board*: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
- G. *Sign, ground*: Any sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground and is independent of any other structure and which is up to six (6) feet in height.
- H. *Sign, identification*: A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.
- I. *Sign, marquee*: A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by ordinance.
- J. *Sign, off-premises*. See Billboard.
- K. *Sign, pole*: A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.
- L. *Sign, political*: A sign announcing or supporting political candidates or issues in connection with any national, state, or local election.
- M. *Sign, portable*: A sign that is not permanent, affixed to a building, structure, or the ground, such as an A-frame sign.
- N. *Sign, projecting*: A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from such building.
- O. *Sign, real estate*: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
- P. *Sign, roof*: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.
- Q. *Sign, suspended*: A sign hanging down from a marquee, awning, or porch that would exist without the sign.
- R. *Sign, temporary*: A sign designed for use for a limited period of time to announce special events.
- S. *Sign, wall*: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure, and the exposed face of which shall be on a plane parallel to the building wall to which it is attached.
- T. *Sign, wayfinding*: An off-premises sign that is part of a city-sponsored and coordinated program for the purpose of facilitating pedestrian and vehicular transit to local destinations as designated and recognized by the city's way-finding sign program.
- U. *Sign, window*: A sign attached to, or in close proximity to, the window surface so as to be clearly and comprehensively visible from the outside.
- V. *Sign, yard*: A sign of relatively impermanent construction manually placed in a yard and typically intended to announce or advertise an infrequent event such as, but not limited to, a garage sale; or to support a political candidate or political position; or the sale or rental or real property.

Sign area: The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Sign band: The horizontal piece of a facade framework, within which a sign is permitted, located between the top of a first story window and the base of a second story window.

ARCHITECTURAL ELEMENTS OF COMMERCIAL BUILDINGS

FIGURE 2-6



Site condominium: A method of subdivision where the sale and ownership of sites is regulated by the Condominium Act (P.A. 59 of 1978), as amended, as opposed to the Land Division Act. Condominium subdivision shall be equivalent to the term "subdivision" as used in this zoning ordinance and the city's subdivision regulations ordinance.

Site condominium subdivision plan: The site, survey and utility plans, floor plans, and sections, as appropriate, showing the existing and proposed structures and improvements, including the location thereof in the land.

Site plan: The development plan for one or more lots on which is shown the existing and proposed conditions of the lot as required by section 40-115 of this zoning ordinance.

Social service center: An overnight or drop-in facility which provides services such as job training, counseling, health training, rehabilitation, therapy, or the distribution of food or clothing, but which does not include a medical office or permanent homeless shelter as a major element.

Solar heating and air conditioning units: A design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy for the purposes of heating and cooling a building.

Special land use or special use: A use that is permitted within a specified zone district after meeting specific requirements listed in article V. Such uses may not be appropriate in all circumstances, but with certain restrictions or conditions can be made compatible after planning commission review pursuant to the standards of this ordinance.

Specified anatomical areas: Specified anatomical areas shall include:

- A. Less than completely and opaquely covered human genitals, anus, and female breasts at or below the top of the areola; and

- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- C. *Specified sexual activities:* Specified sexual activities shall include:
 1. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 2. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy; or
 3. Masturbation, actual or simulated; or
 4. Excretory functions as part of or in connection with any of activities set forth in [subsections A., B, or C. above.

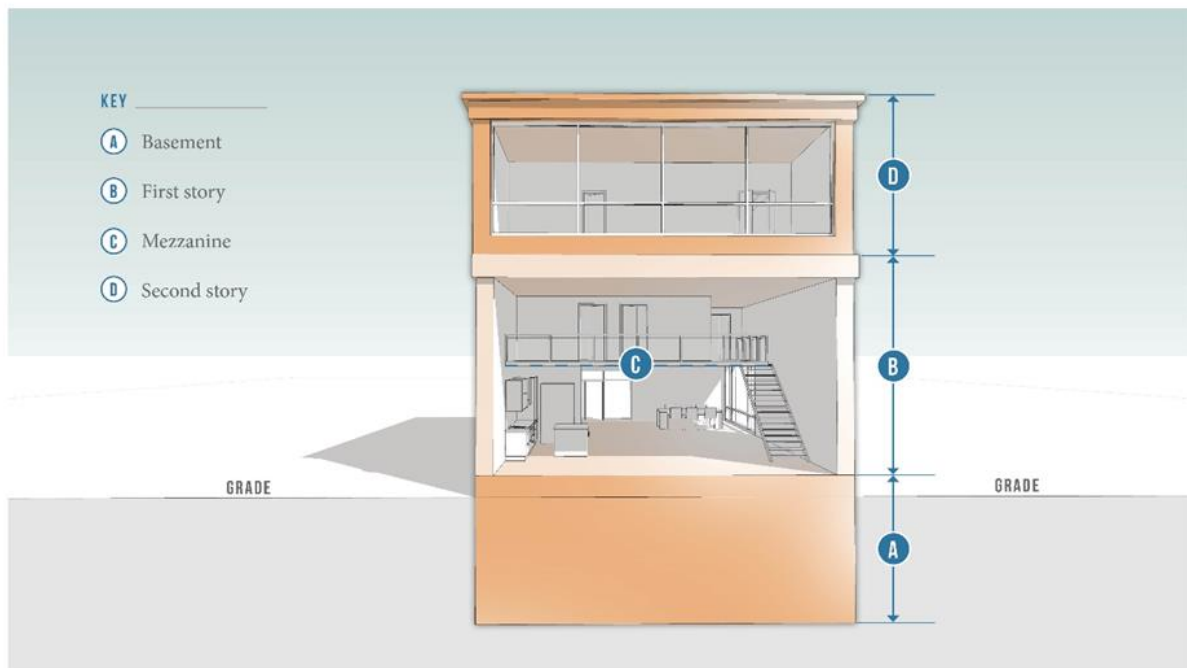
Stoop: An exterior floor utilized primarily as an access platform to a building and located directly adjacent to a principal building, which is at least seven (7) inches above finished grade, which may or may not be covered by a permanent roof, but which is neither fully nor partially enclosed with screening.

Storage, motor vehicle: The standing or placement of operable new or used motor vehicles on display for sale, lease, or for private storage.

Storage, outside: The outdoor standing or placement of usable and/or potentially usable goods or equipment other than for display and not including waste or scrap materials, other than in junk yards.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above then the ceiling next above. A basement shall not be counted as a story.

STORY
FIGURE 2-7



Story, half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purposes of this ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

Street: A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

Street, local: A street of limited continuity used primarily for access to abutting residential properties.

Street, major: A street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, roadway, parkway, freeway, expressway or equivalent term in the City of Grand Haven Master Plan.

Street, private: A street which is not legally owned, and which has not been accepted by the city or other governmental entity.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground; including, but not limited to, buildings, driveways, fences, signs and walls.

Studio for performing or graphic arts: A facility designed, constructed, or used for instructional, practice or production purposes in graphic and performing arts, including sculpture, painting, music, photography, drama, dance, yoga, and other similar pursuits.

Swimming pool, private: Any artificially constructed non-portable structure, erected in connection with or appurtenant to one or more private residences, either above or below or partly above or partly below grade, located either in part or wholly outside of a permanently enclosed and roofed building, which is designed to hold water to a depth any place in said structure greater than twenty-four (24) inches when filled to capacity, and intended to be used for recreational purposes.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.20. "T."

Tattoo and piercing parlor: An establishment where tattooing or skin piercing is regularly conducted whether or not it is in exchange for compensation.

Telecommunication antenna: A device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas or telecommunication facilities for commercial or municipal purposes.

Telecommunication tower: Any structure which is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio or other communication purposes. Such structures may be freestanding, such as self-supporting lattice, guyed, or monopole towers, or attached to an existing structure, such as artificial trees, steeples, light poles, poles supporting power lines or similar mounting structures that effectively camouflage or minimize the visual impact of antennas and towers.

Temporary structures: A structure that lacks a permanent foundation and is affixed to the earth and/or an existing structure with non-permanent fasteners.

Trade and industrial school: A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the State of Michigan requirements as a vocational facility. This definition shall also include institutions which provide full-time or part-time education beyond high school.

Trails: Ways designed for and used by equestrians, pedestrians, and cyclists using non-motorized bicycles and others using in-line skates or similar non-motorized devices.

Transparency: The quality of transmitting light to permit the interior of a building to be seen from the outside.

Trellises and arbors: Frames of latticework used as screens or as supports for climbing plants, shelters of vines or branches, or of latticework covered or intended to be covered with climbing plants.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.21. "U."

Upgradient improved property: A developed property on which the median grade is at a higher elevation than the median grade of the subject property.

Urgent care facility: A medical care facility open to the public in which professional medical care is provided for injuries and illness.

Use: The principal purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.22. "V."

Variance: Permission to depart from the literal requirements of this zoning ordinance.

Veterinary hospital: A facility where animals are given medical care and the boarding of animals is limited to short-term care incidental to the clinic use, which may or may not include boarding or kennel facilities. Kennel facilities are those lots or premises on which four (4) or more domestic animals, six (6) months of age or older are kept temporarily or permanently for the purposes of breeding, boarding, or sale.

View corridor: A line-of-sight corridor from a public activity area, such as a pedestrian walkway, outdoor recreation area, outdoor eating/drinking facility, outdoor attraction, or similar area to Lake Michigan or the Grand River.

Viewshed: A visually attractive, aesthetic or significant area, such as Lake Michigan or the Grand River, that is visible from a defined observation point.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.23. "W."

Wall, obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this zoning ordinance.

Wall, primary: Those exterior building walls fronting a right-of-way, public parking lot, or park.

Wall, secondary: Those exterior building walls not otherwise defined as primary walls.

Warehouse: A building used primarily for the storage of goods and materials.

Waterfront lot: A lot that has frontage on Lake Michigan, the Grand River or another body of water.

Wells, oil and gas: Wells installed for the commercial extraction of crude oil, natural gas, sour gas or similar products. This definition may include surface or subsurface pumping or processing equipment or facilities.

Wholesale facility: An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wind energy conversion systems: A windmill or a wind energy conversion system shall mean all, or any combination of, the following:

- A. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a shaft;
- B. A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power;
- C. A shaft, gearing, belt, or coupling utilized to convey the rotation of the surface areas into a form suitable for driving a generator, alternator, or other mechanical or electricity producing device;
- D. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
- E. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

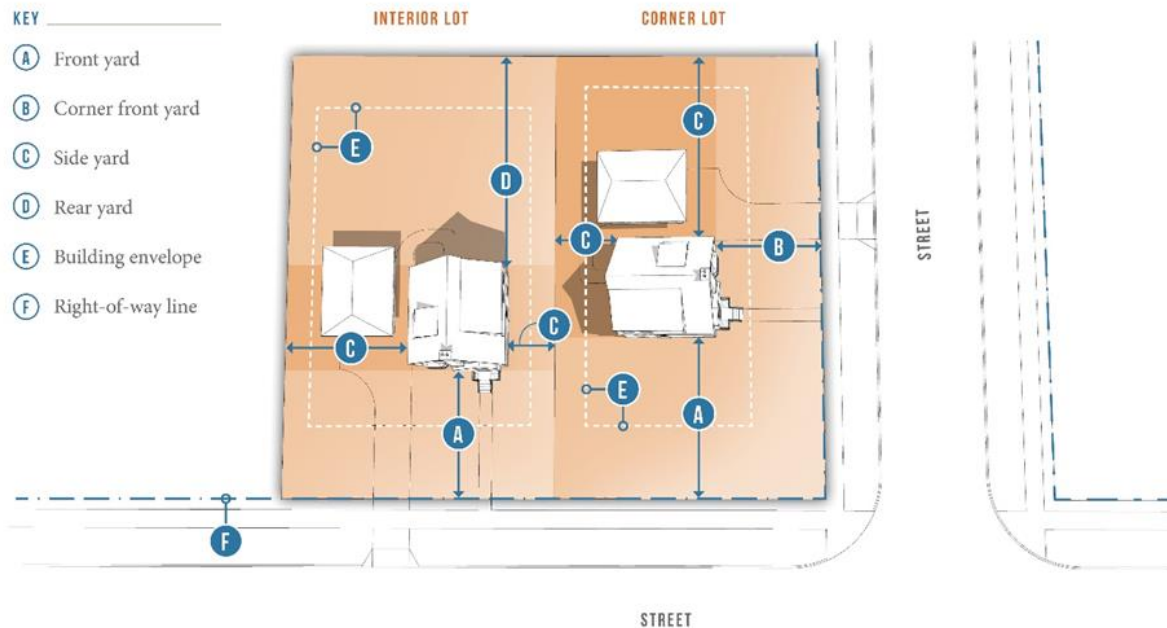
(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.24. "X."

Sec. 40-201.25. "Y."

Yards: The open spaces that lie between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in this zoning ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in this zoning ordinance.

YARDS
FIGURE 2-8



- A. *Front yard:* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

-
- B. *Rear yard*: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.
 - C. *Side yard*: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building. In the case of a corner lot, the side yard shall be opposite either street frontage.
 - D. *Waterfront yard*: For the purposes of this ordinance, a yard abutting Lake Michigan, the Grand River or another body of water shall be considered a rear yard.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-201.26. "Z."

Zoning administrator: The City of Grand Haven Zoning Administrator as established in section 40-111 of this zoning ordinance.

Zoning board of appeals: A board consisting of seven (7) members with the powers and duties as provided in Article VI of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended and as established in Section 40-113 of this ordinance.

Zoning permit: See Land use permit.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

ARTICLE III. GENERAL PROVISIONS⁴

Sec. 40-300. Purpose and scope.

It is the purpose of this article to set forth regulations that may apply generally in all zoning districts to all permitted uses and special uses and to provide detail on how the standards of this ordinance shall be applied. The use of all land and structures and the construction, reconstruction, alteration, repair and moving of all structures within the City of Grand Haven shall conform with all applicable provisions of this ordinance unless the nonconformance is a matter of record on the effective date of this ordinance.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-301. Accessory buildings.

⁴Editor's note(s)—Ord. No. 2021-02 , § 1(Exh. A), adopted Jan. 4, 2021, amended art. III in its entirety to read as herein set out. Former art. III, §§ 40-300—40-304, 40-306—40-309, 40-312—40-314, 40-316—40-332, pertained to similar subject matter and derived from an ordinance adopted March 5, 2007; Ord. No. 15-01, § 1, adopted Jan. 5, 2015; Ord. No. 15-02, § 2, adopted Jan. 5, 2015; Ord. No. 15-05, § 1, adopted March 16, 2015; Ord. No. 15-09, § 1, adopted Nov. 2, 2015; Ord. No. 19-01, § 1, adopted Feb. 4, 2019; Ord. No. 19-08, §§ 1—3, adopted March 4, 2019; Ord. No. 19-09, § 1, adopted April 8, 2019; Ord. No. 19-12, § 1, adopted Aug. 19, 2019; Ord. No. 2020-06, §§ 2—5, adopted June 1, 2020; and Ord. No. 2020-10 , § 2, adopted Oct. 19, 2020.

Sec. 40-301.01. General standards for accessory buildings.

- A. In conjunction with principal use:
 - 1. All accessory buildings shall be permitted only in conjunction with a principal use and principal building on the same lot.
 - 2. Accessory buildings may only be constructed at the same time as or after the construction of the principal building on the same lot. Accessory buildings may only be maintained in conjunction with a principal building on the same lot. If the principal building is destroyed, demolished, or removed, the accessory building shall also be demolished or removed.
- B. An accessory building shall require zoning administrator review of a site plan in accordance with subsection 40-115.04.C. An accessory building with a footprint greater than the footprint of the principal building may be permitted as a special land use subject to the standards of the applicable zoning district and article V.
- C. Number and area of accessory buildings.
 - 1. In the following zoning districts, not more than two (2) accessory buildings shall be permitted:

• LDR, Low-Density Residential	• E, Eastown
• NS, North Shore	• OT, Old Town
• MDR, Moderate Density Residential	• B, Beechtree
• DR, Dune Residential	• NMU, Neighborhood Mixed Use
• S, Southside	

- 2. In other zoning districts, there shall be no limit on the number of accessory buildings.
- 3. For the purposes of this section, a private garage which is attached to a dwelling with a common roof of wall, or breezeway, shall be considered a part of the principal structure and not an accessory building, and shall conform to the setback, height and other applicable regulations of this zoning ordinance pertaining to the principal permitted building.
- 4. An accessory dwelling unit shall be further regulated under section 40-525 hereof.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-301.02. Dimensional requirements for accessory buildings.

- A. *Size of accessory buildings:* An accessory building, or buildings shall comply with the following:
 - 1. Building height:
 - i. In the LDR, MDR, MFR, DR, NS, S, E, OT, NMU, OS, CB, and CC, no accessory building, other than accessory dwellings regulated per section 40-525, shall exceed the following heights:

Principal building height	Maximum permitted accessory building height
Less than 18 feet	May not exceed height of principal structure
Between 18' and 23'	May not exceed 18 feet
Greater than 23 feet	May not exceed 80% of the height of the principal building

2. Square footage:

- i. Unless otherwise stated in this section, the combined area of all accessory buildings shall not exceed the footprint of the principal permitted building, except in accordance with section 40-502.
- ii. An accessory building shall not exceed one thousand (1,000) square feet in footprint area within the LDR, MDR, DR, NS, S, E, OT, B or NMU districts.
- iii. No accessory building or buildings shall occupy more than twenty-five (25) percent of the individual yard in which it is located in the LDR, MDR, DR, NS, S, E, OT, B, or NMU districts.

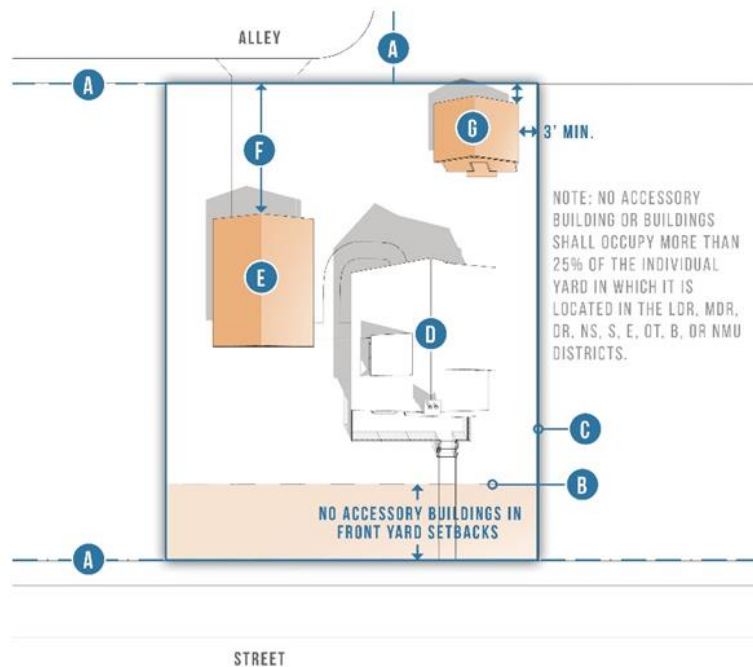
B. *Setbacks and placement:*

- 1. An accessory building is not permitted in any required front or corner front setback area.
- 2. An accessory building no greater than twenty (20) feet in height shall be located at least three (3) feet from any interior side lot line or rear lot line and no portion of an accessory building, such as eaves or other attachments, shall be located less than two (2) feet from any lot line.
- 3. Accessory buildings greater than twenty (20) feet in height shall meet the required setbacks for principal buildings in the underlying zoning district.
- 4. An accessory building shall be located at least one foot from the rear lot line where the rear lot line abuts an alley right-of-way, except if said accessory building is a garage which is accessed from an alley, it shall be setback a minimum of ten (10) feet from the alley right-of-way line to permit safe vehicular ingress and egress.
- 5. On a through lot as defined herein, an accessory building shall comply with the front yard setback requirement for both street frontages.
- 6. A detached accessory building shall be located at least six (6) feet from any principal structure.

ACCESSORY BUILDING SETBACKS AND PLACEMENT

FIGURE 3-1

- KEY
- (A) Right-of-way line
 - (B) Front yard setback
 - (C) Property line
 - (D) Primary structure
 - (E) Accessory buildings greater than 20' in height shall be located within the building envelope
 - (F) A garage accessory building shall be located at least 10' from the rear lot line when abutting an alley right-of-way if the garage takes access from the alley
 - (G) Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line



Sec. 40-301.03. Accessory structures.

- A. *Accessory structures.* Accessory structures, except where otherwise permitted and regulated in this section, shall be located in the rear yard and shall meet the setback requirements of an accessory building.
- B. *Flagpoles.* Flagpoles not exceeding twenty (20) feet in height are permitted in any required setback area, provided that flagpoles shall be no closer to a public right-of-way than one-half (½) the distance between the right-of-way and the principal building. A flagpole meeting the standards of this subsection shall not require a site plan. Flagpoles taller than twenty (20) feet shall not be located within the setback areas and shall not exceed the height requirements of the underlying zoning district.
- C. *Automobile gas station canopies.* Canopies covering gasoline pump islands may extend into the required front or exterior side yards to a point ten (10) feet from the lot line.
- D. *Private communication antennas.*
 - 1. *Placement:* Ground-mounted private communication antennas shall be located in the rear yard; provided, when it is determined such antennas will not be visible from a street, they may be located in an interior side yard but not within the minimum required setback area. Wiring between a ground-mounted antenna and a receiver shall be placed at least eight (8) inches beneath the ground within a conduit.
 - 2. *Setbacks:* Antennas located on the ground shall observe all setbacks pertaining to an accessory building.
 - 3. *Height:* No antenna, including extendable antennas, shall exceed the maximum height requirements of the district in which it is located when fully extended and shall be placed so that a horizontal distance at least equal to the vertical height of the antenna is provided between the base of the antenna and the nearest property line. Provided, where an antenna extending upward from the ground is securely attached elsewhere to a building, the required distance to the nearest property line may be measured from the building attachment to the top of the antenna. All such antennas may be attached to a pole, a tower or to a rooftop of a principal or accessory building, provided all applicable structural and electrical code requirements are met.
 - 4. *Size:* On a parcel or lot used or zoned for any residential use, including mixed use, no roof, wall, pole or tower-mounted antenna shall exceed a dimension of five (5) feet by five (5) feet or a diameter of five (5) feet. Ground-mounted antenna shall not exceed a dimension of twelve (12) feet by twelve (12) feet or a diameter of twelve (12) feet. On a parcel or lot used or zoned for other uses, no roof, pole or tower-mounted antenna shall exceed a dimension of twelve (12) feet by twelve (12) feet or, a diameter of twelve (12) feet. Ground-mounted antenna shall not exceed a dimension of sixteen (16) feet by sixteen (16) feet or, a diameter of sixteen (16) feet. Antennas less than the dimensions in this subsection D.4 shall not require a permit.
- E. *Solar energy panels.* Ground-mounted solar energy panels shall observe all applicable requirements for an accessory building. Roof or wall-mounted panels shall be mounted either flat against the surface or shall not project more than four (4) feet outward from the surface measured from the surface where so affixed to the furthest outward projection of the panel.
- F. *Private swimming pool.* In-ground and aboveground private swimming pools with a depth of greater than two (2) feet shall:
 - 1. Comply with the standards of the Code of Ordinances.

-
2. Be located at least four (4) feet from any property line or the principal building and shall be located in the side or rear yard.
 3. Be enclosed by a fence or wall at least four (4) feet in height and in such a manner that no person may enter the yard or area where the pool is located without passing through a gate or door located on the lot or parcel where the pool is located.
- G. *Arbors, trellises, and play equipment.* Arbors, trellises and play equipment shall comply with the following requirements:
1. Maximum height shall be twelve (12) feet.
 2. Arbors and trellises are permitted within all yards; provided, that arbors and trellises are set back a minimum of three (3) feet from all property lines and in accord with section 40-307, clear vision corners.
 3. Not more than fifty (50) percent of the front yard shall be occupied by such arbors, trellises, or play equipment.
- H. *Dumpster enclosures.* Dumpsters or other refuse or recycling containers shall be enclosed and such enclosures shall comply with the following requirements:
1. Where applicable, the enclosures shall consist of the same masonry materials and colors used in the front facade of the principal building(s); provided, that cinder block or conventional concrete block shall be prohibited and provided further, that where the principal building is wood sided, a masonry dumpster enclosure shall be provided.
 2. The enclosure shall be four-sided with a lockable gate constructed of opaque materials; provided, the zoning administrator or planning commission may permit that the enclosure be three-sided where site dimensions make a four-sided enclosure impractical and where the three-sided enclosure will effectively screen the dumpster from view from the adjoining right-of-way.
 3. Walls of the enclosure shall be six (6) feet in height.
 4. Interiors of enclosures shall be kept clean and free of debris and clutter.
 5. The planning commission may waive any of the requirements of this subsection where it determines that such modification of standards would further the intent and purpose of this zoning ordinance without negative impact on the aesthetics of the district.
- I. *Other accessory structures.* The zoning administrator shall review a site plan in accordance with subsection 40-115.04.C for other accessory structures and may require review by the planning commission. The zoning administrator or planning commission may impose reasonable requirements on other accessory structures to facilitate the general health, safety and welfare of the city.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-302. Accessory uses.

Sec. 40-302.01. In general.

- A. When an activity or use is conducted in conjunction with another principal use and the former use; (1) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the

principal use. Uses may be considered accessory to the principal use regardless of whether the accessory use is separately identified in this ordinance as a permitted or special use.

B. For purposes of interpreting accessory uses:

1. A use may be regarded as incidental or insubstantial if the viability of the principal use is not dependent in any significant way on the accessory use.
2. To be "commonly associated" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
3. An accessory use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, or dust, that are significantly greater than or more burdensome than such impacts from the main use on the property.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-302.02. Sidewalk cafes.

A. The city may issue revocable annual permits to sidewalk cafes, of which there exist two (2) types, per subsections 40-302.02.B and 40-302.02.C. All sidewalk cafes shall comply with the following general requirements:

1. The sidewalk on which the cafe is to be located shall be flat and in good repair.
2. The cafe's location and use on the sidewalk shall not interfere with the clear vision of a motorist on the adjoining street, particularly at any intersection of the sidewalk and another street or alley. The area occupied by the sidewalk cafe shall not extend laterally along the sidewalk beyond the building frontage of the business operating the sidewalk cafe.
3. The cafe's location shall leave a clear and unencumbered area of not less than five and one-half (5½) feet between the edge of the eating area (as defined on the site plan) or fence and any other obstruction (including utility poles, light fixtures, street furniture, planters, plants, trash receptacles, etc.) for pedestrian circulation.
4. All construction involved with a sidewalk cafe shall be of a temporary nature and shall be subject to review and approval by the city prior to installation in accordance with subsection 40-115.04.D.
5. The property owner and operator of the establishment shall keep the area clean and free of all paper, trash, refuse, and debris, and shall power wash the sidewalk or public way when necessary.
6. The eating area may be covered by a temporary structure such as a canopy or awning, or umbrella-type shades affixed, in a manner acceptable to the city, secure to a table or to the sidewalk. No advertising or signs will be allowed on the temporary structures. All temporary structures must be totally within the area permitted for the sidewalk cafe use.
7. Materials, including outdoor furniture and accessory items used in conjunction with the sidewalk cafe, shall be secured for normal wind load when the establishment is closed during the season of operation provided. Plastic or resin furniture is not permitted. During periods other than the period of operation as defined by the applicant, all outdoor furniture and accessories shall be stored elsewhere.
8. Outdoor cooking is not permitted.

-
9. The city council may from time to time adopt by resolution additional regulations governing hours of operation, lighting, noise, and other aspects of sidewalk cafe operations. Further, the city may adjust the permit fees from time to time as deemed appropriate.
- B. Mini-cafe requirements: In addition to the general requirements of subsection 40-302.02.A, a mini-cafe, defined as a sidewalk cafe comprised of bistro tables which seat no more than two (2) persons, and which does not provide wait staff and which does not serve alcohol, shall comply with the following:
1. When placed on the sidewalk, all tables and chairs shall be located immediately adjacent to the building in a single-file row and as far away from the street curb as possible unless otherwise approved.
 2. Prior to the issuance of a sidewalk cafe permit for a mini-cafe, a fee in the amount established by city council resolution shall be paid by the applicant to the city. The permit shall include the dates and duration of the sidewalk cafe. Any permit so issued shall be subject to immediate revocation by the city for failure to meet or to maintain the area of the sidewalk cafe in strict accordance with the requirements of this zoning ordinance or to comply with other applicable laws, rules, regulations, orders or directives.
- C. Semi-permanent cafe requirements: In addition to the general requirements of subsection 40-302.02.A, a semi-permanent cafe, defined as a sidewalk cafe that serves alcohol, provides wait staff for its patrons, or has tables that seat more than two (2) persons, shall comply with the following:
1. The applicant shall enter into a license agreement with the city for the sidewalk space for exclusive use of the sidewalk cafe.
 2. Appropriate screening and/or fencing shall be provided. Such barrier shall be no more than three (3) feet in height and must be selected from a prescreened palette of fencing options provided by the city.
 3. Prior to the issuance of a sidewalk cafe permit for a semi-permanent cafe, a fee in the amount established by city council resolution shall be paid by the applicant to the city. The permit shall include the dates and duration of the sidewalk cafe. Any permit so issued shall be subject to immediate revocation by the zoning administrator for failure to meet or to maintain the area of the sidewalk cafe in strict accordance with the requirements of this zoning ordinance or to comply with other applicable laws, rules, regulations, orders or directives.
 4. Semi-permanent cafes may serve patrons until 10:30 p.m. and must relocate all patrons indoors and close the cafe by 11:00 p.m.
- D. Application process:
1. All sidewalk cafes shall be subject to approval by the zoning administrator. Applications shall include any information deemed necessary by the zoning administrator and the following:
 - a. The name(s), address(es) and telephone number(s) of the owner(s), operator(s) and responsible person(s).
 - b. The proposed dates and hours of operation.
 - c. A site plan in accordance with subsection 40-115.04.C.
 - d. A photograph and/or description of proposed café furniture.
 - e. Semi-permanent café applications shall include the selected barrier per city specifications.
 2. The applicant shall execute an agreement stipulating, at the applicant's sole expense, to hold the city and its elected and appointed officials, employees and agents harmless from, indemnify them for, and defend them (with legal counsel reasonably acceptable to them through any appellate proceedings they wish to pursue until a final resolution settlement or compromise approved by them) from any liability for loss, damage, injury or casualty to persons or property caused or occasioned by or arising

from any act, use or occupancy or negligence by or of the applicant and any of its agents, servants, visitors, licensees, or employees occurring during the term of the agreement or any extended term.

3. The applicant shall furnish to the city a certificate or other evidence indicating that the applicant has had issued to it a policy or policies of insurance against damage to city property in such amounts as the city, from time to time, shall determine by resolution of the planning commission or city council. The certificate(s) of insurance shall show the city as a certificate holder and an insured and shall provide that coverage may not be terminated without thirty (30) days' prior written notice to the city. Such insurance must provide coverage of the city and its officers, employees and agents for any occurrence during the term of the permit. Upon request, the applicant shall also provide the city a copy of the insurance policy(cies).
4. The applicant shall secure and maintain any legally required workers' disability compensation and unemployment compensation insurance.
5. The permits which the city may issue are revocable annual permits.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-303. Access to public streets.

- A. In every zoning district, every use, building, or structure established after the effective date of this ordinance shall be located on a parcel which abuts a public street or a private street or easement which provides access to a public street.
- B. Such private street or easement must be at least forty (40) feet in width, unless a lesser width was duly established of record prior to the effective date of this ordinance or as part of a planned unit development, provided that private easements in all cases shall be at least twenty (20) feet in width.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-304. Animals.

Any other provision of this chapter notwithstanding, the keeping, housing, raising, use, or medical care of farm or exotic animals, other than up to three (3) house pets, belonging to an occupant of the premises, is prohibited in all districts within this ordinance. Veterinary hospitals, kennels, and animal day care facilities shall be permitted by right or by special land use only as set forth in article IV hereof.

- A. No person shall keep honeybees unless they obtain a honeybee permit and comply with the following conditions:
 1. The maximum number of hives permitted per property shall be as follows:
 - a. Two (2) hives for properties with a lot that is not greater than eleven thousand (11,000) square feet in area.
 - b. Four (4) hives for properties with a lot area of greater than eleven thousand (11,000) square feet and not greater than twenty-two thousand (22,000) square feet in area.
 - c. Five (5) hives for properties with a lot area greater than twenty-two thousand (22,000) square feet and not greater than forty-three thousand five hundred sixty (43,560) square feet.
 - d. Eight (8) hives for properties with a lot area of greater than forty-three thousand five hundred sixty (43,560) square feet (one acre) in area.

-
- e. One additional hive is allowed for each additional acre of land.
 2. Each hive shall have a maximum size of twenty (20) cubic feet.
 3. A flyway barrier at least six (6) feet in height shall shield any part of a property line that is within twenty-five (25) feet of a hive. Such flyway barrier must be at least four (4) feet in width. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof.
 4. A constant supply of water shall be provided for all hives.
 5. All hives shall be located at least six (6) feet from any property line, and where public sidewalk is present at least ten (10) feet distant from it.
 6. The applicant shall pay the fee required by the fee resolution periodically adopted by the city council.
 7. Applications for honeybee permits shall be submitted to, and permits shall be issued by, the planning and community development department.
 8. An initial honeybee permit shall be valid indefinitely or until the property is sold or transferred to another owner, unless suspended or revoked.
 9. Applications for a honeybee permit, and suspensions or revocations shall be handled in the manner provided in chapter 21 licenses.
- B. Backyard chickens. The intent of these regulations is to allow the raising of backyard chickens in single-family neighborhoods while protecting the urban character of the community. The keeping of backyard chickens is distinct from consideration of keeping other types of animals because chickens do not graze and require a small, contained area that is in keeping with the lot sizes in the City of Grand Haven.

No person shall keep chickens unless they obtain a backyard chicken permit and comply with the following conditions:

1. The keeping of chickens is permitted only on lots where the principal use is a single-family dwelling.
2. Chickens are prohibited on property located within the Sensitive Areas Overlay district.
3. The maximum number of chickens permitted per property shall be six (6). Roosters are prohibited.
4. Chickens must be maintained in a fully enclosed, roofed structure at all times.
5. The enclosure must be constructed of permanent residential building materials suited for the purpose intended, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding area.
6. All areas accessible to the chickens, including the coop and run, shall be contained in a single structure not to exceed sixty (60) square feet in footprint and eight (8) feet in height measured from the grade. The minimum run size per chicken shall be eight (8) square feet.
7. The enclosure must have chicken wire or similar material embedded twelve (12) inches into the ground around the enclosure to deter predators from digging under the enclosure wall.
8. The enclosure shall be located in the rear yard and at least eight (8) feet from side and rear property lines, and where public sidewalk is present at least ten (10) feet distant from it.
9. The enclosure must be maintained in a clean and orderly fashion.
10. Chicken feed must be kept in a vermin-proof sealed container.

-
11. Slaughtering of chickens is not permitted.
 12. The applicant shall pay the fee required by the fee resolution periodically adopted by the city council.
 13. Applications for backyard chicken permits shall be submitted to, and permits shall be issued by, the planning and community development department.
 14. An initial backyard chicken permit shall be valid indefinitely or until the property is sold or transferred to another owner, unless suspended or revoked.
 15. Upon sale or transfer, the chickens and enclosure must be removed from the premises within sixty (60) days after the expiration of the permit.
 16. Applications for a backyard chicken permit, suspensions, and revocations shall be handled in the manner provided in chapter 21 licenses.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-305. Reserved.

Sec. 40-306. Uses and dimensional requirements.

Sec. 40-306.01. One principal use per parcel.

Each parcel in the city shall be limited to not more than one principal use; provided that multiple-tenant or multiple-occupant commercial, industrial or mixed use developments, including developments consisting of more than one building, residential above retail or office uses, and live/work structures may be regarded as single uses if approved pursuant to the standards of this ordinance.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-306.02. Maintenance of required spatial relationships.

- A. The continuing maintenance of required spatial relationships and physical requirements of this ordinance for a use, structure, building, and/or parcel shall be the obligation of the owner of the use, structure, building and parcel.
- B. Required spatial relationships and physical requirements of this ordinance shall apply uniformly within each respective zoning district to all uses, structures, buildings and parcels.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-306.03. Reserved.

Sec. 40-306.04. Determining parcel dimensions, required yards and setbacks.

Required setback distances shall be measured perpendicular to and from the property line or edge of right-of-way or water's edge toward the center of the parcel. For non-platted parcels, where the front lot line is the roadway centerline, setbacks shall be measured from the edge of the right-of-way. Building setback lines shall

parallel the parcel line from which they are measured. All measurements of setback distances shall be completed in accordance with the following standards:

- A. Setback measurements shall be taken from the lot line to the building foundation, or, in the event of a cantilevered building, to the predominate cantilevered wall face.
- B. Except as provided in section 40-306.05, or in the respective zoning districts and regardless of the shape of the parcel or the position of the building on the parcel, an existing or proposed building shall be so located as to meet the required setback standards of the zoning district.
- C. Parcel width shall be measured at the front yard setback line.

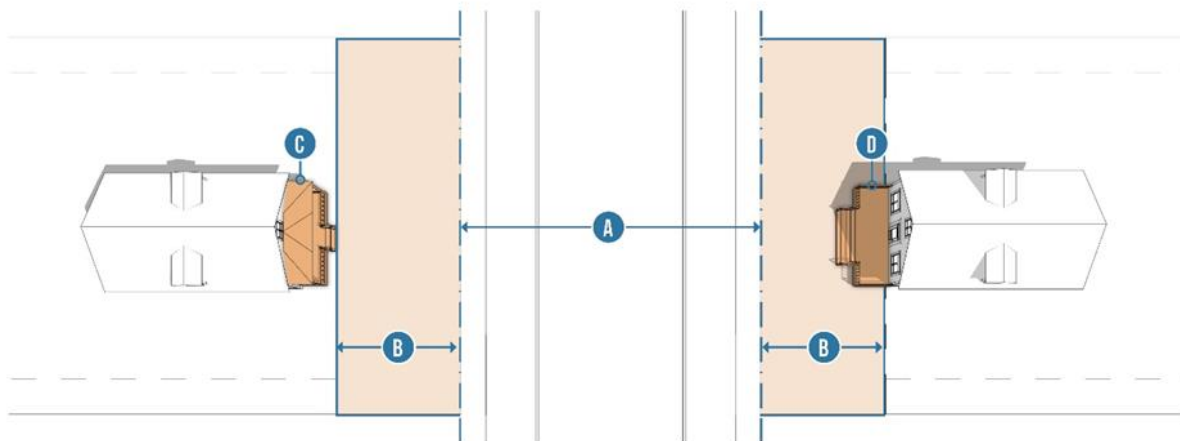
(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-306.05. Porches, decks and other projections into required yards.

- A. Projections into required front yards.
 - 1. Open, unenclosed and uncovered porches, stoops, steps, decks and paved patios may project into a required front yard for a distance not to exceed fifty (50) percent of the required front yard.
 - 2. Covered stoops and steps not exceeding five (5) feet in width and five (5) feet in depth may encroach up to five (5) feet into the required front yard setback.
 - 3. Architectural features such as fireplaces, bay windows, and ornamentation may project into the required front yard setback by not more than two (2) feet, provided no projection shall comprise more than twenty-five (25) percent of the wall surface from which it projects.
 - 4. Eaves may project two (2) feet into a required front yard.

FRONT YARD SETBACK ENCROACHMENTS

FIGURE 3-2



KEY

- (A) Street right-of-way
- (B) Required setback area

- (C) Covered porches larger than 5' x 5' may not encroach into setback

- (D) Uncovered porches may encroach into setback for a distance not to exceed fifty (50) percent of the front yard

- B. Projections into required side and rear yards.

-
1. Unless otherwise permitted within the particular zoning district, or by section 40-306.10, architectural features such as, but not limited to fireplaces, and bay windows, may extend or project into a required side or rear yard not more than two (2) inches for each one foot of width of such yard, but may not extend into any required yard more than three (3) feet. No projection shall comprise more than twenty-five (25) percent of the and in no instance shall any such projection extend closer than three (3) feet to a side or rear lot line. Eaves may project not more than two (2) feet into a required side or rear yard.
 2. Open, unenclosed and uncovered attached or detached porches, decks and paved terraces no more than seven (7) inches in height above finished grade may extend into a required side or rear yard. Attached or detached porches, decks and paved terraces, any portion of which is more than seven (7) inches above finished grade, shall not extend into a required side or rear yard, unless otherwise permitted by section 40-306.10.
- C. Steps and ramps.
1. Steps or ramps which are designed to be an integral part of a deck, porch or terrace, and which are fully contained within the setback requirements for the district may extend across the full width and length of a deck, porch or terrace as an architectural feature and may be of any width or length provided the rise between steps or access platforms, meets local building codes.
 2. Steps or ramp which cannot be contained within the setback requirements of the district and which are necessary to provide access to a deck, porch or terrace, may extend beyond the setback requirements through any yard to the property line, provided they do not exceed the minimum width, length, riser height or slope ratio as set forth in the building code for a conventional staircase or ramp way.
- D. No below-grade or underground feature shall extend into any required front, side or rear yard, except that egress window wells may project up to three (3) feet into a required yard, provided that the outside edge of the window well is at least three (3) feet from the adjacent property line.

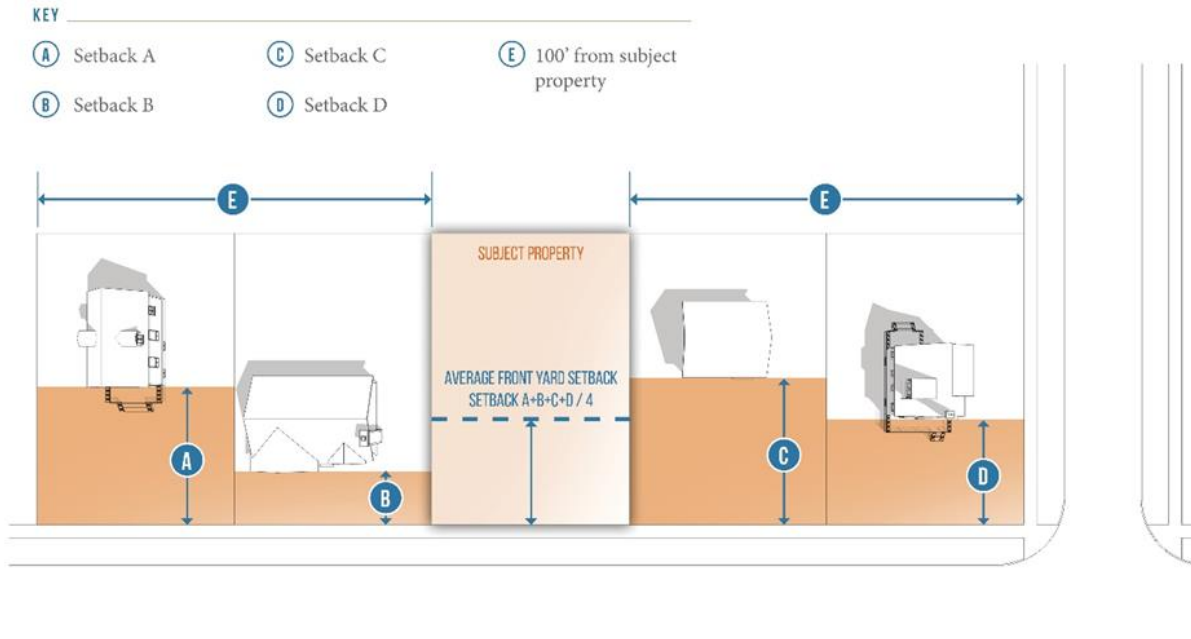
(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-306.06. Front yard setback averaging.

In the event a site plan is submitted for a proposed building or improvement in an area where two (2) or more of the existing buildings, within the same block and zoning district do not meet the front yard or corner front yard setback requirements of this ordinance, at the request of the applicant the zoning administrator shall establish the minimum front yard or corner front yard setback for such proposed building or improvement by averaging all existing front yard or corner front yard setback dimensions (as applicable) on all lots within one hundred (100) feet in each direction of the side lot lines of the subject site, within the same zoning district and on the same side of the street. A minimum front yard or corner front yard setback established pursuant to this section may be based on a survey of all properties incorporated in said average at the discretion of the zoning administrator and to be provided at the applicant's expense. The provisions of this section 40-306.06 shall only apply to the DR district after meeting the requirements of subsection 40-406.02.C. In the event there are only two (2) lots on one block, the adjacent block may be used for the purposes of this paragraph, if it is within the same zoning district.

FRONT YARD SETBACK AVERAGING

FIGURE 3-3



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-306.07. Side yard setback for lots of substandard width.

In the MDR, DR, S, E, OT, districts and for parcels in existence as of the effective date of this ordinance that do not meet the lot width standards for the underlying district, the zoning administrator may approve a reduction of three (3) inches in each of the minimum required side yards for each one foot of reduced lot width. Provided that in no instance shall any such reduced side yard be less than three (3) feet and no portion of a building, such as eaves or other attachments, shall be located less than two (2) feet from any lot line.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-306.08. Determining height and grade.

- A. *Topographical map.* There is hereby established the City of Grand Haven Topographical Map which shall be based on two-foot contour lines as determined by Ottawa County, 2004 aerial photography and adopted by the planning commission as the official basis for evaluation of any dimensional standard pertaining to the natural grade and regulated by this ordinance.
- B. *Height measurement.* For the purposes of this ordinance, building and structure height shall be measured from median natural grade, determined as follows:
 1. *Parcels outside the Dune Residential district.* In all districts other than the Dune Residential district, a median natural grade for the parcel shall be established by subtracting the lowest natural grade elevation point from the highest natural grade elevation point along the front building line, multiplying the result by 0.5 and adding the product to the elevation of the lowest point. From the resulting median natural grade elevation, all building and structure height limits shall be determined. Building

Created: 2021-12-13 14:17:38 [EST]

(Supp. No. 13)

height shall be measured from said median natural grade to the uppermost point of the building or structure, such as the roof ridgeline or peak.

2. *Dune Residential district.* Within the Dune Residential district, a median natural grade shall be established for each side of a rectangle containing the building footprint as follows: On each side of said rectangle, the lowest natural grade elevation point shall be subtracted from the highest natural grade elevation point, and the result shall be multiplied by 0.5 and added to the elevation of the lowest point. The result shall be a median natural grade elevation for each of the four (4) sides of said rectangle. A maximum building height of thirty (30) feet shall be established and shall be measured from said median natural grades for each of the four (4) sides of said rectangle to the uppermost point of the building or structure located along or generally proximate to that portion of said rectangle. Where any point of a proposed building is equidistant from two (2) or more sides of said rectangle and the maximum heights determined pursuant to this paragraph result in two (2) or more maximum height values for that portion of the structure, the zoning administrator shall establish a maximum height from the determined values which shall present the least view obstruction to up gradient properties.
3. *Height limit.* Unless otherwise regulated in this ordinance, the height limitations of this ordinance shall not apply to rooftop mechanical equipment such as HVAC, chimneys, church spires, flag poles, public monuments or commercial wireless transmission towers; provided, however, that the planning commission may specify a height limit for any such structure when such structure requires authorization as a special land use. Provided, further, that all such structures shall be limited to the least possible surface area of the roof. All telecommunication towers and antennae shall be subject to the requirements of section 40-564, telecommunication and antennas and towers. Elevator shafts, stairwells, access hatches and other structures shall meet all building height requirements or permitted extensions thereof as may be permitted in particular zoning districts. Facilities, including furniture and fixtures for rooftop dining or other permanent or temporary activities shall not exceed the height limits for the particular zoning district.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-306.09. Lots adjoining alleys.

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements, one-half (½) the width of such alley abutting the lot shall be considered as part of such lot.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-306.10. Lots having water frontage.

The purpose of this section is to create a context-sensitive infill line which respects existing conditions and sight lines to the greatest extent feasible for all properties abutting Lake Michigan, the Grand River or another body of water.

The following standards shall apply to lots having water frontage:

- A. Those residential lots or parcels having water frontage and abutting a public or private street shall maintain the yard on the water side as an open unobscured yard, excepting that a covered and/or uncovered boat well shall be permitted after review and approval of plans by the planning commission.
- B. In a waterfront area, the zoning administrator shall establish the minimum waterfront setback for a proposed building or building addition. This includes all structures exceeding a height of three (3) feet above the floor of the first story above grade, and all structures with fixed or attached accessories or

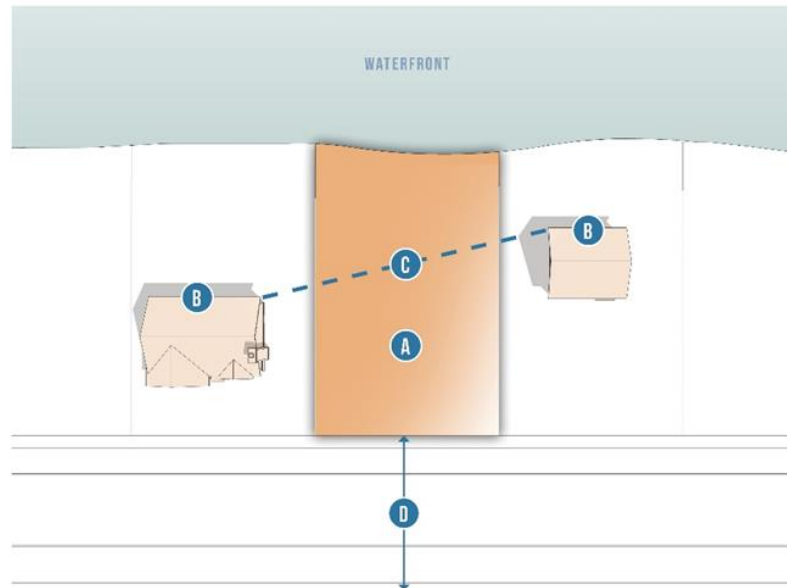
extensions (including, but not limited to, pergolas, retractable awnings, and trellises) which exceed a height of three (3) feet above the floor of the first story above grade. To establish the minimum waterfront setback, the following criteria shall be met:

1. A proposed building or building addition shall be no closer to the water than a straight line connecting the nearest building (other than a boathouse) on each side of the lot on which the building or building addition is proposed. In the event that the adjacent lot(s) is/are vacant or the minimum waterfront setback is not apparent due to topography or other factors, then the zoning administrator shall determine the minimum waterfront setback.
2. Setback distance is measured from rear (water) lot line to the nearest building wall or to the nearest structure exceeding a height of three (3) feet above the floor of the first story above grade. In the event the lot does not have a rear lot line, the zoning administrator shall establish a line to be consistent with the adjacent parcels and ensure that the intent of this section has been met.
3. Structures that measure three (3) feet in height or less that project beyond the setback average may not project more than fifteen (15) feet into the required waterfront yard. Decks and patios below seven (7) inches above grade are exempt from this requirement providing said deck/patio does not have a railing system.

WATERFRONT SETBACK

FIGURE 3-4

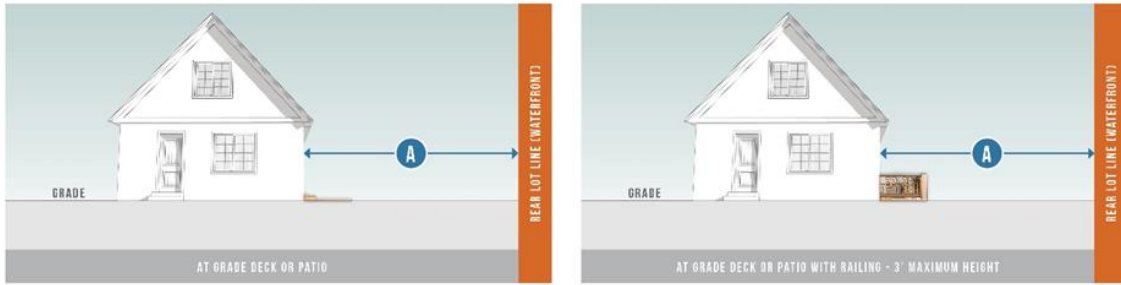
- KEY
- (A) Subject property
 - (B) Nearest building on each side of the subject property
 - (C) Minimum waterfront setback
 - (D) Right-of-way



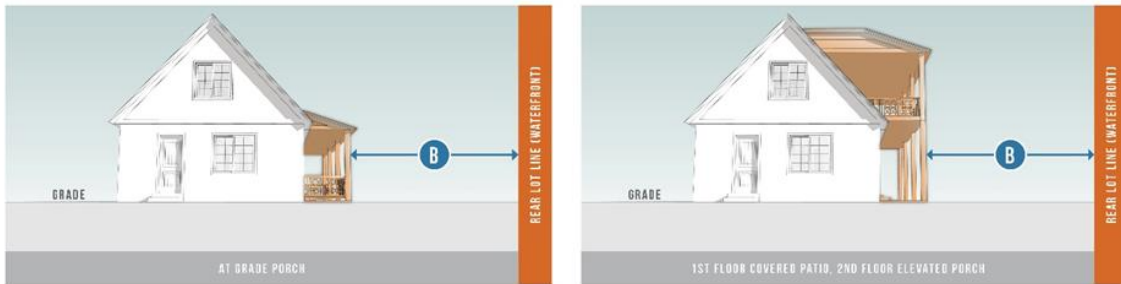
WATERFRONT SETBACK - LEVEL GRADE

FIGURE 3-5.A

- KEY — (A) Setback to building - structure under 3' in height
 (B) Setback to building - structure above 3' in height



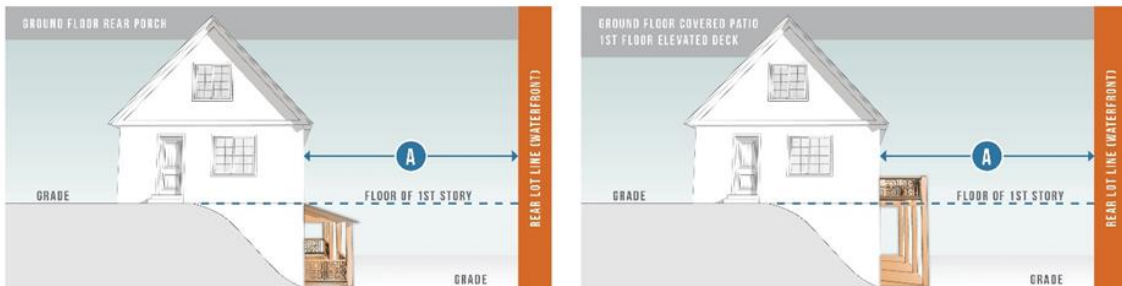
Setback distance is measured from rear (water) lot line to the nearest building wall or to the nearest structure exceeding a height of three 3'



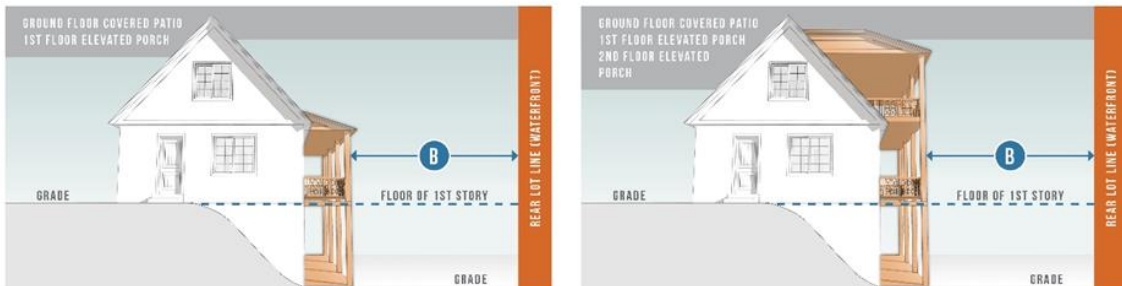
WATERFRONT SETBACK - VARIED GRADE

FIGURE 3-5.B

- KEY — (A) Setback to building - structure under 3' in height
 (B) Setback to building - structure above 3' in height



Setback distance is measured from rear (water) lot line to the nearest building wall or to the nearest structure exceeding a height of three 3'



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

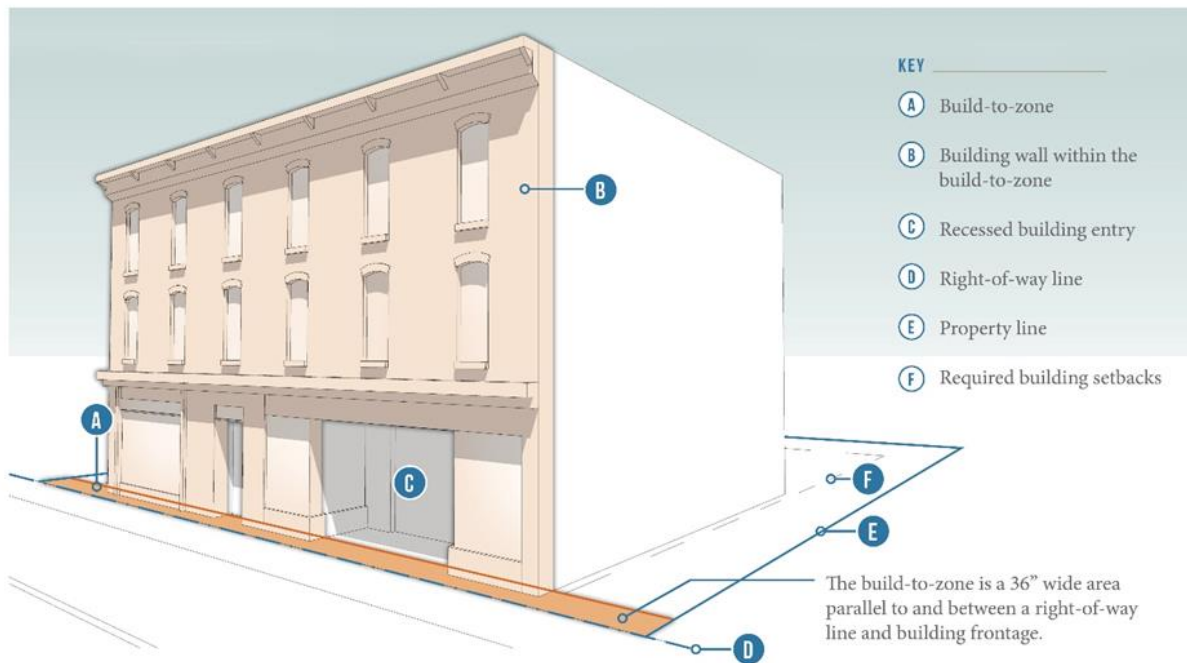
Sec. 40-306.11. Measuring transparency.

Transparency of the ground floor facade is measured from grade to the ceiling height of the first story for that portion of the facade facing the public street. Transparency for upper stories is measured from the floor of the upper story to the ceiling of the upper story for that portion of the facade facing the public street.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-306.12. Measuring build-to zone.

BUILD-TO-ZONE
FIGURE 3-6



A build-to zone is a thirty-six-inch wide area parallel to and between a right-of-way line and building frontage. Build-to zones are required in the NMU, CB, and WF-2 districts requiring a significant percentage of the building's front wall to be located within a thirty-six-inch zone back from the right-of-way line. The purpose of the build-to zone is to encourage a continuous building frontage close to the sidewalk providing visual interest to passersby.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-307. Clear vision corners.

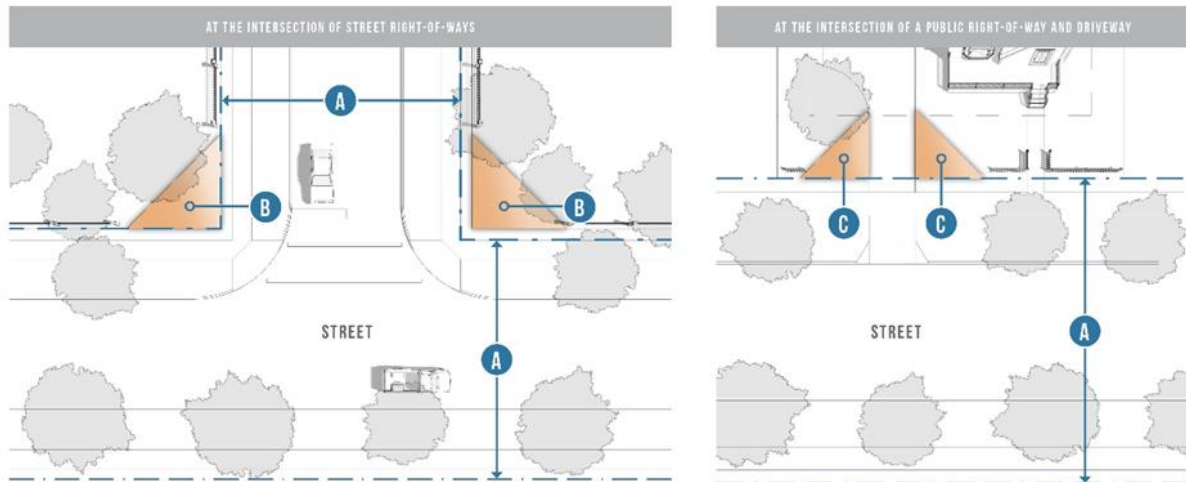
Clear Vision Corner.

- A. No fence, wall, shrubbery, sign or other obstruction to vision above a height of three (3) feet from the established sidewalk grade shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection; except that in the interest of public

safety, clear vision requirements may be made more restrictive upon recommendation of the department of public safety.

CLEAR VISION CORNER

FIGURE 3-7



KEY

(A) Right-of-way

(B) Clear vision corner at the intersection of any street right-of-way: Triangular area drawn along right-of-way lines at a distance of twenty-five (25) feet from the point of intersection

(C) Clear vision corner at the intersection of public right-of-way and a driveway or alley: Triangular area drawn along right-of-way lines at a distance of fifteen (15) feet from the point of intersection

- B. Wherever a lot line intersects a public right-of-way, driveway or alley, no obscuring wall of any kind shall be permitted and no shrubbery, sign, or other obstruction to vision above a height of three (3) feet from the established sidewalk grade shall be permitted within the triangular area formed at the intersection of a lot line and right-of-way line, a distance along each line of fifteen (15) feet from their point of intersection.
- C. Entry structures, including but not limited to, walls, columns, and gates, marking entrances to single-family subdivisions or multiple housing projects are permitted and may be located in a required yard; provided that the structure achieves the requirements of this section; and provided further that such entry structures shall comply with all codes of the city and shall be approved by the building department and a permit issued.
- D. The clear vision corner requirement shall not apply to properties in the NMU, CB, or WF-2 districts where the build-to zone requirement applies; except that for reasons of public safety, clear vision requirements may be required by the planning commission upon the recommendation of the public safety director.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-308. Condominiums.

Condominiums shall be considered a legitimate form of property division and ownership in the city regulated as other forms. Attached condominiums, whether townhouse, duplex or multi-story structures shall be regulated as any other multiple-unit development. Detached unit developments, condominium subdivisions or site

condominiums shall meet the requirements of this ordinance and comply with the design and layout requirements of the City of Grand Haven Subdivision Control Ordinance.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-309. Conversion of existing structures and dwellings.

- A. Existing structures may be converted to accommodate uses other than those for which the structure was originally constructed, provided that such use conforms with the requirements of this ordinance.
- B. Existing dwellings shall not be modified or converted to accommodate additional occupants beyond the number for which the structure was originally constructed, without explicit approval of the City of Grand Haven as provided herein.
- C. The form and footprint of an existing building shall not be changed or modified, except in conformance with the requirements of this ordinance. Modifications may be made to nonconforming structures and dwellings pursuant to section 40-111.04 hereof.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-310. Community gardens.

- A. *Purpose.* The purpose of this section is to support the cultivation of locally grown food, encourage local community involvement, improve public health and well-being, and provide economic opportunity by allowing community gardens in the City of Grand Haven. The provisions of this section are intended to support the local food system, while minimizing impacts that may result from agricultural uses.
- B. *Permit required.* The creation of a community garden shall require a zoning permit to ensure compliance with the applicable standards of this ordinance.
- C. *Standards.* The following standards shall apply to all community gardens in Grand Haven:
 - 1. Community gardens may be an accessory use or a principal use on any property in the City of Grand Haven.
 - 2. Plant beds shall be set back a minimum of three (3) feet from all property lines and rights-of-way.
 - 3. Lighting, if provided, shall be a minimum amount necessary and have fully cut-off features so that all directly emitted light falls within the property boundary.
 - 4. Farm stands selling plants grown at the property are permitted between 8:00 a.m. and 8:00 p.m. Except for sales of plants produced within the community garden and sold at the farm stand, there shall be no other retail sales.
 - 5. The property shall be maintained in an orderly and neat condition so as to prevent the free flow of storm water, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, or alleys.
 - 6. Accessory structures, including greenhouses, storage sheds, and shade pavilions may be located in the side or rear yard, subject to section 40-301, but shall not exceed ten (10) percent of the total lot area.
 - 7. Gardening activities shall be conducted in a manner consistent with the activities and noise levels of the neighborhood in which they are located. The use of any motorized equipment, by gas or electricity, within a residential zoning district shall be permitted only between 8:00 a.m. and 8:00 p.m.

8. Compost piles shall only be used for waste generated on site and be located a minimum of five (5) feet from each property boundary and a minimum of twenty (20) feet from a residential structure.
9. If vehicular access to the site is desired, access shall be provided via a driveway constructed to city standards. There are no minimum parking standards, but any parking lot designed for more than four (4) vehicles shall be constructed in accordance with article VI, parking.
10. Community gardens shall comply with other applicable standards of this ordinance, including but not limited to, fences and retaining walls, clear vision corners, and signage requirements.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

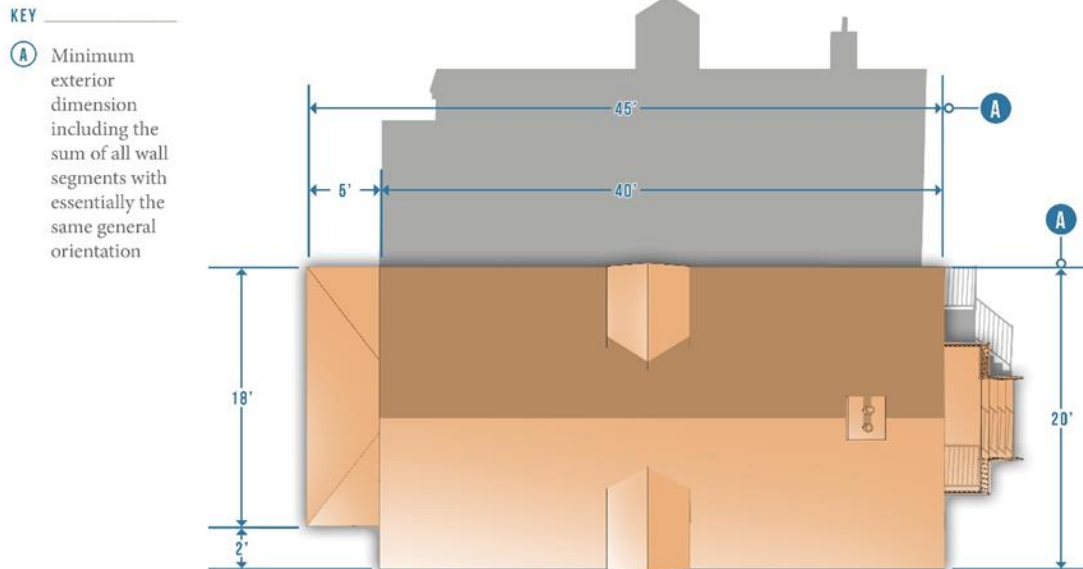
Sec. 40-311. Reserved.

Sec. 40-312. Dwellings.

- A. A dwelling located within the basement of a building, structure or dwelling is prohibited.
- B. All dwelling units shall provide a minimum height between the interior floor and ceiling of seven (7) feet or if a manufactured housing unit, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, as amended.

MINIMUM EXTERIOR DIMENSION

FIGURE 3-8



- C. In all districts, the minimum exterior dimensions of any single-family dwelling unit shall be twenty (20) feet, measured along one wall face including the sum of all wall segments with essentially the same general orientation (as illustrated at right) between the exterior part of the walls having the greatest length. Minimum gross living area as required in article IV shall be determined by measuring the area enclosed by the exterior perimeter wall including finished living areas on the main floor and floors other than the main floor, but not including garages, decks, basement, and similar non-habitable space.
- D. All dwellings shall be connected to a sewer system and water supply system approved by the city.

-
- E. All additions to dwellings shall meet all the requirements of this ordinance.
 - F. For two-unit dwellings located in the E, S, OT, OS, and NMU districts, the following standards apply:
 - 1. Scale elevation drawings depicting architectural features shall be provided. A two-unit dwelling shall be designed to look like a one-unit dwelling and shall include architectural details found on the majority of dwellings in the neighborhood, so that the two-unit dwelling is consistent with the aesthetic character of existing buildings.
 - 2. A garage serving a two-unit dwelling shall be (1) recessed or (2) placed to the rear of the dwelling with side or rear entry.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-313. Essential services.

Essential services as defined herein may be placed in any zone; provided, that the zoning administrator finds that there will be no adverse effect upon surrounding adjacent property. Significant structures associated with essential services and proposed within a residential district shall be reviewed by the planning commission as to architecture, landscaping, and screening suitable to the neighborhood.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-314. Home occupations.

It is the policy of the City of Grand Haven to encourage entrepreneurship and a reasonable degree of activity within residential areas during normal business hours. Such activity contributes to the vitality of the community and increases safety within neighborhoods. However, excessive commercial activity, such as traffic, odors, deliveries and signage, within a neighborhood may undermine its residential character. The intent of this section is to establish reasonable standards to regulate home occupation activities that are compatible with the residential character of a neighborhood.

- A. Minor-home occupation: A minor-home occupation is a home occupation as defined herein, which would normally not be apparent to neighbors living in the vicinity, such as providing piano lessons to one student at a time. A minor home occupation shall be permitted in any residential district, subject to the following conditions:
- B. Minor-home occupations:
 - 1. Must be registered with the zoning administrator. Registration shall be provided on forms developed by the city and may require a fee as determined by the city council. Such registration shall document that the minor home occupation shall be conducted in accordance with the terms of this section.
 - 2. Must be conducted entirely within a residential building or within an accessory structure, and must not be evident in any way from the street or from any neighboring premises.
 - 3. Must not change the character of the building in which it is conducted and must not constitute, create or increase a nuisance.
 - 4. The operator of the home occupation shall make the dwelling unit within which the home occupation is conducted his/her primary residence, where the operator regularly sleeps, eats, entertains and conducts other functions and activities normally associated with home life. Not more than one nonresident may be employed by the home occupation.

-
5. Must employ only mechanical equipment which is similar in power and type used for household purposes and hobbies.
 6. Must not generate noise, vibrations, smoke, dust, odor, heat, or glare which are detectable beyond the property lines. Furthermore, the home business shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.
 7. Must provide sufficient solid waste receptacles sufficiently screened and maintain the property free of debris.
 8. Must not devote more than twenty-five (25) percent of the principal building and accessory buildings to such home occupation.
 9. Must not require parking spaces in excess two (2) spaces, located in the driveway or on the street directly adjacent to the property.
 10. Must not generate vehicle trips in excess of ten (10) trips per day.
 11. On-site sale of merchandise shall be limited to:
 - a. Items commonly traded or collected or occasionally bought and sold by hobbyists (i.e. antiques, stamps, coins, comics, etc.), but not including automobiles or firearms.
 - b. Crafts and artistic products produced on-site.
 12. No more than two (2) customers, clients, students or patients shall be on the premises in which a home occupation is located at any one time.
 13. Visits by customers, clients, students, or patients to a premises in which a home occupation is located shall be limited to the hours of 7:00 a.m. to 8:00 p.m.
 14. All building, housing, fire and other local or state codes and ordinances shall be adhered to for home occupations.
 15. A minor home occupation shall include an individual's ability to operate as a registered primary caregiver, as defined by and in compliance with the General Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133 (the General Rules), the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26421 et seq. (the "Act") and the requirements of this chapter. Nothing in this chapter, or in any companion regulatory provision, adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the general rules. Also, since federal law is not affected by that Act or the general rules, nothing in this chapter, or in any companion regulatory provision, adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. The Act does not protect users, caregivers or owners of the properties on which the medical use of marihuana is occurring under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:
 - a. Compliance with subsection 40-314.B.1—15.
 - b. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
 - c. A registered primary caregiver must be located outside of a one-thousand-foot radius from any school, or library, as defined by the Michigan Public Health Code, 1978 PA 368, as

amended MCL 333.7410, to insure community compliance with federal "Drug-Free School Zone" requirements.

- d. Not more than one primary caregiver shall be permitted to service qualifying patients per dwelling unit.
- e. Not more than five (5) qualifying patients shall be assisted with the medical use of marihuana within any given calendar week.
- f. All medical marihuana shall be grown and contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devises that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the building official and the City of Grand Haven Department of Public Safety.
- g. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
- h. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.

- C. A major home occupation shall be a home occupation that cannot meet the requirements of this section. Such major home occupation shall be regulated pursuant to section 40-533, home occupation, major, of this ordinance.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-315. Reserved.

Sec. 40-316. Key street segments.

Key street segments are located throughout the city and are identified on the zoning map and in the particular zoning districts established in article IV. Key street segments tend to include a mix of land uses, and, due to traffic patterns, are appropriate locations for certain uses within a zoning district. If a property fronts on, and gains access from, a key street segment, certain uses shall be permitted as permitted or special land uses that are not otherwise permitted in other locations within the zoning district boundaries. For the purposes of this ordinance the street segments are described in the respective zoning district sections of article IV and as illustrated on the City of Grand Haven Zoning Map shall include both sides of the street extending between the rights-of-way listed in article IV.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-317. Lighting.

- A. *Intent and purpose:* To create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and rights-of-way, by minimizing brightly lighted surfaces and lighting glare as well as extended areas along sidewalks and streets. To preserve the restful quality of nighttime, by eliminating intrusive, artificial light and lighting that unnecessarily contributes to "sky glow", and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements

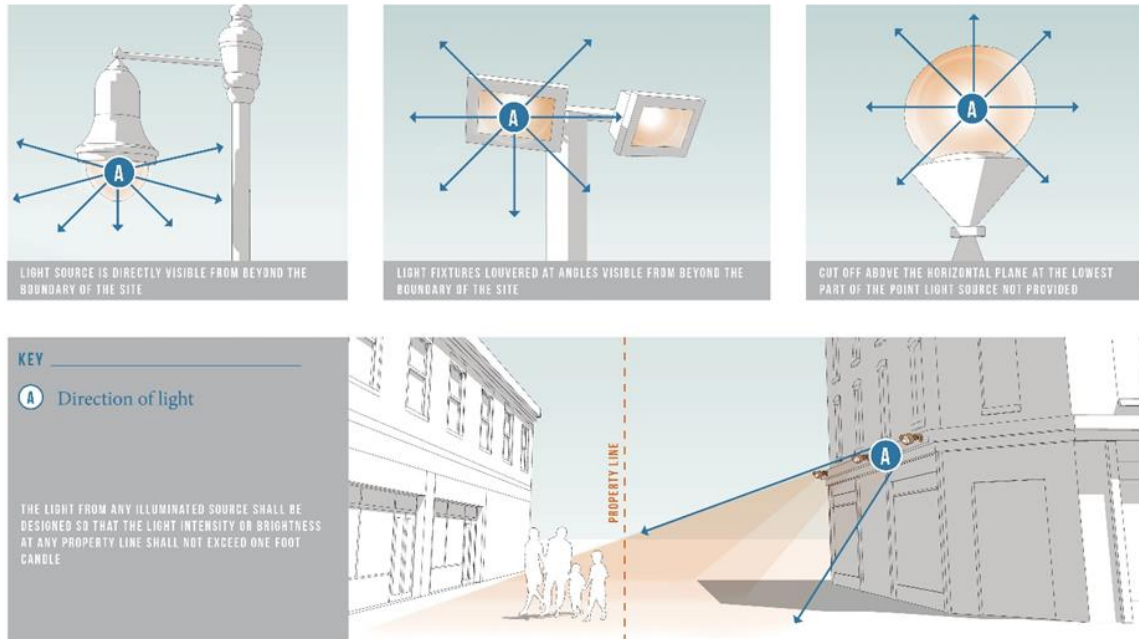
shall be considered by the planning commission and zoning administrator in the review of all site plans submitted for approval under the terms of this zoning ordinance.

B. *General standards:*

1. *Exempted areas and types.* The following types of outdoor lighting shall not be covered by this ordinance:
 - a. Residential decorative lighting such as porch lights, low-level lawn lights, and special seasonal light such as Christmas decorations, and residential yard lights whether building mounted or pole-mounted, provided the light intensity or brightness at any property line shall not exceed one foot candle. Light spillover onto public rights-of-way is exempt from this section.
 - b. Sign lighting as regulated by article VII hereof.
 - c. Lighting associated with detached single-family and two-family housing.
2. *Regulated lighting.* The following types of lighting shall be regulated by this ordinance:
 - a. Parking lot lighting and site lighting for commercial, industrial and institutional developments.
 - b. Multiple-family developments parking lot lighting and site lighting.
 - c. Privately owned roadway lighting.
 - d. Building facade lighting.
 - e. Other forms of outdoor lighting which, in the judgment of the planning commission, is similar in character, luminosity and/or glare to the foregoing.
 - f. All forms of neon lighting.
3. *Standards:* Lighting shall be designed and constructed in such a manner as to:
 - a. Insure that direct or directly reflected light is confined to the development site and pedestrian pathways.
 - b. Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, or the light source is not directly visible from beyond the boundary of the site.
 - c. The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall not exceed one foot candle, except that brightness at a street right-of-way may exceed one foot candle if the city determines that such brightness is necessary for public safety reasons.
 - d. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.
 - e. Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.
 - f. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness, or color. Beacon, strobe and search lights are not permitted.
 - g. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

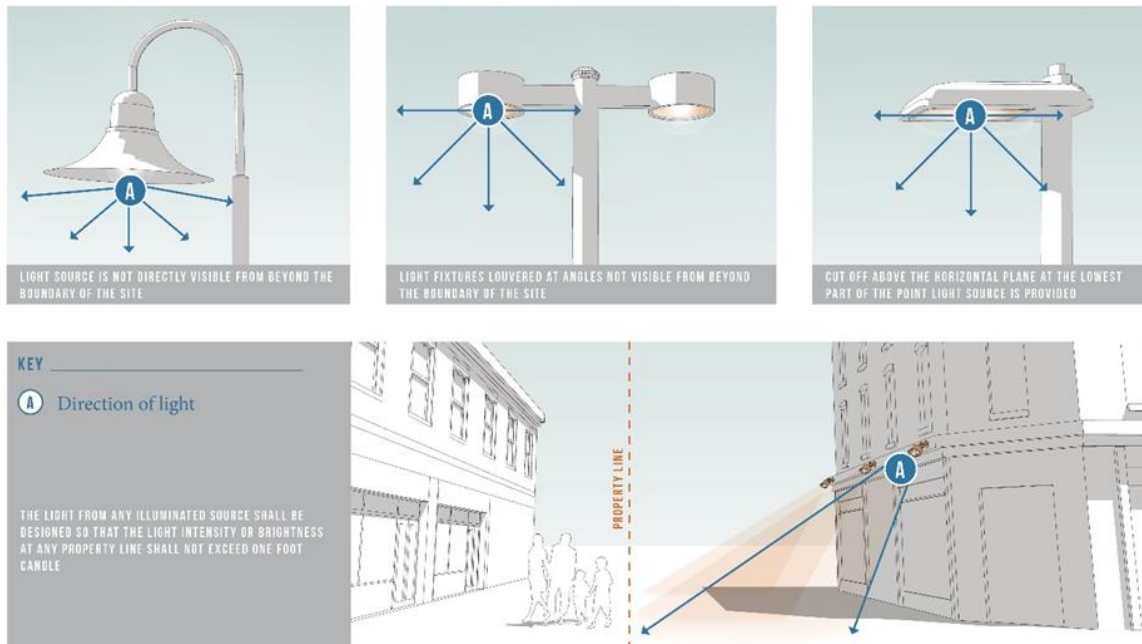
UNACCEPTABLE STANDARDS FOR LIGHTING

FIGURE 3-9



ACCEPTABLE STANDARDS FOR LIGHTING

FIGURE 3-10



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

(Supp. No. 13)

Created: 2021-12-13 14:17:38 [EST]

Sec. 40-318. Outdoor storage and parking of recreation vehicles and other materials.

Sec. 40-318.01. Residential districts.

- A. Within the LDR, MDR, DR, NS, S, E, OT and NMU districts, the outdoor storage or parking of RVs, boats, and trailers of any kind shall be permitted only in accordance with this section. The storage or parking of trucks of more than one and one-half (1½) tons capacity, truck trailers, recreational vehicles and boats shall be prohibited in any front yard in all districts, except as accessory to a use permitted by right or by special land use permit.
- B. The outdoor storage of recreational vehicles, boats and trailers shall be regarded as a permitted accessory use in the LDR, MDR, DR, NS, S, E, OT and NMU districts, if such storage conforms to the provisions of this section.
- C. Such outdoor storage may be permitted within the rear yard or in one side yard, provided all stored material is placed no closer than three (3) feet from a side lot line or five (5) feet from a rear lot line and provided that such storage does not prevent clear access between the front and rear yards of the parcel for a person on foot.
- D. Such storage shall not be permitted in any front yard, except that recreational vehicles, boats, and trailers may be stored in a driveway within a front yard for a period of not more than five (5) consecutive days in any thirty-day period, and further provided that such recreational vehicles, boats, and trailers are not within five (5) feet of the front lot line and do not obstruct a sidewalk or otherwise jeopardize the public health, safety, or welfare.
- E. The open storage of disassembled or component parts for any vehicle of any type shall be deemed a nuisance in accord with the City of Grand Haven Nuisance Ordinance and shall be prohibited at all times.
- F. Any recreational vehicle or boat stored out of doors shall be the property of the resident.
- G. Temporary dwellings. Parking or storage of recreational vehicles, campers, or boats and trailers on the street for more than forty-eight (48) hours at a time is prohibited. Such storage may not occur more than three (3) times per twelve-month period, and shall be separated by at least seven (7) days between each occurrence. Longer periods shall require a permit from the zoning administrator. No person shall use or permit the use of any temporary dwelling, camper, recreational vehicle or trailer as a principal or seasonal or short-term dwelling on any site, lot, field, parcel or tract of land, except as part of a campground licensed by the Michigan Department of Public Health and/or county department of public health.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-318.02. Commercial and industrial districts.

In the TI, C, I districts, yards for storage of heavy machinery, supplies and materials generally used by road builders, earth movers, and construction contractors, or unused motor vehicles, trailers or boats, or parts thereof, and raw materials or scraps which may or may not be wholly owned by the property owner, shall be only located in areas approved by the planning commission. Such storage yards shall be entirely enclosed with a solid fence evergreen plantings or other year-round screening not less than six (6) feet high. Fencing or walls shall not be more than eight (8) feet high and shall be constructed and maintained in such suitable manner in accordance with this zoning ordinance. In approving or disapproving such a fence to screen outdoor storage, the following standards shall be applied:

- A. Fences and walls shall be constructed of durable materials such as brick, cement block, chain link, or structural resin intended to remain in good condition in the western Michigan shoreline climate. Sheet

metal, chainlink with woven screening, wood planks and other similar materials that may be subject to rusting, weathering or deflection under severe weather conditions shall not be permitted.

- B. All fencing materials shall be properly maintained and located in accord with the terms of this ordinance and completely on the property of the owner. The planning commission may require that sufficient area be set aside on the outside of the fencing to permit maintenance of the fencing from the owner's property.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-319. Parcel divisions and combinations.

- A. *New parcels.* New parcels created and existing parcels combined shall conform to this ordinance and the requirements of the Land Division Act, being Act 288 of the Public Acts of 1967, as amended. No parcel shall be split, divided, combined with another parcel or created which does not meet the dimensional, land use and site design and layout requirements of this ordinance, except as may be permitted specifically elsewhere in this ordinance. No parcel may be split, divided, combined with another parcel or created such in such a way as to create a nonconforming condition on either the proposed new parcel or the remainder thereof, unless the overall degree of nonconformance between the proposed parcel or remainder thereof is reduced.
- B. *Subsequent splits.* Lots under a single ownership that have been combined may be split back to the originally platted dimensions, and to a dimension that is significantly similar to the established pattern of development in the surrounding neighborhood, as determined by the zoning administrator. Nothing in this section shall be construed to permit the division of a lot to create a setback dimension less than the minimum required in the applicable zoning district.
- C. *Divided lots.* Unless expressly approved by the planning commission as a part of a planned development, no parcel of land shall be divided by a public or private right-of-way or road easement such that any portion of the parcel isolated from the remainder of the parcel by such right-of-way or easement includes less than the minimum area and frontage for the zoning district in which it is located.
1. Each portion of such divided lot exclusive of the right-of-way or easement, shall either:
 - a. Comply with the district requirements for minimum net lot area, road frontage, lot width, width to depth ratio and setback, or
 - b. Be considered permanently combined with such other portions of the lot such that the combined portions, exclusive of the area within the right-of-way, are considered one zoning lot to comply with the district requirements for minimum net lot area, road frontage, lot width, width to depth ratio and setback.
 2. Not more than one principal building may be erected on a divided lot and the standards of section 40-301 pertaining to accessory buildings shall apply to divided lots, providing that all required setback standards of this zoning ordinance shall be met.
 3. No portion of a divided lot, as defined herein, may be sold or otherwise conveyed if the divided lot, either prior to or after the conveyance, shall fail to meet the requirements of this zoning ordinance pertaining to minimum net lot area, road frontage, lot width, width to depth ratio and setback.
 4. One or more platted lots, any of which do not meet the net lot area and road frontage requirements of this zoning ordinance and which are separated from one another by a public or private road right-of-way or road easement and which have common ownership and which have been used historically as one site, shall be considered to be one zoning lot.

5. One or more platted lots, any of which do not meet the net lot area and road frontage requirements of this zoning ordinance and which are separated from one another by a public or private road right-of-way or road easement and which have not been used historically as one site, may become one zoning lot if a copy of a recorded deed incorporating the owner's intent to permanently combine such parcels is provided to the city.
 6. Once a divided lot, as defined herein, is designated and used as such, it shall not be used or developed except in conformance with the requirements of this zoning ordinance.
- D. *Combinations.* Nothing in this section shall be interpreted to prevent the permanent combination of two (2) or more contiguous parcels to create a new parcel which complies, or more fully complies, with the requirements of this ordinance.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-320. Performance standards.

- A. It shall be unlawful to conduct or permit any activity or operation or use of land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazards to humans or human activities.
1. *Sound.* The emission of measurable noise in decibels (dB) from the premises shall not exceed the sound levels outlined in Table 320, when measured at any property line. These regulations do not apply to construction activities, maintenance activities, noises of safety signals, warning devices, emergency pressure relief valves or special community events approved by city council.

Table 320			
Source of Sound	Receiving Property		
	Residential	Commercial	Industrial
Residential	50 dB	57 dB	60 dB
Commercial	55 dB	60 dB	65 dB
Industrial	55 dB	65 dB	70 dB

2. *Vibration.* All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of three thousandths (0.003) of one inch measured at any lot line of its source. Vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses.
3. *Odor.* The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any lot lines, when diluted in the ratio of one volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines, is prohibited.
4. *Toxic gases.* The escape or emission of any gas, which is injurious or destructive or explosive, shall be unlawful and shall be summarily abated, as directed.
5. *Glare and heat.* Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.
6. *Light.* All lighting shall be arranged to reflect light away from adjacent parcels and must follow the standards outlined section 40-317.

-
7. *Electromagnetic radiation.* The rules and regulations of the Federal Communications Commission, as amended with respect to the propagation and dissemination of electromagnetic radiation must be followed and are hereby made a part of this ordinance.
 8. *Drifted and blown material.* The drifting or airborne transmission beyond the lot line of soot, particles, or debris from any stockpile shall be unlawful and shall be summarily abated, as directed.
 9. *Smoke, dust, dirt, and fly ash.* It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period or periods aggregating more than three (3) minutes in any sixty (60) minutes which is more than forty (40) percent opaque.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-321. Private streets.

- A. All streets within the City of Grand Haven shall be public streets built to public street standards and shall be located within public street rights-of-way, except the planning commission may recommend to the city council and the city council may permit private streets in private easements, when any of the following conditions are found to exist:
 1. Not more than four (4) non-platted divisions of land will be served by the street.
 2. The street will terminate within a site of land divisions, with only one means of ingress and egress.
 3. There is no opportunity or potential to plat the land under the city's subdivision platting standards, either on the land itself or, by extension of existing subdivision plats on adjoining lands into the land itself.
 4. A private street would preserve a natural site amenity that would otherwise be destroyed or diminished by development of a street built to public road standards.
 5. The private street is proposed as part of a planned development pursuant to section 40-421 hereof.
- B. When it is found that at least one of the above conditions exists, a private street in a private easement may be developed on the land, in place of a public street in a public right-of-way, provided the following standards are met:
 1. The private street shall be at least twenty-four (24) feet in width and shall consist of a hard-surfaced material that meets city standards for a public street.
 2. An easement shall be provided in which the private street shall be located and shall be at least sixty-six (66) feet in width if four (4) or more lots or parcels are to gain access from it, or forty (40) feet in width, if fewer than four (4) parcels will gain access from it. The centerline of the private street shall be the same as the centerline of the easement.
 3. A private street that does not connect with the public street network at both ends shall be provided with a cul-de-sac type of turn-around at its terminus. The cul-de-sac street shall be at least forty-eight (48) feet in diameter within an easement that shall be at least sixty-four (64) feet in diameter. The Grand Haven Fire Marshal or other agency or department having jurisdiction may modify the requirement of this section to ensure that all properties gaining access are adequately accessible to emergency services.
 4. The city engineer shall approve all drainage associated with a private street and a private street easement.
 5. All land within a private street easement shall be excluded from all minimum lot area and lot width requirements applicable to parcels fronting the private easement.

-
- C. In a PD development, the planning commission may approve a modification of the requirement of this section.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-322. Screening of mechanical equipment.

- A. *Rooftop mechanical equipment.* In all districts except the I district, all rooftop mechanical equipment shall be screened from view through one or more of the following methods: a concealing roofline, a parapet, a screening wall, or grillwork constructed of the same building material as the building directly surrounding the equipment, or an alternative screening mechanism satisfactory to the planning commission. All mechanical equipment shall be sufficiently setback from the facade edge to be concealed from street-level view or where roofs are visible from abutting and adjacent residential areas a roof will be required to cover mechanical units from view. Any screening material shall be no taller than necessary to achieve the required screening.
- B. *Other mechanical equipment.* In all districts except I, ground mounted mechanical equipment intended or used for heating, air conditioning, make-up air, dust collection, plumbing ventilation, exhaust, telecommunication, or other purposes associated with the occupancy of the building shall be screened from view with fencing or landscaping to the greatest extent possible. In the I district, such screening shall be provided only in yards which abut residential districts, and only to the extent feasible, as determined by the zoning administrator.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-323. Site preparation and excavation.

Land filling, mining and other land-form contour changes to create a buildable area or to remove or stockpile topsoil, sand or earth shall not be undertaken, except in conformance with the requirements of this ordinance, applicable county, state and federal requirements and the Grand Haven City Code of Ordinances, as amended. No person shall undertake any activity such as grading, clearing, cutting and filling, excavating, or tree removal in preparation for a use or structure which requires site plan review and approval until the proposed use or structure is authorized by a land use permit.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-324. Temporary uses and structures.

- A. *Temporary uses registry.* The zoning administrator shall maintain a registry of authorized temporary uses as provided herein.
- B. *Temporary sales.* Sidewalk sales, food trucks, pop-up stores, tents, or seasonal sales of goods are permitted in accordance with the following restrictions:
1. *Permitted districts:* Such temporary sales shall be permitted in the OT, NMU, OS, CB, C, B, WF, WF-2, TI and I districts.
 2. *Registration:* Any person, organization or business desiring to utilize property for a use authorized by this section shall first register with the zoning administrator, on a form to be provided, and shall pay a fee for registration in an amount as established by the city council. The registration form shall be accompanied by a sketch plan identifying:

-
- a. The shape, location and dimensions of the lot, including the shape, size and location of all existing buildings or other structures on the lot, off-street parking layout, and the location of any designated fire lanes.
 - b. The shape, size and location of all buildings or structures to be erected or moved onto the lot, including tents, tables, stands, display racks, or vehicles from which the temporary sales will be conducted.
3. *Time limitations:*
- a. Registration for a temporary tent or sidewalk sale related to a permitted principal use otherwise occurring on the lot shall be effective for no longer than seven (7) days. There shall be a minimum seven-day gap between subsequent sales. No more than three (3) such temporary uses may occur on a particular lot within a single calendar year. During times of emergency pursuant to section 40-111.01.E, temporary tent or sidewalk sales shall be permitted on the lot without time restriction, following the approval of public safety, public works, and other appropriate city departments.
 - b. Registration for a seasonal sale of goods, not related to a permitted principal use otherwise occurring on the lot (e.g., t-shirts, Christmas trees, sunglasses or fireworks) shall be effective for no longer than thirty (30) days. No more than one such seasonal sale shall be permitted on a lot within a single calendar year or at a time.
 - c. Pop up shops may be permitted for no longer than thirty (30) days provided that the activity conducted would be permissible in the underlying zoning district and other applicable regulations of this ordinance would be satisfied.
4. *Regulations:*
- a. A temporary tent or sidewalk sale permitted in accordance with this section shall comply with all applicable requirements for the zoning district in which it is to be located including, without limitation:
 - 1) Section 40-307, Clear vision corners.
 - 2) Section 40-317, Lighting.
 - 3) Article VI, Parking.
 - 4) Article VII, Signs.
 - b. A temporary structure used in conjunction with such use may be located in a front yard, but no closer than one-half ($\frac{1}{2}$) the distance between the right-of-way and the principal building.
 - c. When a seasonal sale of goods is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which it is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area and off-street parking.
5. The city council may issue permits for the temporary use and occupancy of property for uses not otherwise provided for in this ordinance (carnivals, special events, flea markets, environmental testing devices) and which do not require the erection of any structures requiring foundations or connection to public water or sewer. For the purpose of this section, a temporary activity shall not extend for more than six (6) weeks in any year. There shall be no minimum duration for a temporary activity. The city council may issue permits for a temporary activity for up to six (6) months during times of emergency pursuant to section 40-111.01.E to allow businesses flexibility to operate.

-
6. Private garage sales, yard sales, or estate sales. Sales of personal items from a private residence or church, such as garage or yard sales, or civil organization events such as car washes, shall not require a temporary activity permit if such activity does not extend for more than three (3) days in any ninety-day period or occur more than once in any ninety-day period.

C. *Temporary dwellings:* (See subsection 40-318.01.H).

D. *Temporary structures:*

1. A temporary structure shall not be occupied as a dwelling.
2. A temporary structure shall be located only in the side or rear yard of a property and shall meet the setback requirements of its respective district. The zoning administrator must approve the site for the temporary structure prior to its placement.
3. Fabric or plastic covered framework or metal roofed temporary structures shall be prohibited in all districts.
4. Construction trailers, job-site offices, tool cribs and similar temporary structures associated with building or public facility construction shall be properly anchored and may be located on any portion of a construction site, provided clear vision corners are maintained at all intersections and safe pedestrian passage is provided.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-325. Unclassified uses.

The planning commission may find that a land use, while not specifically classified in this ordinance as a permitted or special land use, may be sufficiently similar to uses listed as permitted by right or as special uses. In that event, such unclassified uses may be reviewed and treated as similar classified uses within the district.

In reaching such a finding, the zoning administrator shall first evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with the intent of the district and other permitted and special land uses. If the zoning administrator determines that such use is similar to the uses permitted by special use permit, a report outlining the determination shall be provided to the planning commission with a recommendation to consider such use as sufficiently similar to permitted or special land uses within the district and the approval standards that should be used to evaluate the proposed use.

Where a proposed use of land or use of building is not contemplated or specified by this ordinance or where the zoning administrator has a question as to the appropriateness of a use, which, although permitted, involves other features, which were not contemplated or specified by this ordinance, the zoning administrator shall request a determination by the planning commission. If the planning commission determines that such use is not contemplated or specified by this ordinance, or that it involves features, which were not contemplated or specified herein, such use shall be prohibited. Nothing in this section 40-325 shall be construed to prohibit a future amendment of this ordinance pursuant to section 40-121 amendments to provide standards to regulate a land use that may be currently excluded.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-326. Utilities required.

A structure intended or used for human occupancy shall be connected to a public sewer and water supply, and other sustenance utilities, or to such private facilities in compliance with the city Code, as amended, and approved by the Ottawa County Health Department.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-327. Fences and retaining walls.

Fences, walls, and decorative fences shall require a land use permit issued by the zoning administrator and shall comply with the following regulations and requirements:

A. *Retaining walls.*

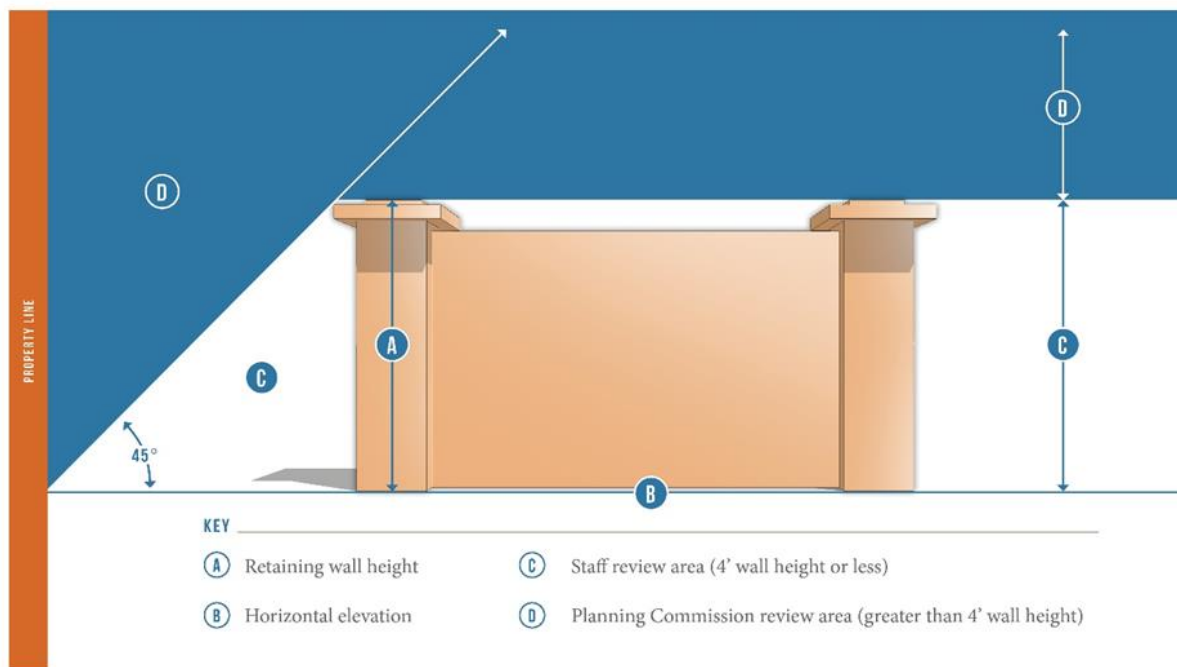
1. *Intent.* The intent of these regulations is to maintain, as much as possible, the natural contours and vegetation of the slopes and elevation changes throughout the City of Grand Haven while recognizing that some improvements may be acceptable to avoid erosion and manage runoff.
2. *Application procedure.*
 - a. Unless otherwise specified in this section, retaining walls and changes in grade shall require a land use permit issued by the zoning administrator.
 - b. Retaining walls that exceed forty-eight (48) inches in height or that project above a line drawn at a forty-five-degree angle from the property line, where the horizontal plane is the existing elevation at said property line, towards the proposed retaining wall(s) shall require a special land use permit in accordance with section 40-116 and a site plan review in accordance with section 40-115, and, at a minimum, include the following:
 - i. A site plan, prepared by a design professional, which shall ensure stability against overturning, sliding, lateral soil loads, water uplift, and acceptable soil resistance at the base of the retaining wall. At the discretion of the planning commission, a sealed plan prepared by a structural engineer may be required.
 - ii. Setback dimensions from all property lines and existing structures to all proposed retaining wall(s) or the point of beginning of the grade change(s), whichever is closest.
 - iii. Existing and proposed contour elevation lines in one-foot increments.
 - iv. A stormwater runoff and management plan which clearly displays the stormwater discharge and management proposed to avoid any additional runoff and/or erosion onto adjoining properties or the public way. All systems shall include drainage pipes behind the wall to remove stormwater from behind wall and discharge to a point away from the wall.
 - v. A landscaping plan, which at a minimum, shall include all proposed ground cover, plants, shrubs, trees, and all fences including location and setbacks from property lines.
 - vi. For changes in grade and retaining walls that are within the land areas regulated by federal or state laws, all federal and state approvals shall be obtained prior to all planning commission reviews.

-
- c. All new retaining walls located in the Sensitive Areas Overlay district shall follow the procedures of section 40-422.
3. *Location.*
- a. Retaining walls shall be located so as to not obstruct the clear vision corners as regulated in section 40-307.
 - b. No retaining wall shall be placed closer than one foot to a public parking area, public road, or public sidewalk.
4. *Height.*
- a. The height of a retaining wall shall be measured straight up vertically from the existing grade to the upper most point at the top of the wall unless the retaining wall assembly includes footings for stability and building code compliance at which time the wall height shall be measured from the top of the footing to the upper most point at the top of the wall.
5. *Design and type.*
- a. The placement, location and design of a retaining wall shall not modify or alter existing drainage patterns.
 - b. Excavation needed for the placement, location and design of a retaining wall shall not undermine the grade of the adjacent property.
6. *Maintenance/replacement.*
- a. Retaining walls shall be maintained to retain their original height and configuration. Elements of a retaining wall that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original retaining wall height and configuration.
 - b. Maintenance or replacement of an existing retaining wall shall require a land use permit from the zoning administrator.
7. *Additional conditions.*
- a. All new retaining walls and repair or replacement of existing retaining walls over forty-eight (48) inches in height shall require a building permit under the Michigan Building Code or Michigan Residential Code respectively prior to excavation. All retaining walls, regardless of height, shall comply with the requirements of the building codes and be constructed in accordance with the product manufacturer's specifications.
 - b. The zoning administrator reserves the right to request any of the requirements in section 40-327.A.2.b. above to complete an administrative review.
 - c. While every effort has been made to effectively address each retaining wall request it is impossible to predict each configuration possible. At the discretion of the zoning administrator, such non-typical retaining walls can be forwarded on to the planning commission for site plan review in accordance with section 40-115 of the zoning ordinance.
 - d. Retaining walls that result in a decrease or a lower elevation in grade from the existing elevation of the land area are permitted as long as such change in grade and retaining walls are within the setback footprint required for the principal structure. All such decreases and lower elevation changes in grade and retaining walls outside the required setback footprint of the principal structure shall only be permitted after an administrative review and approval.

- e. The planning commission, at its discretion and as a condition of special land use approval, may require a guardrail for protection from fall from the top of retaining walls. Such guardrail system(s) shall be constructed with materials and designs which reflect the character of the immediate neighborhood, are constructed of approved exterior use materials, and are constructed according to manufacturer's specifications and the Michigan Building Code.

RETAINING WALL REVIEW

FIGURE 3-11



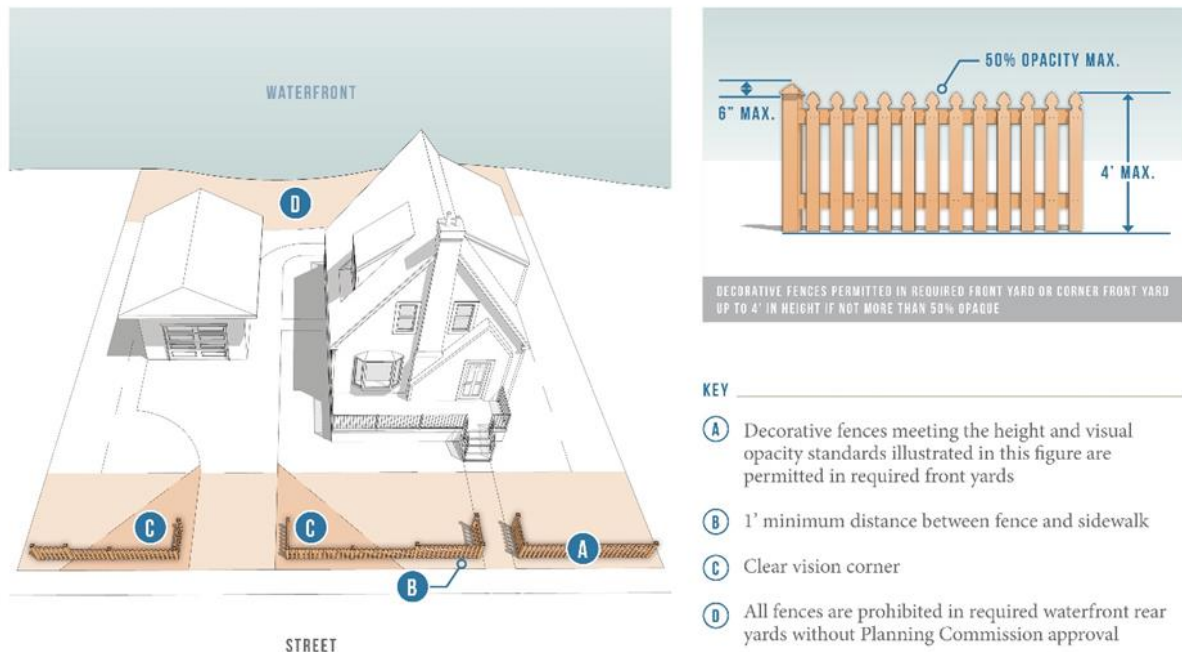
B. Fences.

1. Location.

- a. Front yard. Fences in a front yard or corner front yard shall be limited to decorative fences, as defined herein, in all districts except the TI and I districts.
- b. On a waterfront lot no fence shall be located in the rear yard except that in a residential district, a fence may be approved in the rear yard by the planning commission.
- c. Fences shall be located so as to not obstruct the clear vision corners as regulated in section 40-307.
- d. No fence shall be placed closer than one foot to a public sidewalk.

FENCE LOCATION

FIGURE 3-12



2. Height and opacity.

- a. Total fence height shall be measured from the grade to the top of the fence. Posts may extend a maximum of six (6) inches above the fence.
- b. In all districts, except I and TI, and as further regulated elsewhere in this ordinance, fences and walls in any side or rear yard shall not exceed six (6) feet in height.
- c. Fences in a required front yard or corner front yard shall not exceed four (4) feet in height, except where otherwise permitted in this section, and shall not obstruct vision to an extent greater than fifty (50) percent of their total area.
- d. "Living" fences, such as hedges, in required front yards need not meet the opacity standards of subsections 40-327.B.2 and B.3, but shall not exceed three (3) feet in height and shall comply with the clear vision corner requirements of section 40-307.
- e. The planning commission may approve a greater fence height in the TI and I districts if the increased height will better screen a use from the roadway or adjacent residential uses.
- f. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height measured from the surface of the ground, and shall not obstruct vision to an extent greater than thirty-five (35) percent of their total area.
- g. Fences may be placed on retaining walls, berms or similar features, if the combined height of the fence, and the retaining wall, berm or similar feature does not exceed the maximum permitted height set forth in this section. Provided, however, a fence and retaining wall with a combined height in excess of the standards of this section, may be permitted when the zoning administrator determines that the additional combined height is necessary for the stabilization of

a naturally-occurring bank or dune and/or the fence on the retaining wall is necessary for appropriate screening between uses or for safety of persons or property.

3. *Design and type.*

- a. Unless otherwise specified in this section, all residential fences shall be designed and constructed of materials commonly used in conventional fence construction. Acceptable materials include wood product, composite wood, rigid vinyl, wrought iron, or chain link. The use of scrap materials, doors, shutters, pallets, paneling, or other materials not ordinarily used as fencing is prohibited.
- b. All fences shall be constructed with the finished side exposed to neighboring properties, the support posts placed on the inside, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding area.
- c. Decorative fences shall be constructed, by way of illustration, in a style similar to split rail, picket, or wrought iron fences. Decorative fences shall be designed to incorporate no more than fifty (50) percent opaque surface area.
- d. Except in the I Industrial district, and where required by local, state or federal law enforcement authorities, no fence shall contain electric current, charge of electricity, broken glass caps or chain link type fences with sharp wire edges exposed.

4. *Maintenance.* Fences shall be maintained to retain their original appearance, shape and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-328. One-family cluster development.

The intent of this section is to permit the development of one-family residential patterns which, through design innovation, will introduce flexibility so as to provide for the sound physical handling of sites in situations where the normal subdivision approach would otherwise be unreasonably restrictive. To accomplish this, the following modifications to the one-family residential standards may be permitted subject to the conditions herein imposed:

- A. In the residential districts, one-family cluster development may be permitted. In approving areas for one-family cluster development under this section, the planning commission shall find at least one of the following characteristics exists on the land:
 1. Residentially zoned land lying within the SA Overlay district.
 2. An area generally parallel to, and generally not to exceed three hundred sixty (360) feet in depth, on those unsubdivided parcels of land having frontage on a major street of at least one hundred twenty (120) feet of right-of-way width and being so located as to provide transition between nonresidential or major streets and one-family development.
 3. An unsubdivided area which the planning commission finds to be of such unusual shape, or which is found to contain unsuitable or generally unbuildable soil conditions, or which has unusually severe topographic conditions, or which is characterized by some other unusual physical or development factor which would make sound physical development under the normal subdivision approach impractical.
 4. An unsubdivided area which the planning commission finds to be characterized by major stands of trees, streams, or other watercourses which, as significant natural assets, ought to be

-
- preserved, such conditions making sound development of the site, under normal subdivision approaches undesirable.
5. The natural land forms are so arranged that the change of elevation within the site includes slopes in excess of fifteen (15) percent between these elevations. These elevation changes and slopes shall appear as the typical feature of the site rather than exceptional or infrequent features of the site.
 6. The achieving of road grades of less than six (6) percent is impossible unless the sites are mass graded. The providing of one-family clusters will, in the opinion of the planning commission, allow a greater preservation of the natural setting.
- B. The area in open space (including subdivision recreation areas and water) accomplished through the use of one-family clusters shall represent at least fifteen (15) percent of the gross acreage of a one-family cluster development. Open space areas shall be kept as usable open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means. Open space areas may be used in computing density where preserved as open space.
- C. The overall permitted density within those parcels which qualify for cluster development shall not exceed the following (including all residential streets):
1. DR and NS, 3.5 units per acre overall.
 2. LDR, 4.3 units per acre overall.
 3. MDR, 6.3 units per acre overall.
 4. MFR, 30 units per acre overall.
- D. Under this section, two-unit dwellings in clusters, or detached one-family homes in clusters, shall be permitted subject to the following conditions:
1. Two-unit dwellings within a cluster shall be permitted when such dwellings are attached either through a common party wall or garage wall, which wall does not have over fifty (50) percent of an individual wall or more than twenty-five (25) percent of the total exterior walls of the living area of a one-family home in common with the wall or walls of the living area of an adjoining home, or by means of an architectural detail which does not form interior room space, or through a common party wall in only the garage portion of adjacent structures.
 2. Detached one-family homes within clusters shall be permitted, provided such homes are spaced not less than six (6) feet apart when opposing dwelling unit walls contain no openings, and not less than ten (10) feet apart when opposing dwelling unit walls contain openings. The distance between opposing garage walls within a cluster shall meet local fire codes, except that in no case shall such walls be less than six (6) feet apart.
- E. The maximum number of homes in a cluster shall be subject to review and approval by the planning commission.
- F. No structure shall be located closer to a street right-of-way or service drive, than twenty-five (25) feet.
- G. Each cluster of one-family dwellings shall be separated from any other cluster of one-family dwellings by a landscaped common open space and the least dimension between buildings shall not be less than twenty-five (25) feet, unless the planning commission finds that the site includes alternative topographical or other features to achieve an effective separation between clusters. The extent of the common open space between one-family clusters shall be subject to review and approval by the planning commission and shall be based on natural environmental preservation considerations, slopes, streams or other physical features of the land which would provide separation.

-
- H. In reviewing the plans and approving the application of this section to a particular site, the planning commission shall require the following:
1. All clusters that abut major streets shall have a rear yard or side yard relationship to such streets.
 2. A landscaped berm, at least five (5) feet high, shall be provided along the entire property line abutting the major thoroughfares. Berms and landscaping shall comply with article VIII, landscaping. The planning commission may permit an optional landscape treatment in lieu of a landscaped berm when a landscaped berm is not practical due to site conditions.
 3. Street ingress and egress to the major thoroughfares shall be kept to a minimum.
 4. Any area to be dedicated for park recreation or open space purposes as a result of the application of this section shall be subject to review and approval of the planning commission for minimum size, shape, location, access, the character of any improvements and assurance of the permanence of the open space and its continued maintenance.
- I. A detailed site plan shall be submitted to the planning commission for their review and consideration. Site plan review shall comply with section 40-115. In addition to the requirements set forth in section 40-115 for detailed site plans, proposed building elevations and typical floor plans shall be submitted.
- J. The planning commission shall evaluate proposals to determine whether the proposed site plan meets the site plan criteria of section 40-115.06 and the following:
1. Protection and preservation of beach areas contiguous to a lake or stream, wetland, floodplain; existing public utility easements; existing public rights-of-way; waterfront setback areas; slopes over twenty-five (25) percent; and buffer areas around such features from clearing, grading, filling, and construction.
 2. Maintenance or creation of a significant upland buffer of natural native species vegetation adjacent to wetlands and surface waters.
 3. Preservation of scenic views and vistas unblocked and uninterrupted, particularly as seen from adjacent roads and surface water.
 4. Protection of wildlife habitat areas of species listed as endangered, threatened or of special local concern.
 5. Protection and preservation of sites of historic, archaeological, or cultural value
 6. Provision of reasonable and contiguous open space areas that are attractive and useful for future residents and the larger community.
 7. Documentation that a homeowners association made up of parcel owners in the development, or a recognized non-profit land conservancy shall own or control the open space. The owner(s) of the open space shall be required to maintain the open space. In the alternative, the City of Grand Haven may, but shall in no way be required to, accept title to the open space as an addition to the city's park system.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-329. Voting place.

The provisions of this ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-330. Common open space.

The following shall apply to common open space areas:

- A. Common open space shall be a minimum of fifty (50) feet in all horizontal dimensions.
- B. Required setbacks shall not be considered as common open space.
- C. The area of road rights-of-way or access easements shall not be considered common open space.
- D. Stormwater detention ponds designed to appear and function similar to natural wetlands or ponds may be considered as open space, provided at least fifty (50) percent of the required common open space areas is in the form of usable park area.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-331. Prohibition of recreational marijuana establishments.

- A. Marijuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marijuana Act (the "Act"), are prohibited in all zoning districts, and shall not be permitted as home occupations under section 40-314 of this chapter.
- B. No use that constitutes or purports to be a marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter or any other type of marijuana related business authorized by the Act, that was engaged in prior to the enactment of this section, shall be deemed to have been a legally established use under the provisions of the city Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.
- C. Violations of this section are subject to the violations and penalties pursuant to section 40-118 of this chapter and may be abated as nuisances pursuant to chapter 23 of the Code of Ordinances.
- D. This section does not supersede rights and obligations with respect to the transportation of marijuana by marijuana secure transporters through the city to the extent provided by the Act, and does not supersede rights and the regulations under section 40-314 of this chapter 40 with respect to medical marijuana facilities established pursuant to the Michigan Medical Marijuana Act.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-332. Hazardous substance groundwater protection.

- A. *Applicability.* As set forth in this zoning ordinance, all businesses and facilities (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor) which:
 - 1. Use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety-five (95) liters (approximately twenty-five (25) gallons) per month, whichever is less; or
 - 2. Store greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately twenty-five (25) gallons), whichever is less, shall comply with the following groundwater protection requirements.
- B. *Groundwater protection requirements:*
 - 1. *Groundwater protection, generally:*

-
- a. The project and related improvements shall be designed to prevent groundwater contamination from hazardous substance discharge to the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, street slopes, and natural and manmade drainage systems.
 - b. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
 - c. General purpose floor drains and storm drains shall be:
 - 1) Connected to an on-site holding tank (not a septic tank/drain field or a dry well) in accordance with state, county and municipal requirements; or
 - 2) Authorized through a state groundwater discharge permit; or
 - 3) Connected to a stormwater system.
 - d. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.
 - e. In determining conformance with the standards in this ordinance, the zoning administrator or planning commission, whichever is applicable, shall take into consideration the publication titled "Small Business Guide to Secondary Containment; Practical Methods for Above-ground Storage and Containment of Hazardous Substances and Polluting Materials," and other references.
 - f. Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health and the Ottawa County Health Department.
2. *Above-ground storage.*
- a. Primary containment of hazardous substances shall be product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.
 - b. Secondary containment for the storage of hazardous substances and polluting materials is required. Secondary containment shall be one of the following, whichever is greatest:
 - 1) Sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance; or
 - 2) Shall be at least as great as volumes required by state or county regulations; or
 - 3) Shall, if not protected from rainfall, contain a minimum of:
 - a) One hundred ten (110) percent of the volume of the largest storage container within the dike of the secondary containment area; plus
 - b) The volume that is occupied by all other objects within and below the height of the dike of the secondary containment area; plus
 - c) The volume of a six-inch rainfall.
 - c. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
 - d. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled, stored or used, shall be designed and

constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.

- e. State of Michigan and federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.
 - f. Bulk storage of pesticides shall be in accordance with requirements of the Michigan Department of Agriculture.
3. *Underground storage.*
- a. Underground storage tank installation, operation, maintenance, closure and removal shall be in accordance with the requirements of the State Police Fire Marshal Division and the Michigan Department of Natural Resources.

Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

ARTICLE IV. ZONING DISTRICTS⁵

Sec. 40-400. Zoning districts and map.

The city is hereby divided into the following zoning districts as shown on the official zoning map:

A. The following districts are commonly referred to as the residential districts of the city:

LDR	Low Density Residential	MDR	Moderate Density Residential
MFR	Multiple-Family Residential	DR	Dune Residential
NS	North Shore	S	Southside
E	Eastown	OT	Old Town
PD	Planned Development	SA	Sensitive Area Overlay

B. The following districts are commonly referred to as the nonresidential districts of the city:

NMU	Neighborhood Mixed Use	OS	Office-Service
CB	Central Business	C	Commercial
B	Beechtree	WF	Waterfront
WF-2	Waterfront 2	CC	Civic Center
I	Industrial	TI	Transitional Industrial

⁵Editor's note(s)—Ord. No. 2021-02 , § 1(Exh. A), adopted Jan. 4, 2021, amended art. IV in its entirety to read as herein set out. Former art. IV, §§ 40-400—40-423.03, pertained to similar subject matter and derived from an ordinance adopted March 5, 2007; Ord. No. 11-10, § 1, adopted May 2, 2011; Ord. No. 12-01, § 1, adopted Jan. 3, 2012; Ord. No. 15-03, §§ 1—3, adopted Jan. 5, 2015; Ord. No. 15-10, §§ 1—3, adopted Nov. 2, 2015; Ord. No. 17-01, §§ 3—8, adopted April 24, 2017; Ord. No. 17-03, §§ 1, 2, adopted May 15, 2017; Ord. No. 18-05, § 1, adopted May 7, 2018; Ord. No. 18-06, § 1, adopted May 5, 2018; Ord. No. 19-06, §§ 2—11, adopted March 4, 2019; Ord. No. 20-03, §§ 2, 3, adopted Feb. 17, 2020; and Ord. No. 2021-01 , § 1, adopted Jan. 4, 2021.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-401. Official zoning map.

- A. For the purposes of this ordinance the zoning districts as provided in this ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of the City of Grand Haven," a copy of which accompanies this ordinance and which, with all explanatory matter thereon, is hereby incorporated into and made a part of this ordinance by reference.
- B. The official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bear the seal of the city under the following words: "This is to certify that this is the official zoning map referred to in the Zoning Ordinance of the City of Grand Haven," together with the effective date of this ordinance, or any amendments thereto.
- C. If, in accordance with the procedures of this ordinance and Michigan law a change is made in a zoning district boundary, such change shall be made by or under the direction of the mayor promptly after the amendment authorizing such change shall have been adopted and published and the approved map shall be immediately updated including the date of revision.
- D. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the Grand Haven City Hall shall be the final authority as to the current zoning status of any land, parcel, lot, zoning district, use, building or structure in the city.
- E. In the event the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the council may by resolution authorize the transcribing and drawing of a duplicate official zoning map which shall supersede the prior official zoning map. The duplicate official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such correction shall have the effect of amending the zoning ordinance or the prior official zoning map. The duplicate official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bear the seal of the city under the following words: "this is to certify that this is the official zoning map referred to in the zoning ordinance of the City of Grand Haven duplicated on _____, which replaces and supersedes the official zoning map which was adopted on _____."
- F. Where uncertainty exists as to the boundaries of land use districts as shown on the official zoning map, the following rules of interpretation shall apply:
 - 1. A boundary indicated as approximately following the centerline of a highway, street, alley or easement shall be construed as following such line.
 - 2. A boundary indicated as approximately following a recorded parcel line or a property line shall be construed as following such line.
 - 3. A boundary indicated as approximately following the corporate boundary line of the city shall be construed as following such line.
 - 4. A boundary indicated as following a railroad line shall be construed as being the centerline of the railroad right-of-way.
 - 5. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
 - 6. A boundary indicated as following the centerline of a water body shall be construed as following such centerline at the time of interpretation.

Created: 2021-12-13 14:17:39 [EST]

(Supp. No. 13)

7. A boundary indicated as parallel to, or an extension of, a feature indicated in subsections F.1. through F.6. above shall be so construed.
8. A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
- G. Where a physical or cultural feature existing on the ground is at variance with that shown on the official zoning map, or in any other circumstance not covered by subsections F.1. through F.8. above, or when there is a question in interpreting subsections 40-401F.1. through F.8. above, the zoning board of appeals shall interpret the zoning district boundary.
- H. Ottawa County Zoning Designations. To conform to the Standardized District Titles and Colors of the Ottawa County Planning and Grants Department, certain zoning districts carry a title for the purposes of this Grand Haven Zoning Ordinance and another for purposes of conformance with the county guidelines. In this ordinance only the official district titles are used, but the following provides a cross reference to the standardized Ottawa County Titles:

City of Grand Haven Zoning District Title and Abbreviation	Ottawa County Standardized District Title and Abbreviation
Low Density Residential (LDR)	Single-Family Residential (SFR A)
Moderate Density Residential (MDR)	Single/Multi Residential A (SMR A)
Dune Residential (DR)	Single/Multi Residential B (SMR B)
North Shore (NS)	North Shore (NS)
Multiple-Family Residential (MFR)	Multi-Family Residential-2 (MFR-2)
Southside (S)	Southside (S)
Easttown (E)	Easttown (E)
Old Town (OT)	Old Town (OT)
Neighborhood Mixed Use (NMU)	Mixed Use A (MU A)
Office-Service (OS)	Office/Service A
Central Business (CB)	Central Business District A
Commercial (C)	Highway Commercial (C-3)
Beechtree (B)	General Commercial (C-2)
Waterfront (WF)	Waterfront A (WF A)
Waterfront 2	Waterfront B (WF B)
Civic Center (CC)	Civic Center (CC)
Transitional Industrial (TI)	Transitional Industrial (TI)
Industrial (I)	General Industrial (GI)
Planned Development (PD)	Planned Development (PD)
Sensitive Areas Overlay (SA)	Sensitive Areas Overlay (SAO)

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-402. Summary tables.

- A. Table 40-402.01, Table of land uses summarizes the applicable regulatory standards for the land uses governed under this zoning ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this ordinance. In the event of a discrepancy between the table and the text of the ordinance, the text shall prevail.

B. The schedule of district regulations set forth as Table 40-402.02 provides an overview of the dimensional requirements of this zoning ordinance. It is provided for expeditious reference. However, it should not be substituted for a precise reference to the specific language of this ordinance. In the event of a discrepancy between the table and the text of the ordinance, the text shall prevail.

C. Additional standards. All uses shall conform to all applicable general provisions, as well as article I, site plan requirements; article VI, parking; article VII, signage; and article VIII, landscaping.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-402.01. Table of land uses.

Uses Permitted by Right and Special Land Uses

(R = use by Right; S = Special Land Use; * = along key street segment; ** = only in dwellings with driveways fronting on Franklin Avenue, from 5th Street west.)

	LDR	MDR	MFR	DR	NS	S	E	OT	NMU	OS	CB	C	B	WF	WF-2	C
Accessory building and structure	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Accessory building with footprint greater than principal building	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S
Accessory use, when accessory to a permitted use	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Accessory use, when accessory to a special land use	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Adult foster care	R	R	R	R	R	R	R	R	R	R						
Airport																
Animal grooming								S*	S	S		R	R			R
Automobile gasoline station												S	S			
Automobile repair, minor												R	R			
Automobile repair, major												S	S			
Automobile wash												S	S			
Bed and breakfast	S	S	S	S	S	S	S	S*	S	S		S			S	
Billboard																
Boarding house			S													
Boat launch																

Cemetery				S												
Child care, family home (6 clients)	R	R	R	R	R	R	R	R	R	R					R	
Child care, commercial (13+ clients)			S			S*	S*	S*	S	S		S	S			
Child care, group home (7–12 clients)	S	S	S			S	S	S	S			S	S			
Commercial parking facility						S*					S					S
Contractor's establishment													S			
Dredging facility														S		
Drive-through business										S	S	S	S			S
Dry cleaning and laundry establishment									R		S	R	R			
Dry cleaning plant												S	S			
Dwelling, accessory	S	S	S	S		S	S	S	S	S						
Dwelling, one-family	R	R	R	R	R	R	R	R	R	R						
Dwelling, two-unit	S	S*	R			S	R	R	R	R						
Dwelling, multiple-family		S*	R				S	S	R		S	R	R		R	
Eating and drinking establishment								S*	R		R	R	R	S*	R	
Educational facility	S	S	S			S	S	S	S	S		R	S			S
Fuel storage																
Governmental building								R	R			R				R
Greenhouse													R			
Grower																
Home occupation, major	S	S			S	S	S	S	S	S						
Home occupation, minor	R	R	R	R	R	R	R	R	R	R						
Hotel									S		S	S	S		S	S
Hospital										S						

Kennel/animal day care										S		S	R			
Library									S							R
Live/work						S*		S*	R	R		R	R			
Manufactured housing community			R													
Manufacturing, compounding, or processing																
Marina														S		
Medical office						S*			R	R	S	R	R			
Mixed use development			S					S*	R	S	S	R	R	S*	S	S
Mortuary									S	S		S	S			
Motel												S	S			
Multi-tenant commercial establishment									S			R	R	S*		
Municipal uses— Utilities	R	R	R	R	R	R	R	R	R	R		R	R	R	R	R
MWET														S		
Nursery, plant materials												R	R			
Nursing care facility	S	S*	S					S*	S			S	S		S*	
Office building									R	R	R	R	R	S*	R	R
Open air business												S	S			
Park or parkland	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Personal service business						R*		R*	R	R	R	R	R		R	
Place of public assembly, large	S	S	S			S*	S*	S*	S	S	S	S	S		S	S
Place of public assembly, small	S	S	R			S*	S*	S*	R	R	R	R	R		S	S
Planned residential development	S	S	S													
Power generating facility														S		
Processor																
Professional service establishment						R*		R*	R	R	R	R	R		R	R

Provisioning Center									S		S	S	S	S*	S	
Recreation facility, commercial	S		R					S*	S		S	R	R			
Research and development																
Residential above office							R*									
Residential above retail or office								R*	R		R	R	R		R	
Retail business or retail sales								S*	R		R	R	R	S*	R	
Safety compliance facility																
Secure transporter													S			
Self-service storage facility																
Senior assisted living facility		S														
Service establishment accessory to a principal use									R	R	R	R	R		R	
Sexually oriented business												S				
Shared commercial facility									S		S	S	S			
Sheltered housing			S									S*				
Short-term rental				S		S**		S*			R				R	
Showroom												R	R			
Social service center								S	S	R						
SSMWET		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
STMWET		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Studio for performing/graphic arts									S		S	S	S			
Tattoo or piercing parlor												S	S			
Telecommunications antennas and towers																

Trade and industrial school													R			
Urgent care facility										R		R	R			
Uses similar to permitted uses	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Veterinary hospital									S			R	R			
Warehouse													R			
Wells, oil and gas																
Wholesale facility													R			
Wind energy conversion system														S		

- A. Within the following planned development districts, where residential uses were permitted as part of the approved preliminary development plan, short-term rentals are considered a permitted use:
- a. Grand Landing (preliminary plan approved by city council March 6, 2006).
 - b. Harbor Front Condos (preliminary plan approved by city council July 23, 1984).
 - c. 633 Elliott (preliminary plan approved by city council May 5, 2003).

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-402.02. Schedule of regulations.

District	Minimum Lot Dimensions		Maximum Lot Coverage	Minimum Yard Requirements (Feet)			Building Form Stds.	Maximum Height	Minimum Res. Floor Area/Dwelling and Least Ext. Dimension (Sq. Ft. & Ft.)
	Area (sq. ft.)	Width (feet)	(%) of gross lot area ^(a)	Front/Corner Front ^(b)	Side	Rear/Waterfront		Feet/stories (Principal Bldg.)	
LDR	8,700	66	30%	30	8, one side, 20 total	25/ ^{(k)(c)}	See 40-403	35	760/20
MDR	5,800	44	35%	20	6, one side, 16 total	15/25 ^(k)	See 40-404	35	570/20
MFR 1 & 2 Units Multi Units	5,800 9,000	44 100	35% N/A	20 25	6, one side, 16 total 20	15 ^(k) 25 ^(k)	See 40-405 See 40-405	35 35	570/20 400

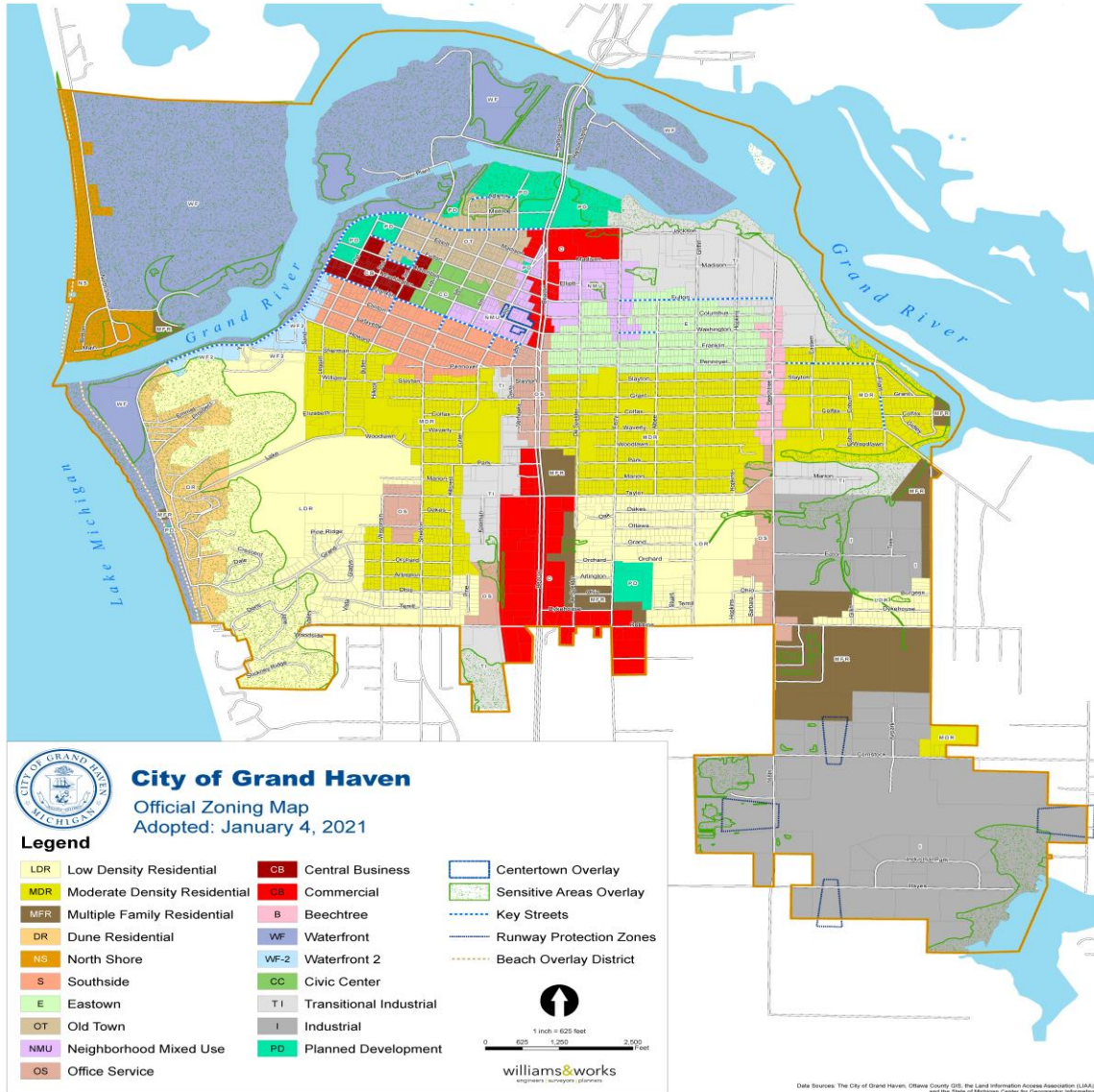
DR	10,500	66	Greater of 35% or 1,650 sq. ft.	20	6, one side, 16 total ^(d)	10 ^{(c)(k)}	See 40-406	35 See 40-406	570 ^(l) /20
NS	10,500	75	30%	30	8, one side 20 total	25 ^(k)	See 40-407	35	760/20
S	5,800	44	35%	20	6, one side, 16 total ^(d)	20	See 40-408	35	570/20
E	5,800	44	35%	20	6, one side, 16 total ^(d)	20	See 40-409	35	570/20
OT	4,350	33	35%	10	3, one side 9 total ^(d)	15	See 40-410	35 ^(j)	570/20
NMU 1 & 2 Units Multi Units All other uses	5,800 7,000 none	44 50 none	35% N/A 70%	15 15 0/5	6, one side, 16 total 10 0/5	15 25 15	See 40-411 See 40-411 See 40-411	35 ^(j) 35 ^(j) See 40-411 ^(j)	570/20 400 N/A
CB	See 40-413								
OS One family All other uses	5,800 N/A	44 N/A	35% 60%	15 15	6/16 total 6/16 total	15 15	N/A N/A	35 35	570 570
C	N/A	N/A	70%	25	0 ^(e)	10	See 40-414	40	570
B	N/A	N/A	70%	5/10 10 max	0 ^(e)	0 ^(f)	See 40-415	35	400
WF	N/A	N/A	N/A	25 ^{(g)(k)}	20 ^(g)	25 ^(c & g)	See 40-416	25 ^(m)	N/A
WF-2	See 40-417								

CC	N/A	N/A	75%	10	20	20	See 40-418	35 ^(h)	N/A
TI	N/A	N/A	70%	25 ^(k)	10	10 ⁽ⁱ⁾ /20	See 40-419	40	400/NA
I	N/A	N/A	70%	25	10	20 ⁽ⁱ⁾	N/A	60	N/A

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-402.03. Notes

- (a) That portion of a lot covered by buildings, including accessory buildings, roof overhangs exceeding two (2) feet, roofed decks, roofed patios, and porches, but excluding paved surfaces.
- (b) On a corner lot, the longer of the sides fronting a right-of-way, shall be the corner front yard.
- (c) Subject to the EGLE Critical Dune requirements.
- (d) In MDR, DR, S, E and OT, for lots of less than standard width, each required side yard may be reduced by three (3) inches for each foot of lot width less than the required minimum width, but in no instance shall side yards be less than three (3) feet, and no portion of a building, such as eaves or other attachments, shall be located less than two (2) feet from any lot line.
- (e) No side yard shall be required along interior lot lines except as provided by applicable fire and electrical codes.
- (f) If a property abuts the LDR or MDR district, a ten-foot minimum rear yard shall apply.
- (g) If adjoining an LDR district required setbacks shall increase by one foot for every five (5) feet a building exceeds fifty (50) feet in length or width, provided that in no instance shall a building in the WF district be located closer than one hundred (100) feet from a property line in the LDR district.
- (h) Government buildings fronting Central Park may be up to one hundred (100) feet in height.
- (i) Minimum required rear yard shall be twenty-five (25) feet for interior lots with rear yards abutting the LDR, MDR, MFR, S, E or OT districts.
- (j) Minimum number of stories in the NMU and OT districts shall be one and one-half (1½).
- (k) Waterfront yard setbacks for lots having water frontage shall be determined by averaging the waterfront setbacks of adjacent structures per section 40-306.10.
- (l) In the DR district, five hundred seventy (570) square feet shall be the minimum first floor area.
- (m) For parcels lying on the westerly side of Harbor Drive between Harbor Drive and the Grand River or Lake Michigan, the maximum height shall be two (2) stories or thirty (30) feet, whichever is less. The established grade for all parcels lying on the westerly side of Harbor Drive shall be the Harbor Drive side ground level, so the grades on any other side of the structure shall not have any effect on the established grade from which the building height is to be measured.



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-403. LDR. Low Density Residential District.

Sec. 40-403.01. Intent.

The LDR, Low Density Residential district is intended to provide for relatively low-density single-family residential neighborhoods, which predominantly serve families with children. Neighborhoods will be quiet and free of unrelated traffic, though limited, low-impact residentially related land uses may be permitted as described below. Residential streets will be scaled for compatibility between pedestrians and automobiles; and will be lined with attractive landscaping. Except where topographic or other environmental constraints preclude such connectivity, streets within the LDR district should be interconnected, although both curvilinear and grid patterns are encouraged, some cul-de-sac and collector patterns may be developed.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-403.02. District summary.

A. *Permitted uses.*

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Adult foster care
- Child care, family home (6 clients)
- Dwelling, one-family
- Home occupation, minor
- Municipal uses—Utilities
- Park or parkland
- Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to [section] 40-502
- Accessory use, to a special land use, subject to section 40-503
- Bed and breakfast, subject to section 40-510
- Child care, group home (7-12 clients), subject to section 40-519
- Dwelling, accessory, subject to section 40-525
- Dwelling, two-unit, subject to section 40-526
- Educational facility, subject to section 40-530
- Home occupation, major, subject to section 40-533
- Nursing care facility, subject to section 40-548
- Place of public assembly, large and small, subject to section 40-551
- Planned residential development, subject to section 40-552
- Recreational facility, commercial, subject to section 40-554

* Uses that must be located on key street segments per section 40-403.03

C. *Site and building placement standards.*

Minimum lot area:	8,700 square feet
Minimum lot width:	66 feet
Maximum lot coverage:	30%
Minimum setbacks:	
Front:	30 feet
Corner front:	30 feet
Side:	8 feet minimum for one side and 20 feet total of two sides
Rear/waterfront:	25 feet, subject to Critical Dune requirements

Created: 2021-12-13 14:17:40 [EST]

(Supp. No. 13)

Minimum residential floor area:	760 square feet
See Table 40-402.02 for more detail and exceptions	

D. *Building form standards.*

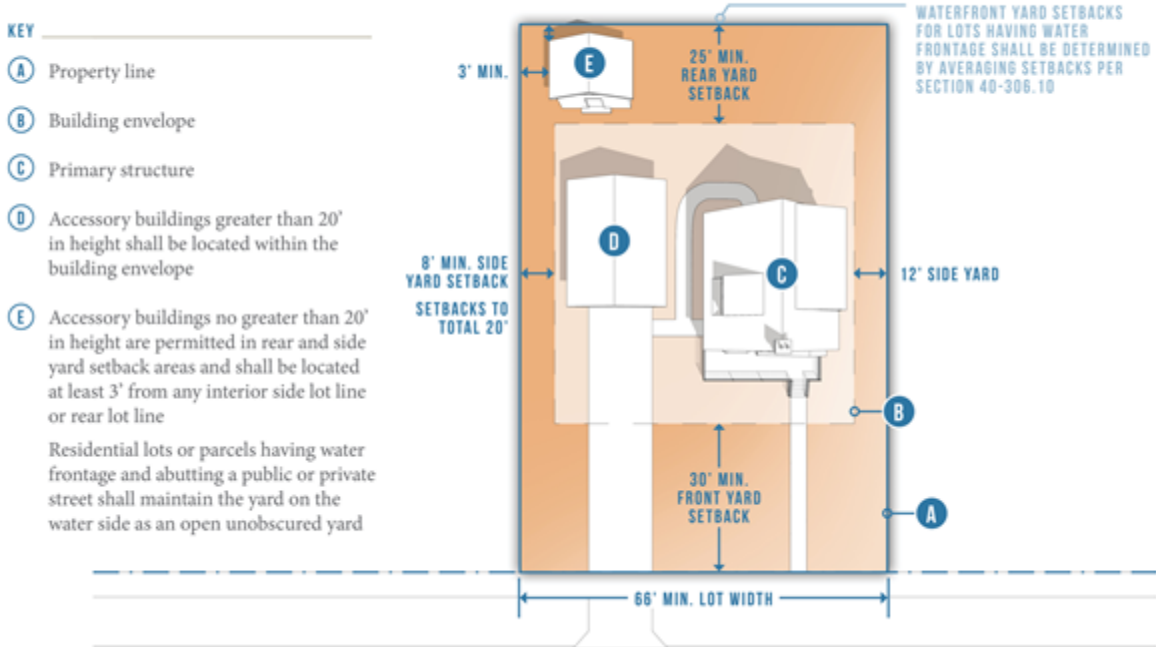
Maximum building height:	35 feet
--------------------------	---------

Rooflines: Rooflines of regulated accessory structures or principal structures with the lowest elevation at or above twenty-two (22) feet above the median grade shall be pitched at slopes ranging from 4:12 to 12:12. Roofs located below twenty-two (22) feet above the median grade may be flat or pitched at any slope.

Sensitive Area Overlay requirements per [section] 40-422 may apply in certain portions of the district.

LDR. LOW DENSITY RESIDENTIAL SITE & BUILDING PLACEMENT

FIGURE 4-1



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-404. MDR. Moderate Density Residential district.

Sec. 40-404.01. Intent.

The MDR, Moderate Density Residential district is intended to provide for moderate density single-family residential neighborhoods, with two-unit dwellings being permitted along key street segments. Neighborhoods shall be quiet and free of unrelated traffic, though limited, low-impact residentially related land uses may be permitted as described below. Streets within the MDR district shall be interconnected.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-404.02. District summary.

A. *Permitted uses.*

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Adult foster care
- Child care, family home (6 clients)
- Dwelling, one-family
- Home occupation, minor
- Municipal uses—Utilities
- Park or parkland
- Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to [section] 40-502
- Accessory use, to a special land use, subject to section 40-503
- Bed and breakfast, subject to section 40-510
- Child care, group home (7-12 clients), subject to section 40-519
- Dwelling, accessory, subject to section 40-525
- Dwelling, multiple-family*, subject to section 40-527
- Dwelling, two unit*, subject to section 40-526
- Educational facility, subject to section 40-530
- Home occupation, major, subject to section 40-533
- Nursing care facility*, subject to section 40-548
- Place of public assembly, large and small, subject to section 40-551
- Planned residential development, subject to section 40-552
- Senior/assisted living facility, subject to section 40-558
- SSMWET, subject to article IX
- STMWET, subject to article IX

* Uses that must be located on key street segments per section 40-404.03

C. *Site and building placement standards.*

Minimum lot area:	5,800 square feet
Minimum lot width:	44 feet
Maximum lot coverage:	35%
Minimum setbacks:	
Front:	20 feet
Corner front:	20 feet

Side:	6 feet minimum for one side and 16 feet total of two sides
Rear:	15 feet
Waterfront	25 feet
Minimum residential floor area:	570 square feet
See Table 40-402.02 for more detail and exceptions	

D. *Building form standards.*

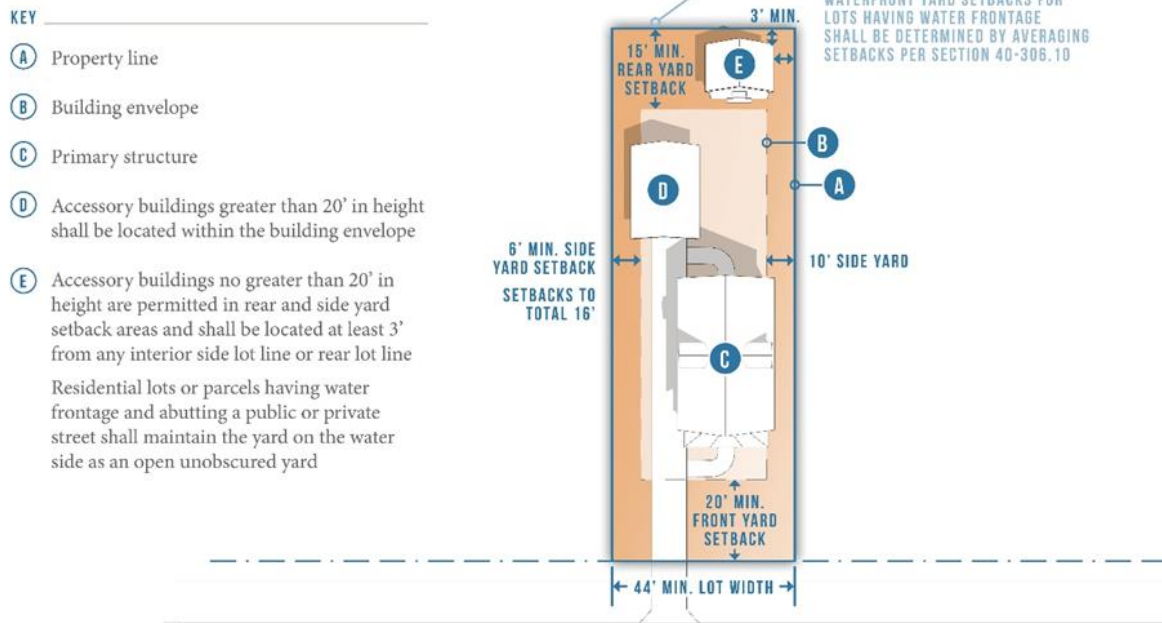
Maximum building height:	35 feet
--------------------------	---------

Rooflines: Rooflines of regulated accessory structures or principal structures with the lowest elevation at or above twenty-two (22) feet above the median grade shall be pitched at slopes ranging from 4:12 to 12:12. Roofs located below twenty-two (22) feet above the median grade may be flat or pitched at any slope.

Sensitive Area Overlay requirements per O apply in certain portions of the district.

MDR. MODERATE DENSITY RESIDENTIAL SITE & BUILDING PLACEMENT

FIGURE 4-2



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-404.03. Notes.

Key street segments. Within the MDR district, the following key street segments are established:

- Pennoyer Avenue, from the MDR district westernmost boundary to Friant Street rights-of-way.
- Friant Street, from Waverly Street to the Grant Street rights-of-way.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-405. Mfr. multiple-family residential district.

Sec. 40-405.01. Intent.

The intent of the MFR, Multiple-Family Residential district is to provide housing opportunities in the form of multi-unit dwellings. These types of dwellings typically provide common open space, and provide housing options with certain accessory uses such as parks, laundry facilities, workout facilities, and garages, among others. Multiple-family residential districts provide housing for all types of individuals, including the elderly, singles, and families. All multiple-family residential districts shall be well integrated with the surrounding community, functioning as a transitional zone between single-family residential uses and commercial districts. Building size and form shall be compatible to the size and form of neighboring districts and adjacent buildings, so as to enhance the available housing options of local residents without disrupting the continuity and character of the existing neighborhood. Lighting and sign standards shall also remain consistent with those in residential districts, so as to create a seamless transition from one district to the next.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-405.02. District summary.

A. Permitted uses.

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Adult foster care
- Child care, family home (6 clients)
- Dwelling, one-family
- Dwelling, two-unit
- Dwelling, multiple-family
- Home occupation, minor
- Manufactured housing community
- Municipal uses—Utilities
- Park or parkland
- Places of public assembly, small
- Recreational facility, commercial
- Uses similar to permitted uses, subject to section 40-325

B. Special land uses.

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Bed and breakfast, subject to section 40-510
- Boarding house, subject to section 40-512

- Child care, commercial, subject to section 40-518
- Child care, group home (7-12 clients), subject to section 40-519
- Dwelling, accessory, subject to section 40-525
- Educational facility, subject to section 40-530
- Mixed use development, subject to section 40-544
- Nursing care facility, subject to section 40-548
- Place of public assembly, large, subject to section 40-551
- Planned residential development, subject to section 40-552
- Sheltered housing facility, subject to section 40-560
- SSMWET, subject to article IX
- STMWET, subject to article IX

C. *Site and building placement standards for multiple-family dwellings.*

Minimum lot area:	9,000 square feet
Maximum density:	Lesser of 12 units per structure or 30 units per acre
Minimum lot width:	100 feet
Minimum setbacks from property line (B):	
Front:	25 feet
Corner front:	25 feet
Side:	20 feet
Rear:	25 feet
Setbacks from interior access roads and alleys	
Front:	5 feet
Side:	8 feet
Rear:	5 feet min/20 feet max
Minimum separation between buildings	30 feet
Minimum residential floor area per DU:	400 square feet (A)
See Table 40-402.02 for more detail and exceptions	

D. *Building form standards for multiple-family dwellings.*

Max building height:	35 feet
Rooflines:	Rooflines of regulated accessory structures or principal structures with the lowest elevation at or above 22 feet above the median natural grade shall be pitched at slopes ranging from 4:12 to 12:12. Roofs located below 22 feet above the median natural grade may be flat or pitched at any slope.
Common open space:	100 sq. ft per dwelling unit
Exterior cladding materials:	
Primary walls:	Minimum 80% face brick, stone, solid wood, and/or fiber cement board

Secondary walls:	Minimum 80% face brick, stone, solid wood, fiber cement board, composite siding, decorative concrete block, and/or vinyl siding
Accent/trim materials:	Maximum 20% metal, concrete, face brick, stone, solid wood, fiber cement board, composite siding, decorative concrete block, vinyl, and/or EIFS (must be high impact resistant up to 6 feet from ground level)
Architectural features:	Wrap around entire side visible from right-of-way; blank solid walls visible from public right-of-way prohibited
Minimum transparency:	60% for porches with roofs
Garage door:	Recessed at least 12 inches behind the front line of the building
Building articulation:	Required every 50 feet; may be accomplished using windows, balconies, change in building material, etc.

E. *Site and building placement standards for other than multiple-family dwellings.*

Minimum lot area:	5,800 square feet
Minimum lot width:	44 feet
Maximum lot coverage:	35%
Minimum setbacks:	
Front:	20 feet
Corner front:	20 feet
Side:	6 feet minimum for one side and 16 feet total of two sides
Rear/waterfront:	15 feet
Minimum residential floor area:	570 square feet

F. *Building form standards for uses other than multiple-family dwellings.*

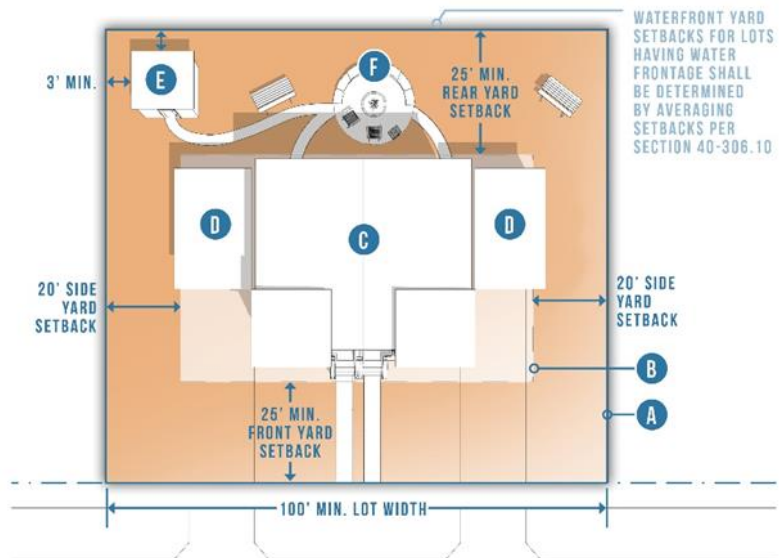
Max building height:	30 feet
Rooflines:	Rooflines of regulated accessory structures or principal structures with the lowest elevation at or above 22 feet above the median grade shall be pitched at slopes ranging from 4:12 to 12:12. Roofs located below 22 feet above the median grade may be flat or pitched at any slope.

MFR. SITE & BUILDING PLACEMENT FOR MULTIPLE FAMILY DWELLINGS

FIGURE 4-3

KEY

- (A) Property line
 - (B) Building envelope
 - (C) Primary structure
 - (D) Accessory buildings greater than 20' in height shall be located within the building envelope
 - (E) Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line
- Residential lots or parcels having water frontage and abutting a public or private street shall maintain the yard on the water side as an open unobscured yard
- (F) Common open space - 100 sq.ft. per unit

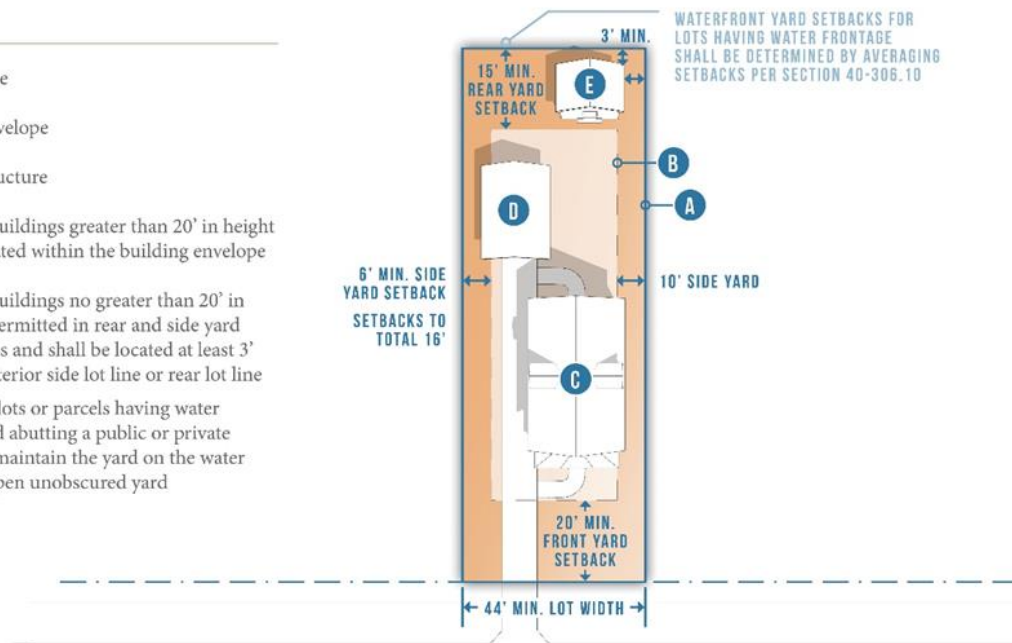


MFR. SITE & BUILDING PLACEMENT FOR OTHER THAN MULTIPLE-FAMILY DWELLINGS

FIGURE 4-4

KEY

- (A) Property line
 - (B) Building envelope
 - (C) Primary structure
 - (D) Accessory buildings greater than 20' in height shall be located within the building envelope
 - (E) Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line
- Residential lots or parcels having water frontage and abutting a public or private street shall maintain the yard on the water side as an open unobscured yard



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-405.03. Notes.

- A. In no instance shall more than one out of six (6) multiple-family units in any multiple-family development be utilized as an efficiency.
- B. Sensitive Area Overlay requirements per section 40-422 may apply in certain portions of the district.
(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-405.04. Manufactured housing standards.

This district is intended to provide for the location and regulation of manufactured housing communities. It is intended that manufactured housing communities be provided with necessary community services in a setting that provides a high quality of life for residents and residential development standards consistent with all other residential districts in the City of Grand Haven. This use shall be located in areas where it will be compatible with adjacent land uses. Determining the appropriate location for a manufactured housing community is a uniquely challenging task and may have a crucial impact on adjacent and surrounding land uses. A manufactured housing community contains specific site conditions unlike other types of residential development. Sites with an abundance of natural features such as forested areas, wetlands, and steep slopes and sites without the road and utility infrastructure to support a high density living environment are not found to be suitable for the development of a manufactured housing community.

Within the MFR district, manufactured housing communities shall be governed by this section, by the requirements of the Act 96 of the Public Acts of 1987, as amended and the standards set forth in the rules and regulations promulgated by the manufactured housing commission, including part 9, community construction. The intent of this section is to provide for manufactured home development, of long-term duration of stay, in areas which are developed in a manner which takes into account such special characteristics as locational needs, site layout and design, demand upon community services, and the relationship to and effect upon surrounding uses of land, and conformance to the City of Grand Haven Master Plan. All manufactured home developments shall comply with the applicable requirements of Public Act 96 of 1987, as amended. The controlling standards in this section are not designed to generally exclude mobile homes of persons who engage in any aspect pertaining to the business of mobile homes or mobile home parks.

- A. *Application procedures.* Pursuant to section 11 of Act 96 of the Public Acts of 1987, as amended, and the rules promulgated thereunder, an application for the extension, alteration, or construction of a manufactured home development shall be accompanied by a preliminary plan of the proposed development and all permanent buildings indicating the proposed methods of compliance with these requirements. Said application, fees and preliminary plan shall meet the following requirements:
 - 1. An application form shall be completed and fees paid in accordance with the fee schedule (as amended from time to time by resolution of the city council) and twelve (12) copies of the preliminary plan shall be submitted to the zoning administrator for distribution to the planning commission.
 - 2. The preliminary plan need not include detailed construction plans, but shall include the following materials:
 - a. The applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant.
 - b. Notation of all federal, state and local permits required.
 - c. The location of the project including the permanent parcel number(s) of the property upon which the project is proposed to be located.

-
- d. The layout of the project including an illustration of the internal roadway system proposed and typical homesite layout.
 - e. The general design of the proposed project including the proposed location and design of signs, trash receptacles, light fixtures and any accessory structures, open lands and recreation areas and accessory uses.
 - f. The location, spacing, type and size of proposed plant materials.
 - g. A general description of the proposed project including the number of homesites proposed, the anticipated phasing of project development and an indication of the number of homesites to be rented and the number to be sold, if any.
- B. *Review process.* The planning commission shall review the submitted preliminary plan and render a decision to approve, approve with conditions or deny the preliminary plan. The planning commission shall approve the preliminary plan upon a finding that the proposed use will not, upon the facts known at the time of the submission of the site plan, cause undue hardship, or create unsafe or hazardous health or safety conditions to the general public. Not more than sixty (60) days following the receipt by the zoning administrator of a complete application for preliminary plan approval, the planning commission shall approve, approve with conditions or modifications, or deny an application and preliminary plan pursuant to the Mobile Home Commission Act, the rules promulgated thereunder and this ordinance.
- Upon approval of the preliminary plan, the zoning administrator shall sign three (3) copies thereof. One signed copy shall be made a part of the city's files, one copy shall be retained by the zoning administrator, and one copy shall be returned to the applicant. Construction shall commence within five (5) years after the date of issuance of a construction permit by the Michigan Department of Consumer and Industry Services unless an extension has been granted by said department. Amendments to the approved preliminary plan must be submitted to the planning commission for review and approval.
- C. *Noncompliance.* Any substantial noncompliance with the approved preliminary plan shall be reported to the manufactured housing division of the department of consumer and industry services for remedy along with all pertaining evidence.
- D. *Site development requirements.* The site development requirements of the manufactured housing commission, together with any other applicable requirements of the State of Michigan, Act 96 of 1987, as amended, shall be complied with. No manufactured housing community shall be maintained, operated, or conducted without an annual license from the Michigan Department of Consumer and Industry Services. An inspection of construction may be performed at any appropriate time, pursuant to 1987 PA 96, as amended (the Mobile Home Commission Act).
- E. *Site size:* The minimum site size for a manufactured housing community shall be fifteen (15) acres.
- (Ord. No. 2021-02 , § 1(Ex. A), 1-4-21)

Sec. 40-406. DR. Dune Residential.

Sec. 40-406.01. Intent.

This district is comprised of the Highland Park, Five Mile Hill, and the Edwards areas. The DR, Dune Residential district is characterized by steep topographical slopes, sandy soils, and a variety of single-family architectural styles. The greatest natural resources within the district's neighborhoods are the views of Lake Michigan, sensitive sand dunes and woodland areas. The intent of this district is to preserve the character of the

neighborhoods and resources of the dunes for the enjoyment of residents and visitors alike. Development in this district should be scaled primarily for relatively densely-formed single-family neighborhoods with some multi-unit facilities carefully sited to be consistent in look and performance with a single-family area. Because this district is near the lakeshore and has historically had significant concentrations of vacation homes and other tourist-related uses, short-term rental uses (which are commercial or quasi-commercial in nature) are permitted in some circumstances. In particular, short-term rental uses are permitted only with special use approval, based on standards designed to protect the residential character of the neighborhoods.

New development and improvements or renovations in this district shall be consistent with the current character of the respective communities as well as respectful to the views historically enjoyed by property owners. Due to the small size and irregular shape of many lots in the Dune Residential district, building siting standards are intended to take advantage of limited space through flexible building envelopes, while protecting sensitive dune areas and view corridor sight lines, as reasonable and to the extent possible.

Protecting dunes and views of Lake Michigan without sacrificing the integrity of the neighborhood will be more important than rigid site design standards, such as deep setbacks, building height or style requirements. Nevertheless, new development and improvements shall be generally consistent with and in keeping with the current character of the community.

Sec. 40-406.02. District summary.

A. Permitted uses.

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Adult foster care
- Child care, family home (6 clients)
- Dwelling, one-family
- Home occupation, minor
- Municipal uses—Utilities
- Park or parkland
- Uses similar to permitted uses, subject to section 40-325

B. Special land uses.

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Bed and breakfast, subject to section 40-510
- Cemetery, subject to section 40-514
- Dwelling, accessory, subject to section 40-525
- Short-term rentals, where the underlying residential use is permitted by right or as a special land use.
Short-term rental uses are subject to special use approval under section 40-513, and require a valid short-term rental certificate issued pursuant to chapter 9 of the Grand Haven Code of Ordinances
- SSMWET, subject to article IX
- STMWET, subject to article IX

C. *Site and building placement standards.*

Minimum lot area:	10,500 square feet
Minimum lot width:	66 feet
Maximum lot coverage:	Greater of 35% or 1,650 square feet including all accessory buildings (see D. building form standards for building footprint standards)
Minimum setbacks:	
Front:	20 feet
Corner front:	20 feet
Side:	6 feet minimum for one side and 16 feet total of two sides
Rear/waterfront:	10 feet, subject to Critical Dune requirements
See D. building form standards for elevated setback requirements.	
Building placement priority, buildings shall be sited to:	
First: Protect Critical Dunes per MDEQ requirements, per section 40-422.	
Second: Mitigate impact on view corridors for upgradient improved property.	
Third: Preserve a reasonable setback from roads.	
Fourth: Establish a comfortable separation between existing buildings.	

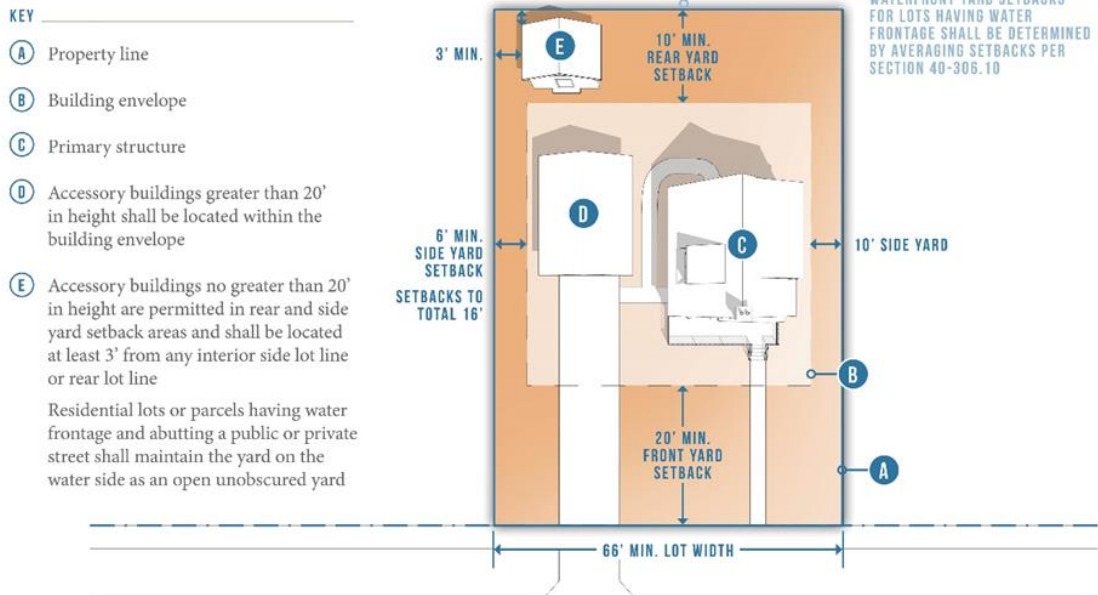
D. *Building form standards.*

Building footprint:	For the purposes of this section 40-406, building footprint shall be a rectangle enclosing all foundation walls and any cantilevered building faces together with any attached accessory buildings, but excluding decks and patios.
Maximum building height:	30 feet from median natural grade for each side of the building footprint, pursuant to section 40-306.08.B.2.
Rooflines:	Rooflines with the lowest elevation at or above 22 feet above the median natural grade for the most proximate side of the building footprint, shall be pitched at slopes of not less than 4:12. Where important viewsheds exist and for viewsheds of any upgradient improved properties, gable ends of roofs shall face generally westerly toward Lake Michigan and dormers on northerly or southerly roof faces and skylights that project above the predominate roof deck by more than 6 inches shall not be located at an elevation greater than 25 feet above the median natural grade for the most proximate side of the building footprint.
Elevated setbacks:	To mitigate impact on viewsheds for improved up-gradient properties, where one or more of the sides of the building footprint lies on or within 10 feet of the northerly or southerly lot line, such setback dimensions shall be increased by 5 feet at and above an elevation 22 feet greater than the median natural grade for that side of the building footprint.
Decks:	An attached or detached deck may project into the required front yard by not more than 5 feet provided all building placement priority standards of section 40-406.02.C. are met.
Min. first floor area	570 square feet for principal building and excluding garages, but not more than maximum lot coverage.

- E. Sensitive Area Overlay requirements per section 40-422 may apply in certain portions of the district.

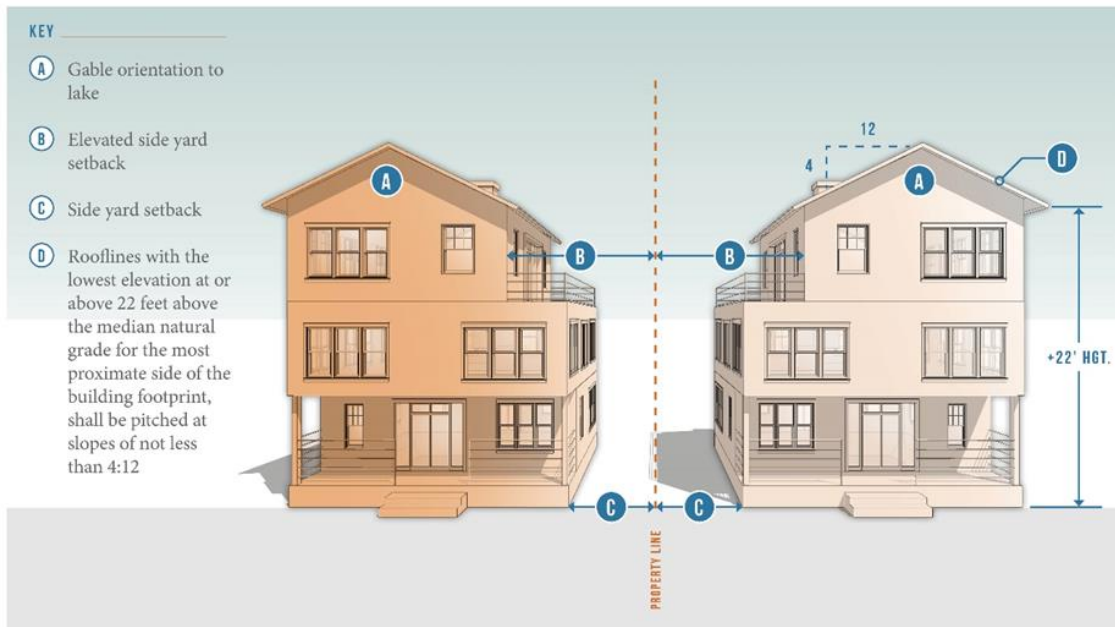
DR. DUNE RESIDENTIAL SITE & BUILDING PLACEMENT

FIGURE 4-5



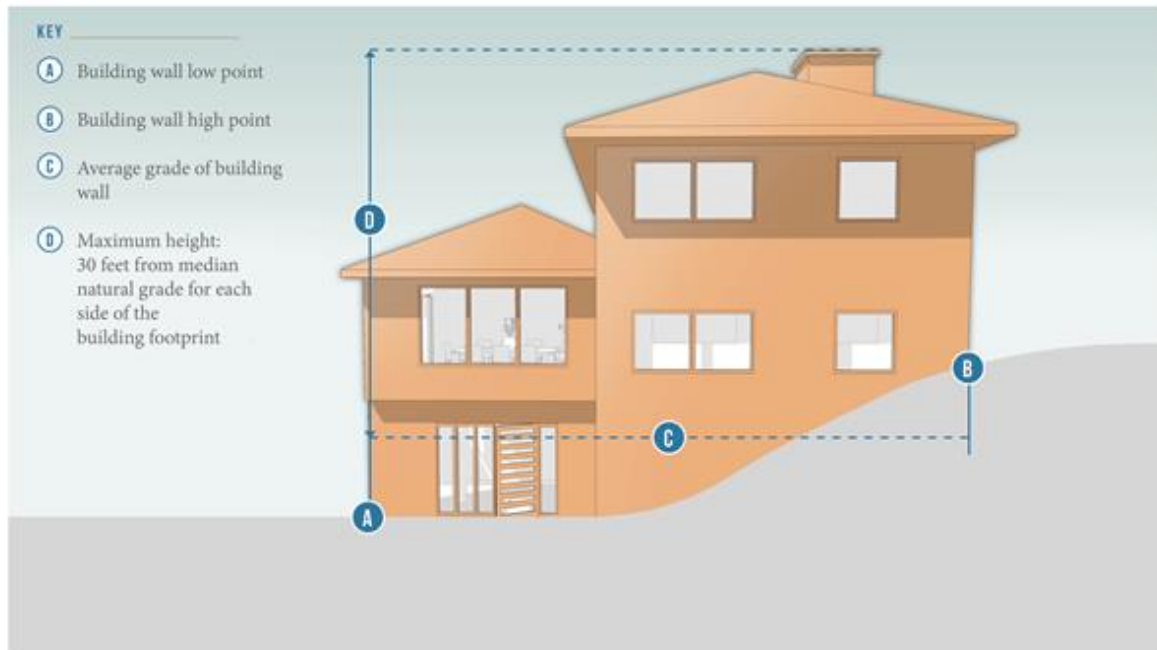
DR. DUNE RESIDENTIAL BUILDING FORM STANDARDS

FIGURE 4-6



DR. DUNE RESIDENTIAL MAXIMUM BUILDING HEIGHT

FIGURE 4-7



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-407. NS. North Shore District.

Sec. 40-407.01. Intent.

The NS, North Shore district is intended to respect the unique natural setting of the northern side of the Grand River channel and the Lake Michigan shoreline adjoining the Kitchel Lindquist Dunes Natural Preserve. The locale, while sensitive, is ideal for low-density single-family residential neighborhoods, which predominantly serve families with and without children. Neighborhoods will be quiet and free of unrelated traffic, though limited, low-impact residentially related land uses may be permitted as described below. The area is not likely to be served with public wastewater service, so densities will be low. Except where topographic or other environmental constraints preclude such connectivity, streets within the NS district should be interconnected.

Short-term rental uses (which are commercial or quasi-commercial in nature) are now prohibited in order to maintain the single-family residential character of the district, maintain or increase current levels of year-round residents, and ensure the availability of affordable housing stock.

(Ord. No. 17-01, § 4, 4-24-17)

Sec. 40-407.02. District summary.

A. Permitted uses.

- Accessory building and structure
- Accessory use, when accessory to permitted uses

- Adult foster care
- Child care, family home (6 clients)
- Dwelling, one-family
- Home occupation, minor
- Municipal uses—Utilities
- Park or parkland
- Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Bed and breakfast, subject to section 40-510
- Home occupation, major, subject to section 40-533
- SSMWET, subject to article IX
- STMWET, subject to article IX

C. *Site and building placement standards.*

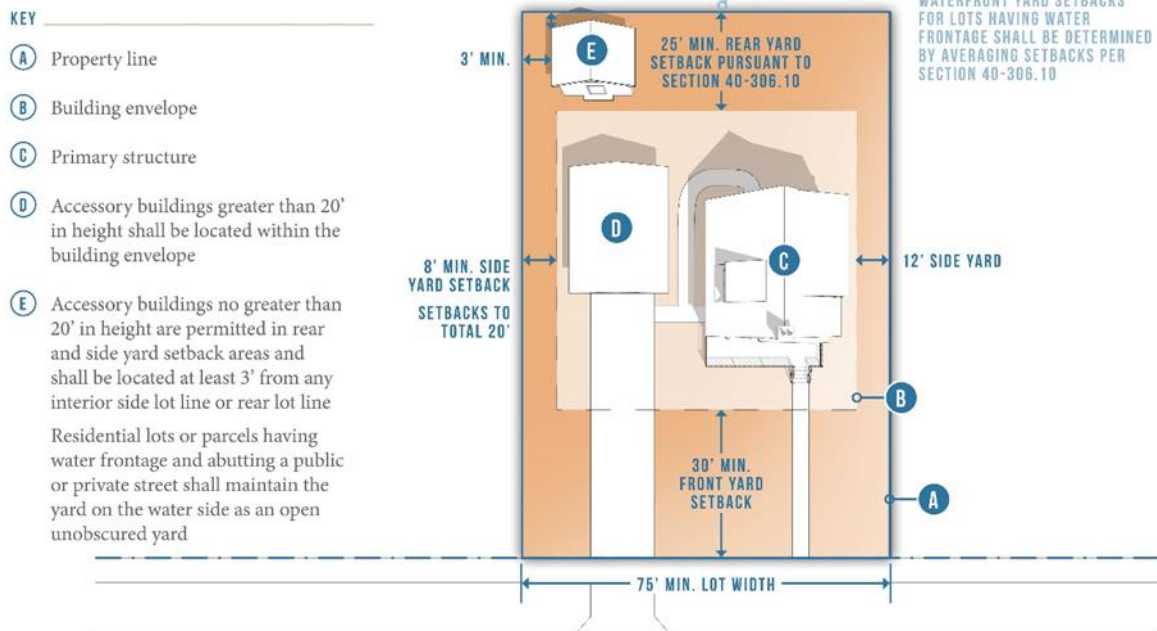
Minimum lot area:	10,500 square feet
Minimum lot width:	75 feet
Maximum lot coverage:	30%
Minimum setbacks:	
Front:	30 feet
Corner front:	30 feet
Side:	8 feet minimum for one side and 20 feet total of two sides
Rear/waterfront:	25 feet, subject to Critical Dune requirements and waterfront averaging requirements of section 40-306.10
Minimum residential floor area:	760 square feet
See Table 40-402.02 for more detail and exceptions	

D. *Building form standards.*

Maximum building height:	35 feet
Rooflines:	Rooflines of regulated accessory structures or principal structures with the lowest elevation at or above 22 feet above the median grade shall be pitched at slopes ranging from 4:12 to 12:12. Roofs located below 22 feet above the median grade may be flat or pitched at any slope.
Sensitive Area Overlay requirements per section 40-422 may apply in certain portions of the district.	

NS. NORTH SHORE DISTRICT SITE & BUILDING PLACEMENT

FIGURE 4-8



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-408. S. Southside district.

Sec. 40-408.01. Intent.

The S, Southside district exhibits many of the city's finest examples of historic residential architecture including Italianate and Queen Anne styles. As such, these structures, when located on major transit routes, such as on Franklin, are appropriate for low impact, nonresidential uses such as small-scale retail, office and bed and breakfast facilities. Carriage houses provide additional space for residential and small-scale retail, office and bed and breakfast facilities, and shall be encouraged to remain. This ordinance aims to preserve the historic structures in this district by allowing for adaptive reuse from residential to small scale commercial and office uses.

The Southside district is generally bounded on the north by the south side of Franklin, Howard to the south, Harbor to the west and Beacon to the east. Ensuring the stability of the neighborhoods is paramount. The Southside district shall be zoned for single-family detached residential dwellings, in order to perpetuate the existing and predominant land use. However, the Key Street segments, and Franklin Avenue in particular, have historically had commercial uses that have become an integral part of this district.

Short-term rental uses (which are commercial or quasi-commercial in nature) are permitted only on dwellings with driveways fronting on Franklin Avenue, from 5th Street west, and only with special use approval, based on standards designed to protect the residential character of the neighborhoods. Elsewhere in the Southside District, short-term rental uses are now prohibited in order to maintain the single-family residential character of the district, maintain or increase current levels of year-round residents, and ensure the availability of affordable housing stock.

Office, commercial, or retail uses shall only be permitted along key street segments such as Franklin and 3rd, 5th, 7th and 8th Streets. All new infill and redevelopment along key street segments shall be constructed to resemble the historic architectural styles through the use of selected building materials, building elements, and building placement standards, which characterize the Southside district.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-408.02. District summary.

A. *Permitted uses*^(B).

- Accessory building and structure
- Accessory use, when accessory to permitted use
- Adult foster care
- Child care, family home (6 clients)
- Dwelling, one-family
- Home occupation, minor
- Municipal uses—Utilities
- Park or parkland
- Personal service business*
- Professional service establishment*
- Residential above office*
- Uses similar to permitted uses, subject to section 40-325

*Uses that must be located on key street segments per section 40-408.03(A)

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, when accessory to uses permitted by special land use, subject to section 40-503
- Bed and breakfast, subject to section 40-510
- Commercial parking facility*, subject to section 40-515
- Child care, commercial (13+ clients)*, subject to section 40-518
- Child care, group home (7—12 clients), subject to section 40-519
- Dwelling, accessory, subject to section 40-525
- Dwelling, two-unit, subject to section 40-526
- Educational facility, subject to section 40-530
- Home occupation, major, subject to section 40-533
- Live/work*, subject to section 40-540
- Medical office*, subject to section 40-543
- Place of public assembly, large*, and small*, subject to section 40-551

- Short-term rentals**, where the underlying residential use is permitted by right or as a special land use. Short-term rental uses are subject to special use approval under section 40-513, and require a valid short-term rental certificate issued pursuant to chapter 9 of the Grand Haven Code of Ordinances.

- SSMWET, subject to article IX

- STMWET, subject to article IX

*Uses that must be located on key street segments per section 40-408.03(A)

**Uses that may only be located in dwellings with driveways fronting on Franklin Avenue, from 5th Street west.

C. *Site and building placement standards.*

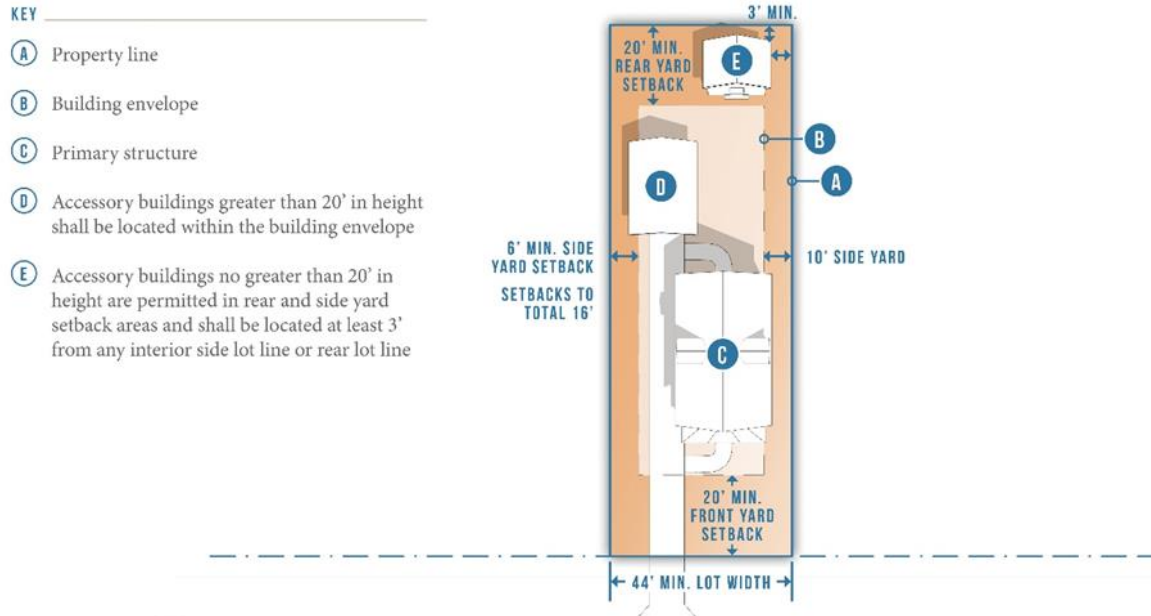
Minimum lot area:	5,800 square feet
Minimum lot width:	Lesser of 44 feet or original plat dimensions
Maximum lot coverage:	35%
Minimum setbacks:	
Front:	20 feet
Corner front:	20 feet
Side:	6 feet minimum for one side and 16 feet total of two sides
Rear:	20 feet
Minimum residential floor area:	570 square feet
See Table 40-402.02 for more detail and exceptions	

D. *Building form standards.*

Max building height:	35 feet
Exterior building materials visible from right-of-way, park, or public parking area:	
Walls:	Minimum 80% brick, stone, or wood, cement board, vinyl or aluminum siding with max. 5" reveal
Ornamentation/trim:	Metal, concrete, brick, stone or wood
Architectural features:	Wrap around entire side visible from ROW; blank solid walls visible from public ROW prohibited
Minimum roof pitch of principal or regulated accessory structures at or above 22' above median grade:	4:12 to 12:12
Minimum transparency:	60% for porches with roofs
Garage door:	Recessed at least 12 inches behind the front line of the building.

S. SOUTHSIDE DISTRICT SITE & BUILDING PLACEMENT

FIGURE 4-9



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-408.03. Notes.

- A. Key street segments. Within the S district, the following key street segments are established:
- Third Street, from Franklin Avenue to the Clinton Street rights-of-way.
 - Fifth Street, from Franklin Avenue to the Clinton Street rights-of-way.
 - Seventh Street, from Franklin Avenue to the Clinton Street rights-of-way.
 - Eighth Street, from Franklin Avenue to the Clinton Street rights-of-way.
 - Franklin Avenue, from Harbor to Eighth Street rights-of-way.
- B. Notwithstanding section 40-119.05, nonconforming uses of structures and lands, multiple-family dwellings existing at the time of adoption of this ordinance, which are destroyed by act of God, may be reconstructed on their former footprint and at their previous height.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-409. E. Easttown district.

Sec. 40-409.01. Intent.

The E, Easttown district is characterized by a predominance of single-family dwellings of a historic, pre- and immediately post-WW II character. Several homes in the Easttown district were built following patterns and materials sold in the Sears Catalogue. Within walking distance to Washington Square, the Easttown district is a

neighborhood accessible to services, parks, and schools. Most homes have front porches extending into the front yard setback, street trees, and garages. Alley access is provided on several blocks of the Easttown district. The primary intent of this district is to foster and maintain a neighborhood consisting largely of single-family detached homes arranged in a traditional grid street pattern with modest setbacks and strong pedestrian orientation.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-409.02. District summary.

A. *Permitted uses*^(B).

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Adult foster care
- Child care, family home (6 clients)
- Dwelling, one-family
- Dwelling, two-unit
- Home occupation, minor
- Municipal uses—Utilities
- Park or parkland
- Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to [section] 40-502
- Accessory use, to a special land use, subject to section 40-503
- Bed and breakfast, subject to section 40-510
- Child care, commercial*, subject to section 40-518
- Child care, group home (7-12 clients), subject to section 40-519
- Dwelling, accessory, subject to section 40-525
- Dwelling, multiple family, subject to section 40-527
- Educational facility, subject to section 40-530
- Home occupation, major, subject to section 40-533
- Place of public assembly, large*, and small*, subject to section 40-551
- SSMWET, subject to article IX
- STMWET, subject to article IX

*Uses that must be located on key street segments per section 40-409.03(A)

C. *Site and building placement standards.*

Minimum lot area:	5,800 square feet
Minimum lot width:	Lesser of 44 feet or original plat dimensions

Maximum lot coverage:	35%
Minimum setbacks:	
Front:	20 feet
Corner front:	20 feet
Side:	6 feet minimum for one side and 16 feet total of two sides
Rear:	20 feet
Minimum residential floor area:	570 square feet
See Table 40-402.02 for more detail and exceptions	

D. *Building form standards.*

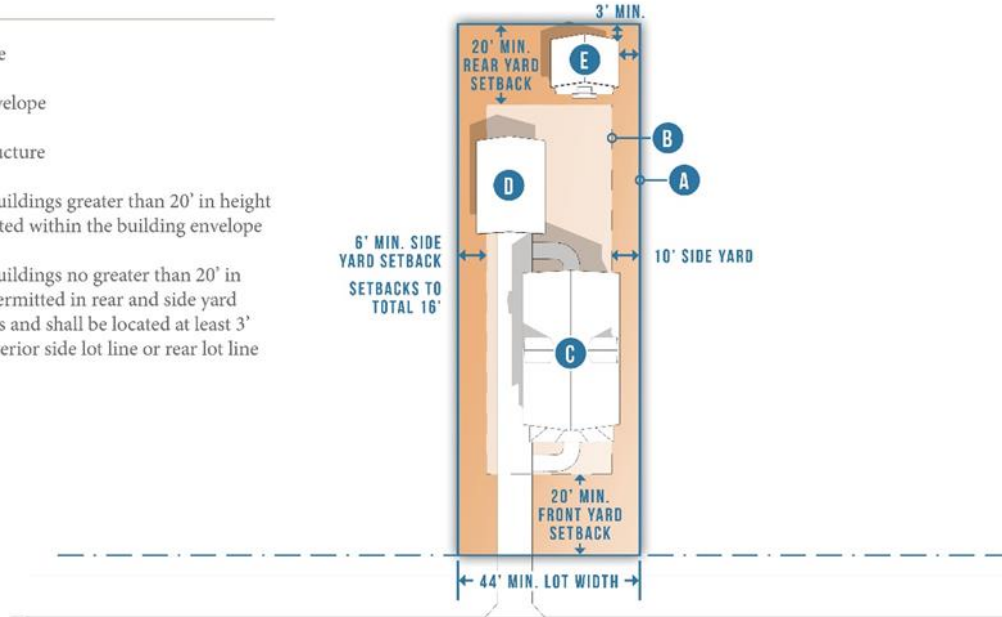
Max building height:	35 feet
Maximum roof pitch of principal or regulated accessory structures at or above 22' above median grade:	4:12 to 12:12
Accessory structures at or above 22' above median grade:	
Minimum transparency:	60% for porches with roofs
Garage door:	Recessed at least 12 inches behind the front line of the building.
Required front porch:	80 square feet

E. EASTOWN DISTRICT SITE & BUILDING PLACEMENT

FIGURE 4-10

KEY

- (A) Property line
- (B) Building envelope
- (C) Primary structure
- (D) Accessory buildings greater than 20' in height shall be located within the building envelope
- (E) Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-409.03. Notes.

- A. Key street segments. Within the E district, the following key street segments are established:
- Fulton Street, from the Ferry Street to the Beechtree Avenue rights-of-way.
 - Washington Street, from the Ferry Street to the Albee Street rights-of-way.
- B. Notwithstanding section 40-119.05, nonconforming uses of structures and lands, multiple-family dwellings existing at the time of adoption of this ordinance, which are destroyed by act of God, may be reconstructed on their former footprint and as their previous height.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-410. OT. Old Town district.

Sec. 40-410.01. Intent.

The OT, Old Town district serves as a gateway to the city's Central Business district. With a mix of land uses, the Old Town district will provide residential uses, as well as service oriented commercial business along primary transit routes. Generally bounded by Beacon to the east, the Grand River to the north, Harbor to the west and Fulton to the south, the Old Town district transitions from medium intensity uses along major corridors, to a modest residential neighborhood consisting of single-family detached residential dwellings with front porches, pitched roofs and narrow lots. Walkability, connectivity and historic integrity are key attributes of the Old Town area. Flanked by the Central Business district and US-31, the Old Town district may experience pressure to convert its single-family residential and small-scale commercial nodes to multi-family and large scale commercial.

It is the intent of this ordinance to ensure that the Old Town district continues to provide housing opportunities for all income levels, helping to sustain small retail nodes and the Central Business district. The Old Town district will be characterized by modest single-family detached residential and small-scale businesses such as personal service establishments, cafes, and offices. In Old Town, sidewalks and the boardwalk will provide safe and convenient non-motorized connections to other parts of the city. Development in this district should be scaled primarily for relatively densely formed single-family neighborhoods with some multi-unit facilities carefully sited to be consistent in appearance and performance with a single-family area.

Because this district has traditionally allowed a mix of residential and commercial uses, the short-term rental of residential dwellings can be compatible in this district. Short-term rental uses (which are commercial or quasi-commercial in nature) are permitted only on Key Street Segments and only with special use approval, based on standards designed to protect the residential character of the neighborhoods. Elsewhere in the Old Town District, short-term rental uses are prohibited in order to maintain the single-family residential character of the district, maintain or increase current levels of year-round residents, and ensure the availability of affordable housing stock.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-410.02. District summary.

- A. *Permitted uses.*
- Accessory building and structure
 - Accessory use, when accessory to permitted uses
 - Adult foster care

-
- Child care, family home (6 clients)
 - Dwelling, one-family
 - Dwelling, two-unit
 - Government building
 - Home occupation, minor
 - Municipal uses—Utilities
 - Park or parkland
 - Personal service business*
 - Professional service establishment*
 - Residential above retail or office*
 - Uses similar to permitted uses, subject to section 40-325
 - *Uses that must be located on key street segments per section 40-410.03(A)

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Animal grooming*, subject to section 40-505
- Bed and breakfast*, subject to section 40-510
- Child care, commercial*, subject to section 40-518
- Child care, group home (7-12 clients), subject to section 40-519
- Dwelling, accessory, subject to section 40-525
- Dwelling, multiple-family, subject to section 40-527
- Eating and drinking establishment*, subject to section 40-529
- Educational facility, subject to section 40-530
- Home occupation, major, subject to section 40-533
- Live/work*, subject to section 40-540
- Mixed-use development*, subject to section 40-544
- Nursing care facility*, subject to section 40-548
- Place of public assembly, large*, and small*, subject to section 40-551
- Recreational facility, comm'l*, subject to section 40-554
- Retail business or retail sales*, subject to section 40-556
- Social services center, subject to section 40-561
- Short-term rentals*, where the underlying residential use is permitted by right or as a special land use.
Short-term rental uses are subject to special use approval under section 40-513, and require a valid short-term rental certificate issued pursuant to chapter 9 of the Grand Haven Code of Ordinances
- SSMWET, subject to article IX

- STMWET, subject to article IX

*Uses that must be located on key street segments per section 40-410.03(A)

C. *Site and building placement standards.*

Minimum lot area:	4,350 square feet
Minimum lot width:	33 feet
Maximum lot coverage:	35%
Minimum setbacks:	
Front:	10 feet
Corner front:	10 feet
Side:	3 feet minimum for one side and 9 feet total of two sides
Rear:	15 feet
Minimum residential floor area*:	570 square feet
For uses other than one-family, two-unit, multiple-family dwellings or conversions of residential dwellings to nonresidential uses, the following shall be required:	
Minimum setbacks:	
Front:	10 feet
Corner front:	10 feet
Side:	5 feet when adjacent to nonresidential use; 20 feet when adjacent to the LDR or NMU districts
Rear:	15 feet
*Dwelling units as part of a mixed use development or residential above retail or office shall be a minimum of 500 square feet in area	
Sensitive Area Overlay requirements per section 40-421 may apply in certain portions of the district.	
See Table 40-402.02 for more detail and exceptions	

D. *Building form standards.*

Maximum building height:	35 feet
Minimum number of stories:	1½
Roof pitch at or above 22 feet above median natural grade:	6:12 to 12:12
Minimum transparency:	60% for porches with roofs
Garage door:	Recessed at least 12 inches behind the front line of the building
Required front porch:	80 square feet
For uses other than one-family, two-unit, multiple-family dwellings or conversions of residential dwellings to nonresidential uses, the following shall be required:	
Maximum building height:	30 feet

E. *Building form standards for multiple-family dwellings.*

Maximum roof pitch (B):	Flat or pitched with parapet
Minimum/maximum transparency	
Ground floor:	60%/85%
Upper stories:	40%/85%
First floor use:	Nonresidential
Residential access:	Separate from commercial and office entry

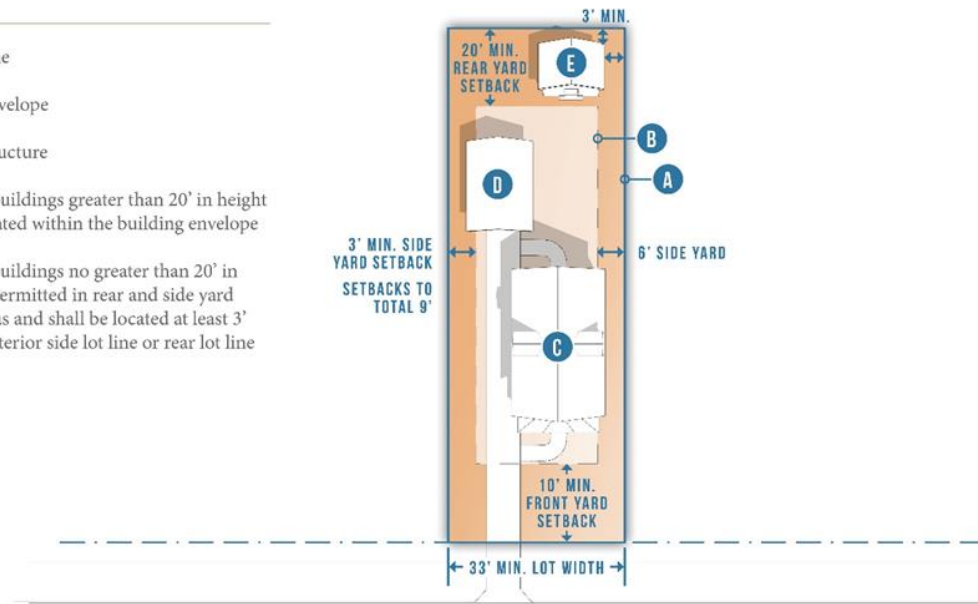
Recessed entry:	3 feet to 5 feet
Exterior cladding materials:	
Primary walls:	Minimum 80% face brick, stone, solid wood, and/or fiber cement board
Secondary walls:	Minimum 80% face brick, stone, solid wood, fiber cement board, composite siding, decorative concrete block, and/or vinyl siding
Accent/trim materials:	Maximum 20% metal, concrete, face brick, stone, solid wood, fiber cement board, composite siding, decorative concrete block, vinyl, and/or EIFS (must be high impact resistant up to 6 feet from ground level)
Architectural features:	Wrap around entire side visible from right-of-way; blank solid walls visible from public right-of-way prohibited
Affordable housing:	10% of units when 10 or more are proposed in new development (C)

OT. OLD TOWN SITE & BUILDING PLACEMENT

FIGURE 4-11

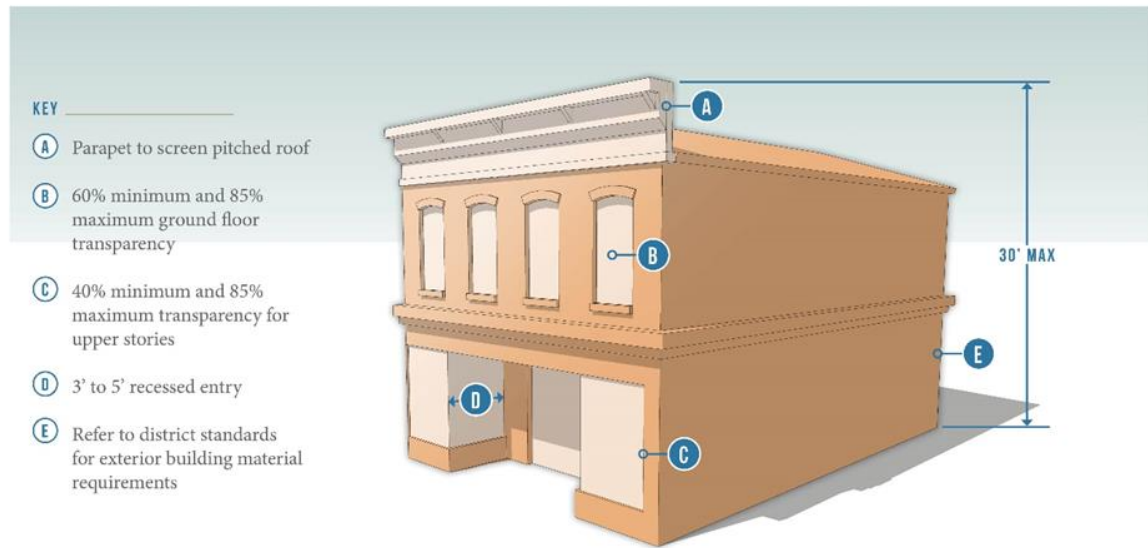
KEY

- (A) Property line
- (B) Building envelope
- (C) Primary structure
- (D) Accessory buildings greater than 20' in height shall be located within the building envelope
- (E) Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line



OT. OLD TOWN BUILDING FORM STANDARDS

FIGURE 4-12



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-410.03. Notes.

- A. Key street segments. Within the OT district, the following key street segments are established; provided that retail businesses and retail sales shall be further regulated pursuant to section 40-556.
- Jackson Street, from the Beacon Boulevard (US-31) to the First Street rights-of-way.
 - Adams Street, from Forth Street to the Sixth Street rights-of-way.
 - Fulton Street, from First Street to Third Street rights-of-way.
 - Columbus Street, from Second Street to Third Street rights-of-way.
 - Second Street, from Columbus Street to Fulton Street rights-of-way.
 - Third Street, from Columbus Street to Fulton Street rights-of-way.
- B. Roof pitch: For uses other than one-family, two-unit, multiple-family dwellings or conversions of residential dwellings to nonresidential uses, roofs may be pitched so long as a parapet is provided from the roof line to the peak effectively screening the pitch from view.
- C. Where affordable housing units are incorporated within a new development, the design, layout and finish of such units shall be generally consistent and in keeping with the remaining units such that the affordable nature of the units shall not be readily apparent.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-411. NMU. Neighborhood Mixed use.

(Supp. No. 13)

Created: 2021-12-13 14:17:41 [EST]

Sec. 40-411.01. Intent.

The NMU, Neighborhood Mixed Use district offers pedestrian-oriented, mixed use buildings with plentiful and large window openings and architecture that embrace the city's history. The convenience of nearby services and institutional uses creates an appealing sense of community and establishes the NMU district areas as neighborhood destinations. An appropriate mix of uses will generate low-impact retail and commercial activity at the street level, while providing for offices and residential dwellings in upper stories. The form of development in the NMU district is well established and is embraced by the City of Grand Haven. As such, this zoning ordinance will ensure the health, safety, general welfare, and sense of place and community of Washington Square and Centertown by regulating the form of development and its relationship with the existing respective neighborhoods.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-411.02. District summary.**A. Permitted uses.**

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Adult foster care
- Child care, family home (6 clients)
- Dry cleaning and laundry establishment
- Dwelling, one-family
- Dwelling, two-unit
- Dwelling, multiple-family
- Eating and drinking establishment
- Governmental building
- Home occupation, minor
- Live/Work
- Medical office
- Mixed use development
- Municipal uses—Utilities
- Office building
- Park or parkland
- Personal service business
- Place of public assembly, small
- Professional service establishment
- Residential above retail or office
- Retail business or retail sales

- Service establishment accessory to a principal use
- Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Animal grooming, subject to section 40-505
- Bed and breakfast, subject to section 40-510
- Child care, commercial, subject to section 40-518
- Child care, group home (7-12 clients), subject to section 40-519
- Dwelling, accessory, subject to section 40-525
- Educational facility, subject to section 40-530
- Home occupation, major, subject to section 40-533
- Hotel, subject to section 40-535
- Library, subject to section 40-539
- Mortuary, subject to section 40-546
- Multi-tenant commercial establishment, subject to section 40-547
- Nursing care facility, subject to section 40-548
- Place of public assembly, large, subject to section 40-551
- Provisioning center, subject to section 40-543a
- Recreational facility, comm'l, subject to section 40-554
- Shared commercial facility, subject to section 40-557
- Social service center, subject to section 40-561
- SSMWET, subject to article IX
- STMWET, subject to article IX
- Studio for performing and graphic arts, subject to section 40-562
- Veterinary hospital, subject to section 40-566

C. *Site and building placement standards for one-family and two-unit dwellings.*

Minimum lot area:	5,800 square feet
Minimum lot width:	44 feet
Maximum lot coverage:	35%
Minimum setbacks:	
Front:	15 feet
Corner front:	15 feet
Side:	6 feet minimum for one side and 16 feet total of two sides
Rear:	15 feet
Minimum residential floor area:	570 square feet

D. *Site and building placement standards for nonresidential uses.*

Minimum/maximum setbacks	
Front:	70% of building frontage within build-to zone (F)
Corner front:	5 feet (F)
Side:	0 feet/5 feet
Rear:	15 feet
Minimum residential floor area:	400 square feet
Maximum lot coverage:	70% (D)

E. *Site and building placement standards for multiple-family dwellings.*

Minimum lot area:	7,000 square feet
Maximum density:	Lesser of 6 units per structure or 20 units per acre.
Minimum lot width:	50 feet
Minimum setbacks from property line:	
Front:	15 feet
Corner front:	15 feet
Side:	10 feet
Rear:	25 feet
Setbacks from interior access roads, alleys and other structures:	
Front:	5 feet min.
Side:	8 feet min.
Rear:	5 feet
Minimum residential floor area per DU:	400 square feet

F. *Building form standards for multiple-family dwellings.*

Maximum building height:	35 feet
Minimum number of stories:	1½
Rooflines:	Rooflines of regulated accessory structures or principal structures with the lowest elevation at or above 22 feet above the median natural grade shall be pitched at slopes ranging from 4:12 to 12:12. Roofs located below 22 feet above the median natural grade may be flat or pitched at any slope.
Common open space:	100 sq. ft. per dwelling unit
Exterior cladding materials:	
Primary walls:	Minimum 80% face brick, stone (natural or cultured), solid wood, and/or fiber cement board
Secondary walls:	Minimum 80% face brick, stone (natural or cultured), solid wood, fiber cement board, composite siding, and/or decorative concrete block
Accent/trim materials:	Maximum 20% metal, concrete, face brick, stone (natural or cultured), solid wood, fiber cement board, composite siding, decorative concrete block, and/or EIFS (must be high impact resistant up to 6 feet from ground level)

Architectural features:	Wrap around entire side visible from right-of-way; blank solid walls visible from public right-of-way prohibited
Minimum transparency:	60% for porches with roofs
Garage door:	Recessed at least 12 inches behind the front line of the building
Building articulation:	Required every 50 feet; may be accomplished using windows, balconies, change in building material, etc.
Affordable housing:	10% of units when 10 or more are proposed in new development (C)

G. *Building form standards for nonresidential uses.*

Maximum building height:	35 feet (E)
Maximum number of stories:	1½
Roof pitch:	Flat or pitched with parapet (B)
Minimum/maximum transparency	
Ground floor:	60%/85% (G)
Upper stories:	40%/85%
First floor use:	Nonresidential
Residential access:	Separate from commercial and office entry
Recessed entry:	3 feet to 5 feet
Exterior cladding materials:	
Primary walls:	Minimum 80% face brick, stone, solid wood, and/or fiber cement board
Secondary walls:	Minimum 80% face brick, stone, solid wood, fiber cement board, composite siding, and/or decorative concrete block
Accent/trim materials:	Maximum 20% metal, concrete, face brick, stone, solid wood, fiber cement board, composite siding, decorative concrete block, and/or EIFS (must be high impact resistant up to 6 feet from ground level)
Architectural features:	Wrap around entire side visible from right-of-way; blank solid walls visible from public right-of-way prohibited
Affordable housing:	10% of units when 10 or more are proposed in new development (C)

H. *Building form standards for one-family and two-unit dwellings.*

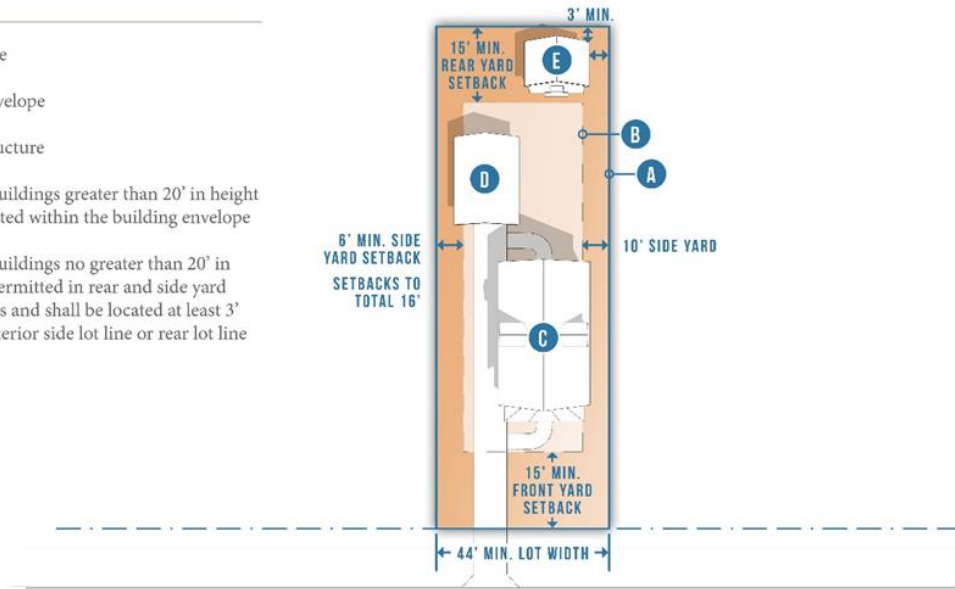
Maximum building height:	35 feet
Minimum number of stories:	1½
Minimum roof pitch:	
20 feet above grade:	8:12
Minimum front porch area:	70 square feet
See Table 20-402.02 for more detail and exceptions	
Sensitive Area Overlay requirements per section 40-422 may apply in certain portions of the district.	

NMU. SITE & BUILDING PLACEMENT FOR ONE-FAMILY AND TWO-UNIT DWELLINGS

FIGURE 4-13

KEY _____

- (A) Property line
- (B) Building envelope
- (C) Primary structure
- (D) Accessory buildings greater than 20' in height shall be located within the building envelope
- (E) Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line

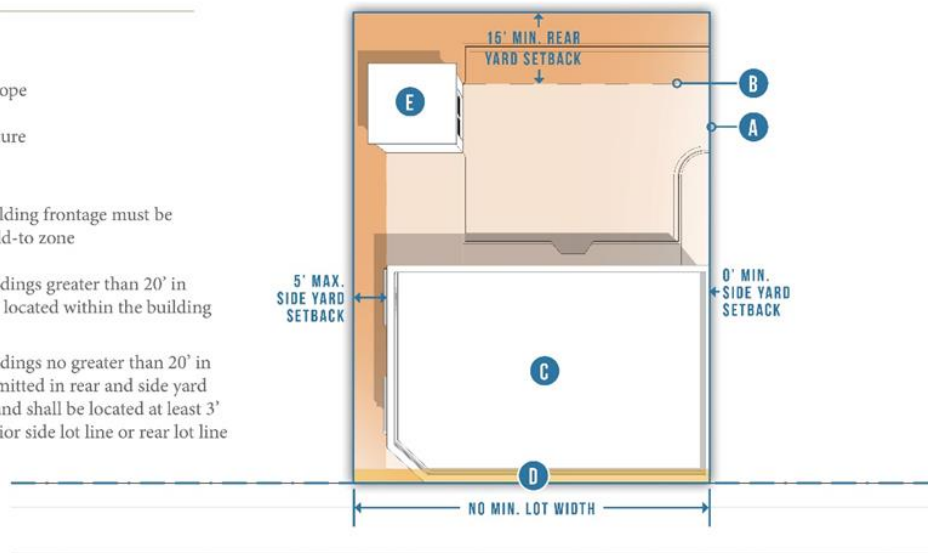


NMU. SITE & BUILDING PLACEMENT FOR NONRESIDENTIAL USES

FIGURE 4-14

KEY _____

- (A) Property line
- (B) Building envelope
- (C) Primary structure
- (D) Build-to zone
70% of the building frontage must be within the build-to zone
- (E) Accessory buildings greater than 20' in height shall be located within the building envelope
Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line

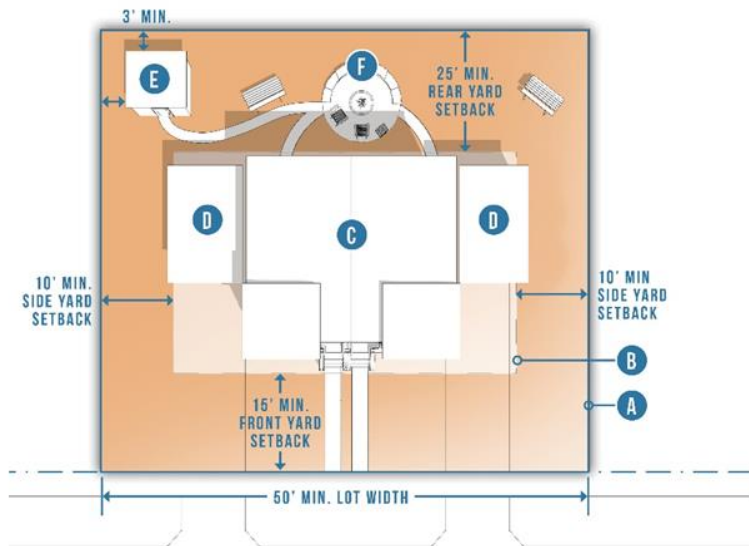


NMU. SITE & BUILDING PLACEMENT FOR MULTIPLE FAMILY DWELLINGS

FIGURE 4-15.A

KEY

- (A) Property line
- (B) Building envelope
- (C) Primary structure
- (D) Accessory buildings greater than 20' in height shall be located within the building envelope
- (E) Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line
- (F) Common open space - 100 sq.ft. per unit



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-411.03. Notes.

- A. Key street segments. Within the NMU district, the following key street segments are established:
 - Franklin Avenue, from Fifth Street to the Eighth Street rights-of-way.
 - Fulton Street, from Ferry Street to the Easttown district boundary.
 - Washington Street, from Ferry Street to the Easttown district boundary.
- B. Roof pitch: For uses other than one-family, two-unit or multiple-family dwellings, roofs may be pitched so long as a parapet is provided from the roof line to the peak effectively screening the pitch from view.
- C. Where affordable housing units are incorporated within a new development, the design, layout and finish of such units shall be generally consistent and in keeping with the remaining units such that the affordable nature of the units shall not be readily apparent.
- D. The maximum lot coverage for properties within the Centertown Overlay district is one hundred (100) percent.
- E. The maximum height for non-residential buildings in the Centertown Overlay district shall be the lesser of three (3) stories or forty (40) feet.
- F. For lots with frontage on Beacon Boulevard, a minimum setback for buildings, parking areas, and drive aisles of at least ten (10) feet from the Beacon Boulevard right of way shall be provided.
- G. The planning commission may allow a reduction in ground-floor transparency on buildings facing the front or corner front lot line when located on a corner lot. This reduction shall be based on the character of surrounding land uses, existing and planned pedestrian and vehicular circulation patterns, historical

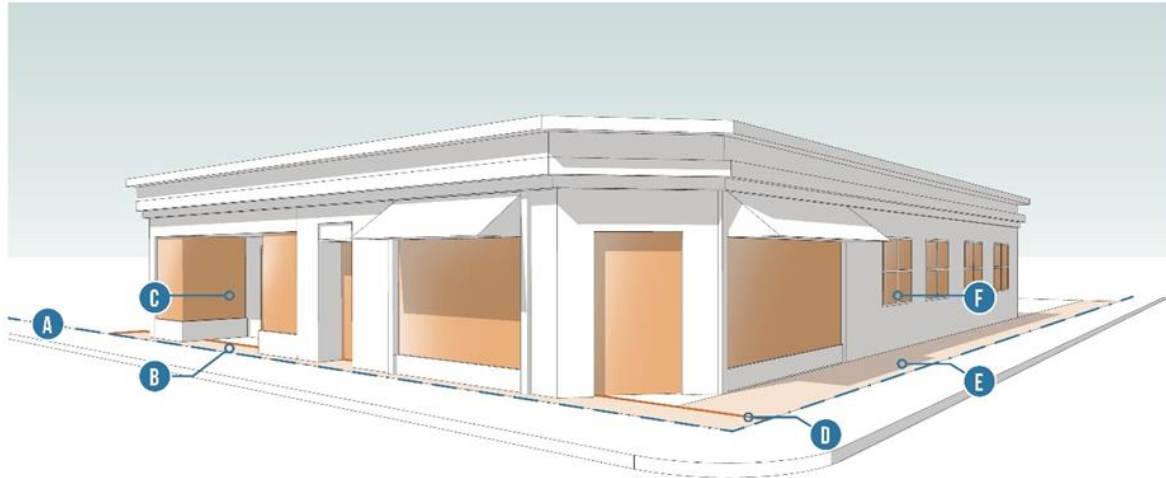
Created: 2021-12-13 14:17:41 [EST]

(Supp. No. 13)

development patterns, and similar factors, but in no case shall ground floor transparency be less than forty percent (40%).

NMU. GROUND-FLOOR TRANSPARENCY ON CORNER LOTS

FIGURE 4-15.B



KEY

- | | | |
|------------------|---|---|
| (A) Right-of-way | (C) Minimum 85% ground floor transparency | (E) Corner front yard |
| (B) Front yard | (D) Build-to-zone | (F) Minimum 40% ground floor transparency |

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-411.04. Centertown Overlay district.

The Centertown Overlay district, as identified on the official zoning map of the City of Grand Haven, encompasses parcels within the NMU Zoning district and is generally located between Franklin, Columbus, 7th and Beacon. The Centertown Overlay district was established for the purpose of recognizing the existing pattern of development, the proximity and access to publicly available (owned) parking and the proximity to public parks which can serve as open-space. In addition, the Centertown Overlay district was established to fulfill the Main Street Downtown Development Authority's (MSDDA) desire to allow for increased density within this commercial node due to its proximity to the downtown core and its importance within the MSDDA district. The Overlay district only affects the lot coverage requirement and maximum building height requirement for non-residential uses; all other requirements of the NMU Zoning district apply. The requirements of article VI parking, also apply to new or expanded buildings that take place after the effective date of this ordinance.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-412. OS. Office-Service district.

Sec. 40-412.01. Intent.

The intent of the OS, Office-Service district is to support office uses along transit routes, while providing a transition from residential to higher intensity uses. Where single-family detached dwellings exist in the Office-

Service district, adaptive reuse of these dwellings for office-service uses is encouraged. Where new development occurs, it will be compatible with residential neighborhoods using building height limitations, setbacks, and lot coverage standards. The transition from residential to office-service uses is marked by landscape buffers including berms, or evergreen screening. Lighting, signage, and parking lots shall be designed to have a minimum impact on residential uses. The Office-Service district is generally located along Beacon from Park north to Franklin, and adjacent to the hospital.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-412.02. District summary.

A. *Permitted uses.*

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Adult foster care
- Child care, family home (6 clients)
- Dwelling, one-family
- Dwelling, two-unit
- Home occupation, minor
- Live/work
- Medical office
- Municipal uses—Utilities
- Office building
- Park or parkland
- Personal service business
- Place of public assembly, small
- Professional service establishment
- Service establishment accessory to a principal use
- Social service center
- Urgent care facility
- Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Animal grooming, subject to section 40-505
- Bed and breakfast, subject to section 40-510
- Child care, commercial, subject to section 40-518
- Drive-through business, subject to section 40-521

- Dwelling, accessory, subject to section 40-525
- Educational facility, subject to section 40-530
- Hospital, subject to section 40-536
- Home occupation, major, subject to section 40-533
- Kennel/animal day care, subject to section 40-538
- Mixed use development, subject to section 40-544
- Mortuary or funeral home, subject to section 40-546
- Place of public assembly, large, subject to section 40-551

C. *Site and building placement standards for one family.*

Minimum lot area:	5,800 square feet
Minimum lot width:	44 feet
Maximum lot coverage:	35%
Minimum setbacks:	
Front:	15 feet
Corner front:	15 feet
Side:	6 feet minimum for one side and 16 feet total of two sides
Rear:	15 feet
Minimum residential floor area:	570 square feet
Sensitive Area Overlay requirements per section 40-422 may apply in certain portions of the district.	

D. *Site and building placement standards for uses other than one family.*

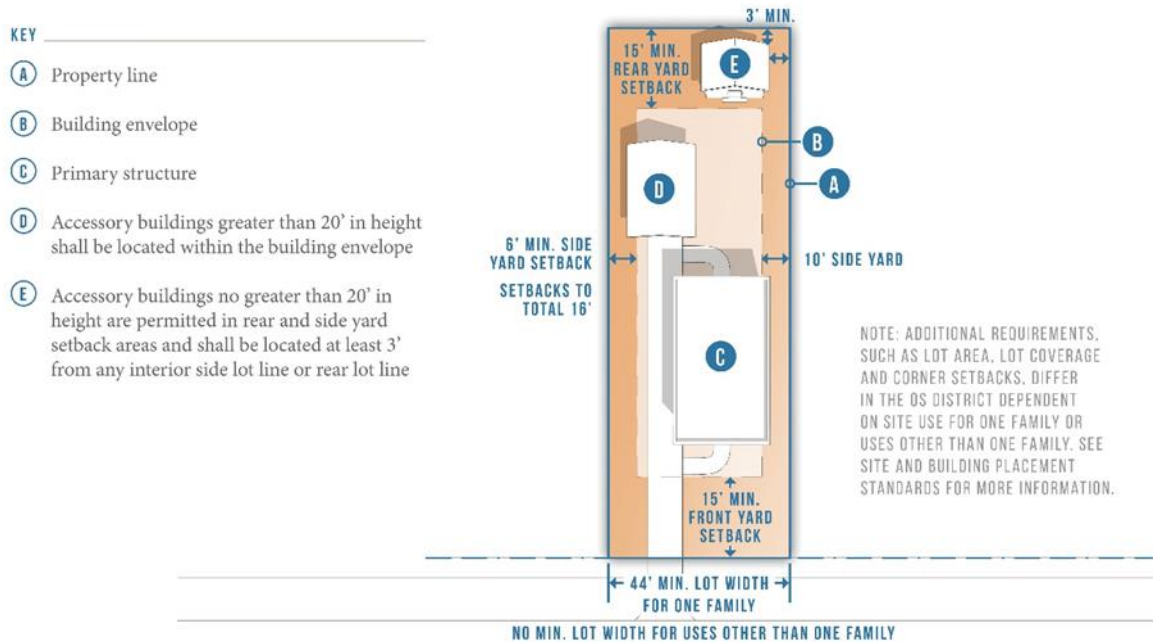
Maximum lot coverage:	70%
Minimum setbacks:	
Front:	15 feet
Corner Front:	15 feet
Side:	6 feet minimum for one side and 16 feet total of two sides
Rear:	15 feet
See Table 40-402.02 for more detail and exceptions.	
Sensitive Area Overlay requirements per section 40-422 may apply in certain portions of the district.	

E. *Building form.*

Maximum building height:	35 feet
--------------------------	---------

OS. OFFICE-SERVICE SITE & BUILDING PLACEMENT

FIGURE 4-16



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-412.03. Notes.

- A. Key street segments. Within the OS district, the following key street segments are established:
- Eighth Street, from Franklin to the Clinton Street rights-of-way.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-413. CB. Central Business district.

Sec. 40-413.01. Intent.

The downtown CB, Central Business district will serve as the primary identity for the City of Grand Haven. It will serve as a healthy social and economic environment for year-round residents, visitors, and tourists. The Central Business district will be a pedestrian oriented place with active street life, healthy retail, and common space for community gatherings and waterfront activities. It will be friendly and charming, a place where people of all ages gather for social, shopping, and recreational reasons. Street level activities will focus on restaurants and shopping while the upper stories of downtown will provide a diverse range of office space and urban-style housing, accommodating a broad range of residences. As outlined in the Downtown Vision Plan, all public areas within the CB district shall be considered central locations of social and public activity, year-round. All buildings within the district shall contribute to creating a relatively continuous street wall to create a pedestrian oriented sense of enclosure and place. Building heights and signage may vary from one property to the next; however a general consistency shall be retained in order to create a continuous sense of character within the district. Sidewalks, pedestrian pathways, and parking areas shall give particular attention to streetscape/landscape continuity and

Created: 2021-12-13 14:17:41 [EST]

(Supp. No. 13)

lighting. The planning commission and property owners may refer to the Downtown Vision Plan and the Mainstreet DDA Design Guidelines in evaluating development design in keeping with the vision outlined therein.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-413.02. District summary.

A. *Permitted uses.*

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Eating and drinking establishment
- Office building (A)
- Park or parkland
- Personal service business
- Place of public assembly, small
- Professional service establishment (A)
- Residential above retail or office
- Retail business or retail sales
- Service establishment accessory to a principal use
- Short-term rentals, where the underlying residential use is permitted by right or as a special land use.
Short-term rentals require a short-term rental certificate issued pursuant to chapter 9 of the Grand Haven Code of Ordinances
- Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

- Accessory use, to a special land use, subject to section 40-503
- Commercial parking facility, subject to section 40-515
- Drive-through business, subject to section 40-521
- Dry cleaning and laundry establishment, subject to section 40-523
- Dwelling, multiple-family, subject to section 40-527
- Hotel, subject to section 40-535
- Medical office, subject to section 40-543
- Mixed-use development, subject to section 40-544
- Place of public assembly, large, subject to section 40-551
- Provisioning center (A), subject to section 40-543a
- Recreational facility, commercial, subject to section 40-554
- Shared commercial facility, subject to section 40-557
- SSMWET, subject to article IX

- STMWET, subject to article IX
- Studio for performing and graphic arts, subject to section 40-562

C. *Site and building placement standards.*

Minimum lot width:	N/A
Minimum setbacks:	
Front:	70% of building frontage in build-to zone
Side:	0 feet (E)
Rear abutting commercial:	3 feet
Rear abutting residential:	20 feet
Minimum residential floor area:	400 square feet

D. *Building form standards.*

Minimum building height:	Greater of 24 feet or 2 stories
Maximum building height:	Lesser of 52 feet or 4 stories (B)
Roof pitch:	Flat or pitched with parapet (G)
Minimum/maximum transparency	
Ground floor:	75%/85% (H)
Upper stories:	40%/85%
First floor use:	Nonresidential
Residential access:	Separate from commercial or office entry
Recessed entry:	3 feet to 5 feet
Exterior cladding materials:	
Primary walls:	Minimum 80% face brick, stone, solid wood, and/or fiber cement board
Secondary walls:	Minimum 80% face brick, stone, solid wood, fiber cement board, composite siding, and/or decorative concrete block
Accent/trim materials:	Maximum 20% metal, concrete, face brick, stone, solid wood, fiber cement board, composite siding, decorative concrete block, and/or EIFS (must be high impact resistant up to 6 feet from ground level)
Architectural features:	Wrap around entire side visible from right-of-way; blank solid walls visible from public right-of-way prohibited
Articulation:	Not less than every 20 feet
Base panel:	18 to 30 inches
Sign band:	12 to 24 inches
Horizontal expression line:	24 to 48 inches. Stone or precast concrete, and stepped or sloped
Minimum width of bays:	30 feet
Blank walls:	None permitted when facing a public right-of-way, parking area or park
Façade proportions:	Maintain vertical and horizontal spacing (D)

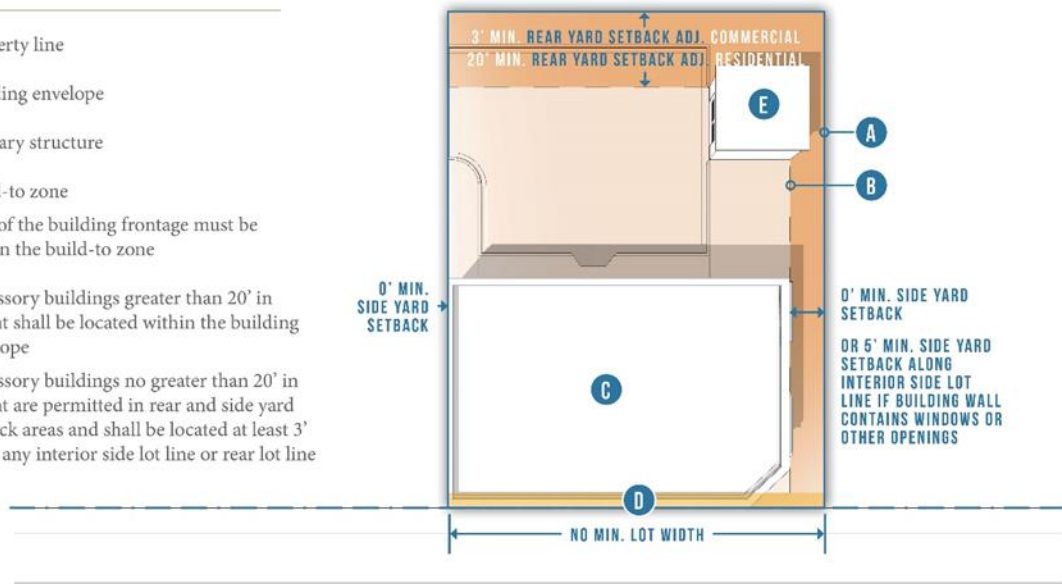
CB. CENTRAL BUSINESS SITE & BUILDING PLACEMENT

FIGURE 4-17

KEY

- (A) Property line
- (B) Building envelope
- (C) Primary structure
- (D) Build-to zone
70% of the building frontage must be within the build-to zone
- (E) Accessory buildings greater than 20' in height shall be located within the building envelope

Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line



CB. CENTRAL BUSINESS BUILDING FORM STANDARDS

FIGURE 4-18

KEY

- (A) Parapet to screen pitched roof and mechanical equipment
- (B) 24" to 48" horizontal expression line
- (C) Refer to district standards for exterior building material requirements
- (D) Sign band shall be 18" to 24"
- (E) Base panel shall be a minimum of 18"
- (F) Articulation not less than every 20 feet
- (G) 75% min. and 85% max. ground floor transparency
- (H) 40% min. and 85% max. transparency for upper stories



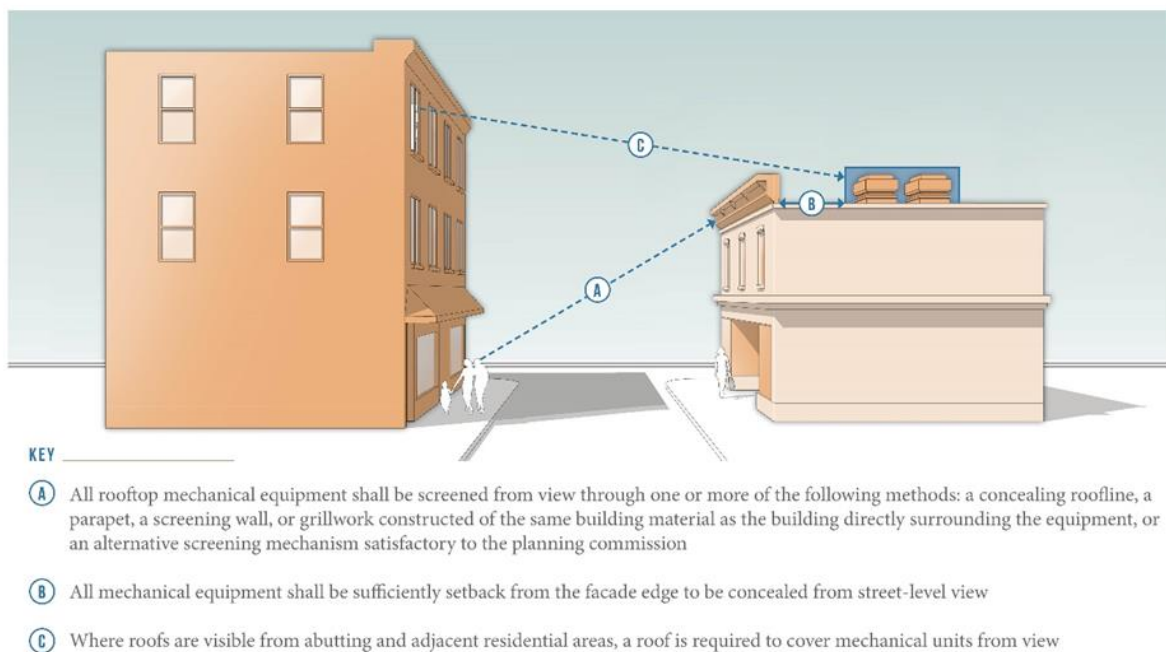
(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-413.03. Notes.

- A. On the first floor of buildings facing Washington between Harbor Drive and Third Street, professional service establishments and office buildings are permitted, and provisioning centers are permitted by special use, provided:
- Professional service establishment, office uses, and provisioning centers shall not front Washington Avenue;
 - Professional service establishments, office uses, and provisioning centers may occupy a maximum of 60% of the net usable area of the first floor of the building;
 - Signage, advertising, and displays on the Washington Avenue building frontage for a professional service establishment, office use, or provisioning center shall be limited to the name of the business and location of its entrance, and shall be included in the permitted area of signage for the building frontage.
- B. In no instance shall building height in the CB district exceed fifty-two (52) feet. A fifth story may be permitted to accommodate internal parking above the natural grade for any new building, which does not front Washington Street. Mechanical, stairwell enclosure, and elevator equipment and any required screening may extend above fifty-two (52) feet but shall not exceed five (5) feet. The total area covered by all mechanical equipment, stairwell enclosure, and elevator equipment shall not exceed one hundred (100) square feet and shall be located so as to minimize its visibility from any adjoining right-of-way.

CB. CENTRAL BUSINESS VIEW LINES

FIGURE 4-19



- C. Required building materials may be waived by the planning commission if the building is LEED-NC silver certified/rated and in character with the surrounding buildings.

-
- D. Proportion: New construction and facade rehabilitation shall create or maintain horizontal and vertical spacing of facade elements such as windows, entries and rooflines, in keeping with the rhythm of the bays, windows and openings of surrounding buildings. Window openings shall be rectangular and may include an archway or transom on top. Facades facing alleys or private property may use windows of any size or shape, and transparency regulations shall not apply.
- E. No side yards are required along the interior side lot lines, except as otherwise specified in applicable building and fire codes, provided that if walls of buildings facing such interior side lot lines contain windows or other openings, side yards of not less than five (5) feet shall be provided.
- F. Key street segments. Within the CB district, the following key street segments are established:
- Franklin Avenue, from Harbor Street to the Eighth Street rights-of-way.
 - Harbor Drive, from Washington Avenue to Franklin Avenue rights-of-way.
- G. Roof pitch: Roofs may be pitched so long as a parapet is provided from the roof line to the peak effectively screening the pitch from view.
- H. The planning commission may allow a reduction in ground-floor transparency on buildings facing the front or corner front lot line when located on a corner lot. This reduction shall be based on the character of surrounding land uses, existing and planned pedestrian and vehicular circulation patterns, historical development patterns, and similar factors, but in no case shall ground floor transparency be less than forty (40) percent.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21; Ord. No. 2021-12 , § 1, 8-16-21)

Sec. 40-413.04. Compliance with city dumpster ordinance.

When, according to subsection 17-2(d) of the City of Grand Haven Code of Ordinances, the city or another public entity constructs one or more common area dumpster enclosures on property owned or controlled by the city in the CB district, no private dumpster or trash receptacle of any kind shall be permitted on property in the block surrounding the common area dumpster enclosure. Except that a temporary storage container, not exceeding one hundred (100) gallons in capacity and stored within a wholly enclosed and roofed area, may be permitted provided that such container must be emptied into the city-provided dumpster not less than once each day.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-414. C. Commercial district.

Sec. 40-414.01. Intent.

The intent of the C, Commercial district is to serve the needs of the West Michigan region. This includes establishments, which although they serve primarily a surrounding neighborhood, could also serve a larger trade or service area. This district tends to generate more traffic since most users will arrive at these commercial businesses in an automobile and typically park once. Existing lots within this district are large enough to accommodate large-scale retailers, requiring extensive parking, and sometimes including shopping centers with smaller developable retail pads and attached commercial developments. Office-service uses are compatible with the purpose of the district as long as adequate and convenient automobile parking can be provided for both the office and the retail merchandising activity.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-414.02. District summary.

A. *Permitted uses.*

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Animal grooming
- Automobile repair, minor
- Dry cleaning and laundry establishment
- Dwelling, multiple-family
- Eating and drinking establishment
- Educational facility
- Governmental building
- Live/work
- Medical office
- Mixed use development
- Multi-tenant commercial establishment
- Municipal uses—Utilities
- Nursery—Plant materials
- Office building
- Park or parkland
- Personal service business
- Place of public assembly, small
- Professional service establishment
- Recreational facility, Commercial
- Residential above retail or office
- Retail business or retail sales
- Service establishment accessory to a principal use
- Showroom
- Urgent care facility
- Uses similar to permitted uses, subject to section 40-325
- Veterinary hospital

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503

- Automobile gasoline station, subject to section 40-506
- Automobile repair, major, subject to section 40-507
- Automobile wash, subject to section 40-509
- Bed and breakfast, subject to section 40-510
- Child care, commercial (13+ clients), subject to section 40-518
- Child care, group home (7—12 clients), subject to section 40-519
- Drive-through business, subject to section 40-521
- Dry cleaning plant, subject to section 40-524
- Hotel, subject to section 40-535
- Kennel/animal day care, subject to section 40-538
- Mortuary or funeral home, subject to section 40-546
- Motel, subject to section 40-545
- Nursing care facility, subject to section 40-548
- Open air business, subject to section 40-550
- Place of public assembly, large, subject to section 40-551
- Provisioning center, subject to section 40-543a
- Sexually oriented business, subject to section 40-559
- Shared commercial facility, subject to section 40-557
- Sheltered housing, subject to section 40-560
- SSMWET, subject to article IX
- STMWET, subject to article IX
- Studio for performing and graphic arts, subject to section 40-562
- Tattoo or piercing parlor, subject to section 40-563

C. *Site and building placement standards.*

Maximum lot coverage:	70%
Minimum setbacks:	
Front:	25 feet (B)
Corner front:	25 feet
Side:	0 feet (A)
Rear:	10 feet
Minimum residential floor area:	400 square feet
Sensitive Area Overlay Requirements per section 40-422 may apply in certain portions of the district.	

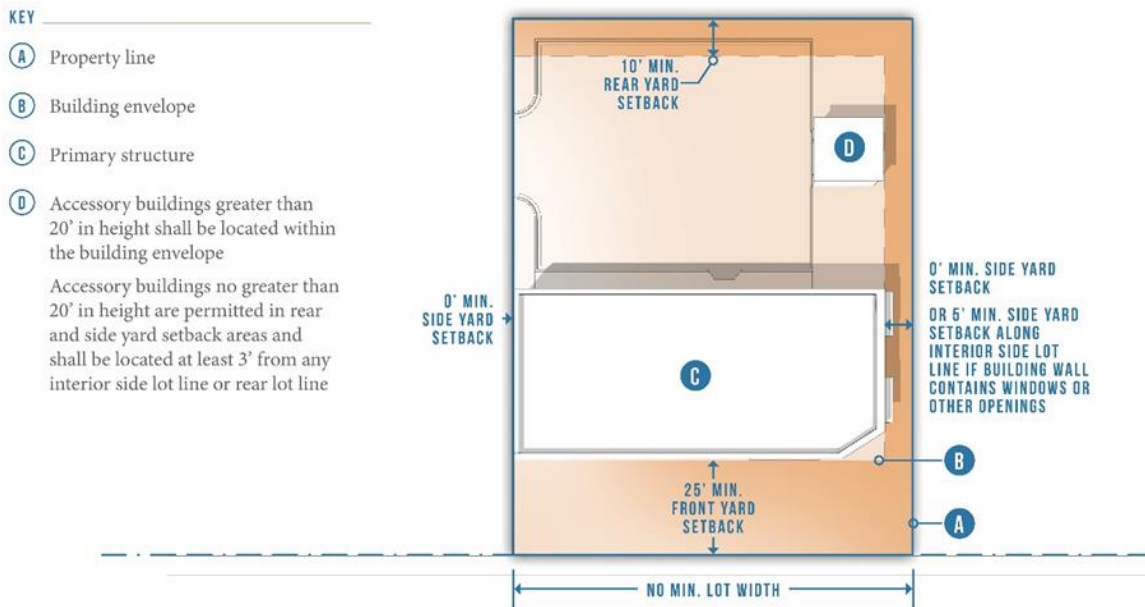
D. *Building form standards.*

Maximum building height:	40 feet
Minimum/maximum transparency	

Ground floor:	60%/85% (C)
Upper stories:	40%/85%
Exterior cladding materials:	
Primary walls:	Minimum 80% face brick, stone, solid wood, and/or fiber cement board
Secondary walls:	Minimum 80% face brick, stone, solid wood, fiber cement board, composite siding, and/or decorative concrete block
Accent/trim materials:	Maximum 20% metal, concrete, face brick, stone, solid wood, fiber cement board, composite siding, decorative concrete block, and/or EIFS (must be high impact resistant up to 6 feet from ground level)
Architectural features:	Wrap around entire side visible from right-of-way

C. COMMERCIAL SITE & BUILDING PLACEMENT

FIGURE 4-20



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-414.03. Notes.

- A. No side yards are required along the interior side lot lines, except as otherwise specified in applicable building and fire codes, provided that if walls of buildings facing such interior side lot lines contain windows or other openings, side yards of not less than five (5) feet shall be provided.
- B. Exclusive of access driveways, an uninterrupted front yard setback, as required below, shall be provided along:
 1. East side of Beacon Boulevard from South City limits to Woodlawn Avenue: Eighty (80) feet, except that off-street parking may be permitted to a point thirty (30) feet distant from the right-of-way line.

Created: 2021-12-13 14:17:41 [EST]

(Supp. No. 13)

-
2. West side of Beacon Boulevard from South City limits to Woodlawn Avenue: Fifty (50) feet, except that off-street parking and new automobile display may be permitted to a point thirty (30) feet distant from the right-of-way line.
- C. The planning commission may allow a reduction in ground-floor transparency on buildings facing the front or corner front lot line when located on a corner lot. This reduction shall be based on the character of surrounding land uses, existing and planned pedestrian and vehicular circulation patterns, historical development patterns, and similar factors, but in no case shall ground floor transparency be less than forty (40) percent.
- (Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-415. B. Beechtree district.

Sec. 40-415.01. Intent.

The B, Beechtree district accommodates light industrial uses and service commercial uses in an automobile oriented environment. The B district will develop as a vibrant corridor providing an eclectic mix of retail sales, office buildings, and light-industrial facilities. The purpose and intent of the B district is to foster the enhancement, accessibility, and function of businesses, which meet the service needs of the surrounding residential and industrial areas.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-415.02. District summary.

- A. *Permitted uses.*
- Accessory building and structure
 - Accessory use, when accessory to permitted uses
 - Animal grooming
 - Automobile repair, minor
 - Dry cleaning and laundry establishment
 - Dwelling, multiple-family
 - Eating and drinking establishment
 - Greenhouse
 - Kennel/animal daycare
 - Live/work
 - Medical office
 - Mixed use development
 - Multi-tenant commercial establishment
 - Municipal uses—Utilities
 - Nursery—Plant materials

-
- Office building
 - Park or parkland
 - Personal service business
 - Place of public assembly, small
 - Professional service establishment
 - Recreational facility, commercial
 - Residential above retail or office
 - Retail business or retail sales
 - Service establishment accessory to a principal use
 - Showroom
 - Trade and industrial school
 - Urgent care facility
 - Veterinary hospital
 - Warehouse
 - Wholesale facility
 - Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Automobile gasoline station, subject to section 40-506
- Automobile repair, major, subject to section 40-507
- Automobile wash, subject to section 40-509
- Contractor's establishment, subject to section 40-516
- Child care, commercial (13+ clients), subject to section 40-518
- Child care, group home (7—12 clients), subject to section 40-519
- Drive-through business, subject to section 40-521
- Dry cleaning plant, subject to section 40-524
- Educational facility, subject to section 40-530
- Hotel, subject to section 40-535
- Mortuary or funeral home, subject to section 40-546
- Motel, subject to section 40-545
- Nursing care facility, subject to section 40-548
- Open air business, subject to section 40-550
- Place of public assembly, large, subject to section 40-551

- Provisioning center, subject to section 40-543a
- Secure transporter, subject to section 40-543a
- Shared commercial facility, subject to section 40-557
- SSMWET, subject to article IX
- STMWET, subject to article IX
- Studio for performing and graphic arts, subject to section 40-562
- Tattoo and piercing parlor, subject to section 40-563

C. *Site and building placement standards.*

Maximum lot coverage:	70%
Minimum setbacks:	
Front:	5 feet(B)(C)
Corner Front:	10 feet
Side:	0 feet (A)
Rear:	0 feet (B)
Maximum front setback:	10 feet
Minimum residential floor area:	400 square feet
Sensitive Area Overlay requirements per section 40-422 may apply in certain portions of the district.	

D. *Building form standards.*

Maximum building height:	35 feet
Roof pitch:	Flat or pitched with parapet (D)
Minimum/maximum transparency:	
Ground floor:	60%/85%
Upper stories:	40%/85%
Exterior cladding materials:	
Primary walls:	Minimum 80% face brick, stone, solid wood, and/or fiber cement board
Secondary walls:	Minimum 80% face brick, stone, solid wood, fiber cement board, composite siding, and/or decorative concrete block
Accent/trim materials:	Maximum 20% metal, concrete, face brick, stone, solid wood, fiber cement board, composite siding, decorative concrete block, and/or EIFS (must be high impact resistant up to 6 feet from ground level)
Architectural features:	Wrap around entire side visible from right-of-way

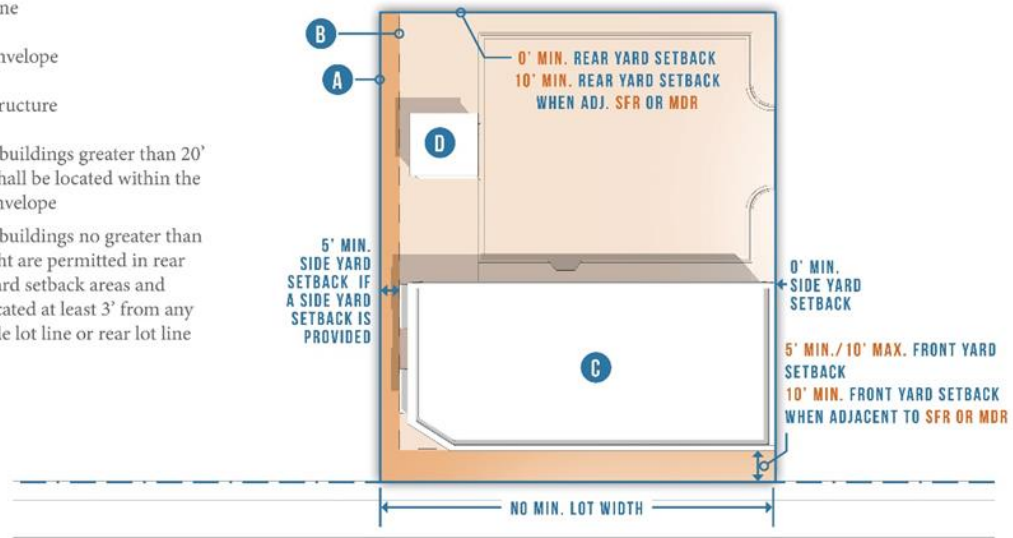
B. BEECHTREE SITE & BUILDING PLACEMENT

FIGURE 4-21

KEY

- (A) Property line
- (B) Building envelope
- (C) Primary structure
- (D) Accessory buildings greater than 20' in height shall be located within the building envelope

Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-415.03. Notes.

- A. No side yards setbacks are required along the interior side lot lines, however, if a side yard setback is provided, it shall be a minimum of five (5) feet.

B. BEECHTREE BUILDING FORM STANDARDS

FIGURE 4-22



- B. Where a proposed building abuts a property zoned LDR or MDR, the proposed building shall be set back a minimum of ten (10) feet from the property line which adjoins the residential property.
- C. Corner lots within the Beechtree district shall have the front yard facing Beechtree and clear vision corners of section 40-307 shall be met.
- D. Roof pitch: Roofs may be pitched so long as a parapet provided from the roof line to the peak effectively screening the pitch from view.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-416. WF. Waterfront district.

Sec. 40-416.01. Intent.

The WF, Waterfront district is intended to provide for open space in the form of parks or other general land preserves along lake or river shorelines with the intent of preserving and maintaining natural characteristics of those areas. Marinas and marina related accessory uses shall be permitted, as well as restaurants so long as dimensional and natural feature protection standards are met. Overall, this district is intended to support water related development, and to provide ample opportunities for public access with a balance of recreational and retail opportunities along the waterfront.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-416.02. District summary.

- A. *Permitted uses.*
 - Accessory building and structure

- Accessory use, when accessory to permitted uses
- Municipal uses—Utilities
- Park or parkland
- Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Dredging facility, subject to section 40-520
- Eating and drinking establishment*, subject to section 40-529
- Marina, subject to section 40-542
- Mixed use development*, subject to section 40-544
- MWET, subject to article IX
- Multi-tenant commercial establishment*, subject to section 40-547
- Office building*, subject to section 40-549
- Power generating facility, subject to section 40-553
- Provisioning center*, subject to section 40-543a
- Retail business or retail sales*, subject to section 40-556
- SSMWET, subject to article IX
- STMWET, subject to article IX
- Wind energy conversion system, subject to section 40-568

* Uses that must be located on key street segments per section 40-416.03.(D)

C. *Site and building placement standards.*

Maximum lot coverage:	N/A
Minimum setbacks:	
Front:	25 feet (A)
Corner Front:	25 feet (A)
Side:	20 feet
Rear/waterfront:	25 feet, subject to Critical Dune requirements
Sensitive Area Overlay requirements per [section] 40-422 may apply in certain portions of the district.	
See Table 40-402.02 for more detail and exceptions	

D. *Building form standards.*

Maximum building height:	25 feet (B) (C)
Rooflines:	Rooflines of regulated accessory structures or principal structures with the lowest elevation at or above 22 feet above the median natural grade shall be pitched at slopes ranging from 4:12 to 12:12. Roofs located below 22 feet above the median natural grade may be flat or pitched at any slope.

Exterior cladding materials:	
Primary walls:	Minimum 80% face brick, stone, solid wood, and/or fiber cement board
Secondary walls:	Minimum 80% face brick, stone, solid wood, fiber cement board, composite siding, and/or decorative concrete block
Accent/trim materials:	Maximum 20% metal, concrete, face brick, stone, solid wood, fiber cement board, composite siding, decorative concrete block, vinyl, and/or EIFS (must be high impact resistant up to 6 feet from ground level)
Architectural features:	Wrap around entire side visible from right-of-way

WF. WATERFRONT SITE & BUILDING PLACEMENT

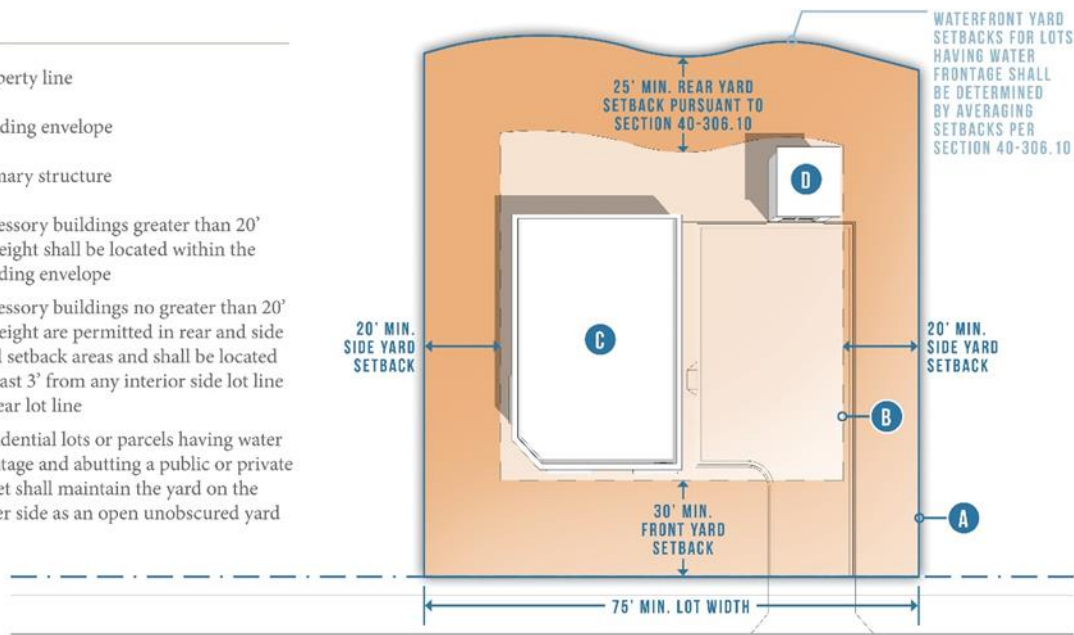
FIGURE 4-23

KEY

- (A) Property line
- (B) Building envelope
- (C) Primary structure
- (D) Accessory buildings greater than 20' in height shall be located within the building envelope

Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line

Residential lots or parcels having waterfrontage and abutting a public or private street shall maintain the yard on the water side as an open unobscured yard



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-416.03. Notes.

- A. If adjacent to the LDR or NS districts, building setbacks shall increase an additional one foot for every five (5) feet the building exceeds fifty (50) feet in length or width. Said additional setbacks shall be provided only on the yard(s) adjacent to the LDR or NS districts. Provided, however, in no event shall any building be located closer than one hundred (100) feet to any property line in the LDR or NS district.
- B. Mechanical, stairwell enclosure, access hatches and elevator equipment and any required screening may extend above twenty-five (25) feet but shall not exceed five (5) feet. The total area covered by all mechanical equipment, stairwell enclosure, and elevator equipment shall not exceed one hundred (100) square feet and shall be located so as to not be visible from any adjoining right-of-way.

C. For parcels lying on the westerly side of Harbor Drive between Harbor Drive and the Grand River or Lake Michigan, the maximum height shall be two (2) stories or thirty (30) feet, whichever is less. The established grade for all parcels lying on the westerly side of Harbor Drive shall be the Harbor Drive side street level, so the grades on any other side of the structure shall not have any effect on the established grade from which the building height is to be measured. For parcels lying on the westerly side of Harbor Drive between Harbor Drive and the Grand River or Lake Michigan, mechanical, stairwell enclosure, access hatches and elevator equipment and any required screening may extend above thirty (30) feet but not by more than five (5) feet. The total area covered by all such mechanical equipment, stairwell enclosure, and elevator equipment may not exceed one hundred (100) square feet and shall be located so as to not be visible from any adjoining right-of-way

D. In the WF district, key street segments include the following:

- Harbor Drive (or Jackson) from Fourth Street to the entrance to the Lighthouse Connection Park.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-417. WF-2. Waterfront 2 district.

Sec. 40-417.01. Intent.

The WF-2 Waterfront district is intended to provide for the positive redevelopment of the east side of Harbor Drive from Howard to First Street. This district lies at the foot of the downtown and spans an area that is utilized for community festivals, recreation, viewing the Musical Fountain, and appreciating the view of the Grand River channel all the way out to the Grand Haven lighthouse. Harbor Drive is the main point of entry for the State Park and City Beach, and development along this road is visible from the water. Therefore, this district defines the impression of Grand Haven for residents and visitors alike.

The Old Town and Southside neighborhoods adjoin the WF-2 district. These neighborhoods are locally designated Historical districts and are among the first areas settled in Grand Haven. The WF-2 district must therefore provide a context sensitive transition between the activities on the waterfront and the immediately adjacent residential neighborhoods. The Waterfront Strategic Plan outlines a comprehensive vision for this key portion of the community and will be used as guidance by the planning commission and property owners in evaluating design and redevelopment proposals.

It is recognized that the public sight lines of the city are a shared resource of relatively fixed supply and thus must be regulated in a manner that reasonably balances the use afforded to private property owners with the rights of the general public. New development within the WF-2 district will require designs that provide special consideration for public site lines. While recognizing the desire of those owning property to capitalize on its value, especially property near or on the waterfront, this article also seeks to assure that the uses of such property and the size, quality, character, dimensions, of the structures built on that property positively enhance the essential character of the community.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-417.02. District summary.

A. *Permitted uses.*

- Accessory building and structure
- Accessory use, when accessory to permitted uses

- Child care, family home (6 clients)
- Dwelling, multiple-family (above first floor)
- Dwelling, multiple-family (on first floor, subject to Notes (A))
- Eating and drinking establishment
- Municipal uses—Utilities
- Office building
- Park or parkland
- Personal service business
- Professional service establishment
- Residential above retail or office
- Retail business or retail sales
- Service establishment accessory to a principal use
- Short-term rentals, where the underlying residential use is permitted by right or as a special land use.
Short-term rentals require a short-term rental certificate issued pursuant to chapter 9 of the Grand Haven Code of Ordinances
- Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

- Accessory building with footprint greater than the footprint of the principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Bed and breakfast, subject to section 40-510
- Hotel, subject to section 40-535
- Mixed use development, subject to section 40-544
- Nursing care facility*, subject to section 40-548
- Place of public assembly, large and small, subject to section 40-551
- Provisioning center, subject to section 40-543a
- SSMWET, subject to article IX
- STMWET, subject to article IX

* Uses that must be located on key street segments per section 40-317.03(H)

C. *Site and building placement standards.*

Minimum/maximum setbacks (B):	
Front (nonresidential first floor):	70% of building frontage in Build-to-zone or 5 feet max.
Front (residential first floor):	15 feet
Elevated front (C):	12 feet for each story above 26 feet
Side:	10 feet
Elevated side (C):	5 feet for each story above second floor
Rear abutting LDR, MDR, OT or S:	25 feet

Rear abutting other districts (D):	10 feet
Build-to-zone:	70% of building front
Minimum residential floor area:	400 square feet
Sensitive Area Overlay requirements per section 40-422 may apply in certain portions of the district.	
See Table 40-402.02 for more detail and exceptions	

D. *Building form standards.*

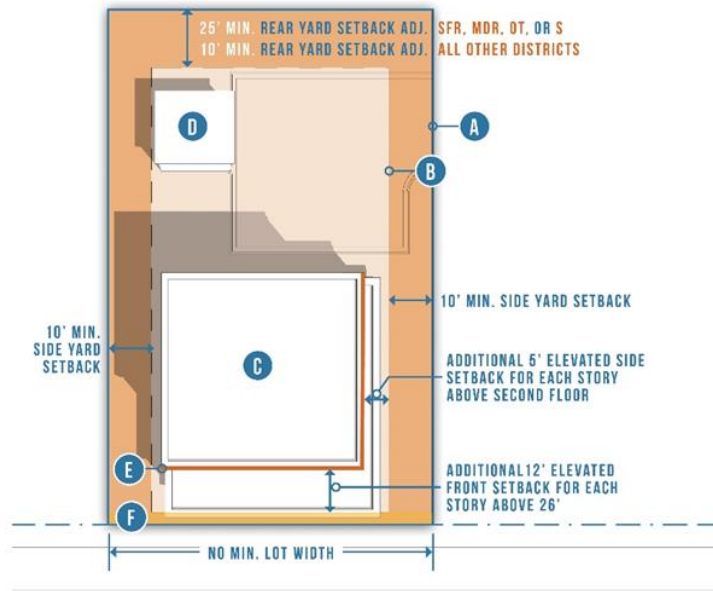
Maximum building height:	35 feet or (E)
Roofline modulation:	Required every 35 feet; modulation includes a change in elevation of at least 3 feet; or a sloped or gabled roofline segment of 3 feet vertical and 12 feet horizontal
Exterior cladding materials:	
Primary walls:	Minimum 80% face brick, stone, solid wood, and/or fiber cement board
Secondary walls:	Minimum 80% face brick, stone, solid wood, fiber cement board, composite siding, decorative concrete block, and/or vinyl siding
Accent/trim materials:	Maximum 20% metal, concrete, face brick, stone, solid wood, fiber cement board, composite siding, decorative concrete block, vinyl, and/or EIFS (must be high impact resistant up to 6 feet from ground level)
Architectural features:	Wrap around entire side visible from right-of-way
Recessed entry:	3 feet to 5 feet
Blank walls:	Prohibited when visible from right-of-way, park or public parking area
Retaining walls:	Prohibited along public streets when greater than 3 feet in height
Building articulation:	Required every 20 feet

WF-2. WATERFRONT 2 SITE & BUILDING PLACEMENT FOR NONRESIDENTIAL

FIGURE 4-24

KEY

- (A) Property line
- (B) Building envelope
- (C) Primary structure
- (D) Accessory buildings greater than 20' in height shall be located within the building envelope
Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line
- (E) Elevated setback per Section 40-417.03.C
- (F) Build-to zone
70% of the building frontage must be within the build-to zone or provide a 5' maximum front yard setback

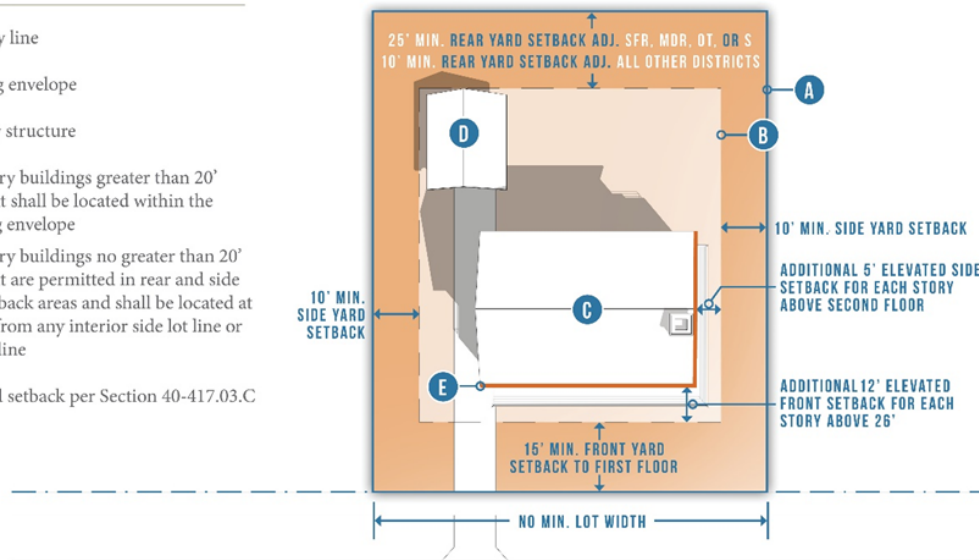


WF-2. WATERFRONT 2 SITE & BUILDING PLACEMENT FOR RESIDENTIAL

FIGURE 4-25

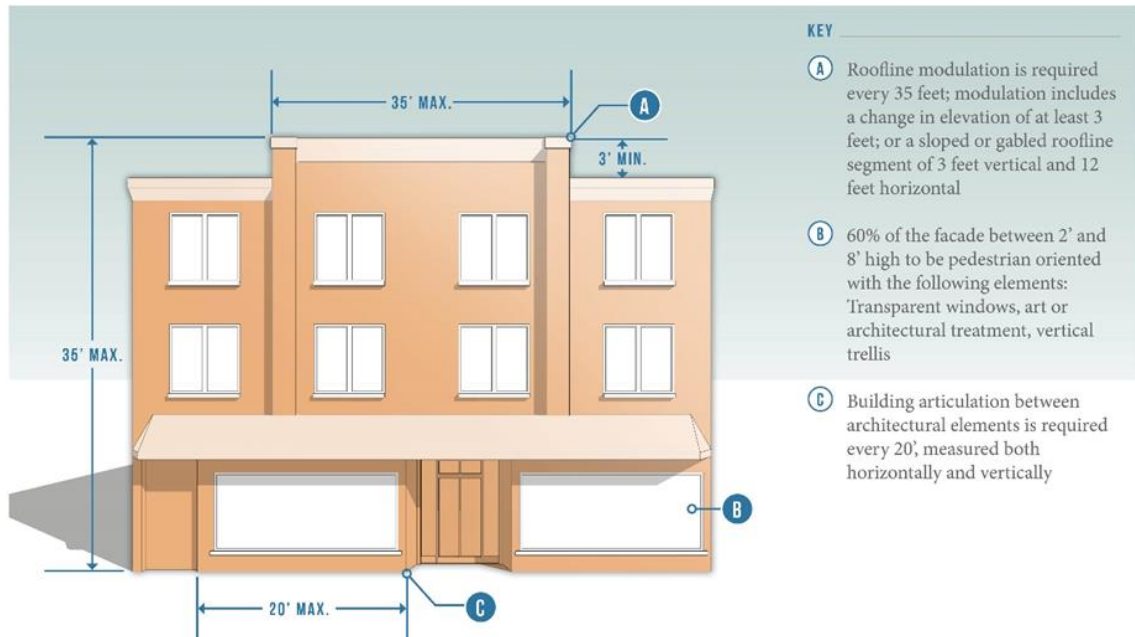
KEY

- (A) Property line
- (B) Building envelope
- (C) Primary structure
- (D) Accessory buildings greater than 20' in height shall be located within the building envelope
Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line
- (E) Elevated setback per Section 40-417.03.C



WF-2. WATERFRONT 2 BUILDING FORM STANDARDS

FIGURE 4-26



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

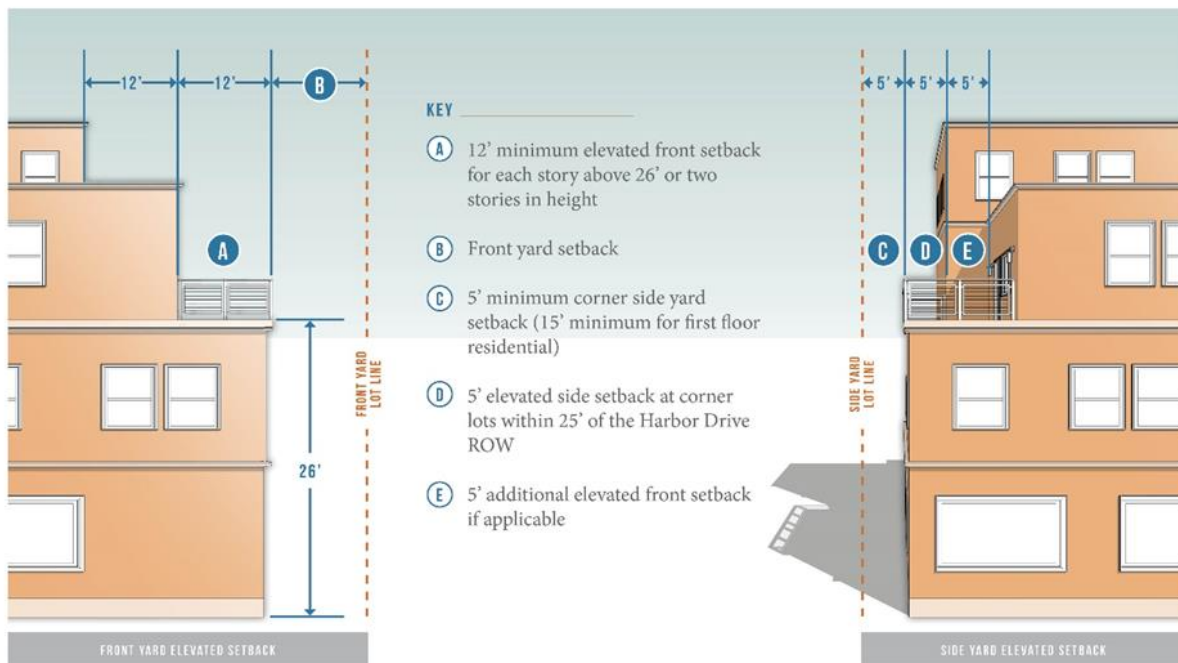
Sec. 40-417.03. Notes.

- A. The following shall apply to all multiple-family dwellings where residential units will be located on the first floor:
1. First floor residential units with frontage on Harbor Drive shall be a minimum of four (4) feet above the grade of the front property line.
 2. The building front yard setback when the first floor has residential units shall have a fifteen-foot front yard setback.
 3. The front yard setback shall be landscaped in accordance with article VIII, landscaping.
 4. When residential units incorporate individual parking or garage space, the parking areas shall not be accessed off of Harbor Drive, however a single access to a common parking structure may be permitted.
 5. A wall or decorative fence may be installed five (5) feet from the front property line. Solid walls of concrete, stone or masonry may be no higher than three (3) feet tall, except where required to retain a slope. Decorative fencing or hedges may be used to define the front yard, and shall not exceed four (4) feet in height. A sloped yard may be terraced with more than one retaining walls.
 6. A minimum separation distance of fifteen (15) feet shall be provided between buildings located on the same parcel if they are not attached by a common wall.
- B. All parcels with frontage on Harbor Drive, including corner lots, shall be deemed to have one front yard facing Harbor Drive.

- C. To preserve the views along within the WF-2 district, additional elevated setbacks shall be provided as set forth in this section.
1. For building elevations facing Harbor Drive, beginning at an elevation twenty-six (26) feet above the top of the curb, or at two (2) stories, whichever is less, measured at the center of the Harbor Drive frontage, there shall be an additional setback of twelve (12) feet for each story.
 2. For building elevations facing Elliot, Fulton, Columbus, Franklin, Clinton, Lafayette and Howard streets and extending twenty-five (25) feet from the Harbor right-of-way, there shall be an elevated setback of five (5) additional feet for each story of height above the second floor adjoining a public right-of-way. This shall apply to all corner lots.

WF-2. WATERFRONT 2 ELEVATED SETBACKS

FIGURE 4-27



- D. Parcels, which are immediately adjacent to the CB district, may use CB rear yard setbacks.
- E. Maximum height shall be the greater of thirty-five (35) feet or the average height of existing buildings immediately adjacent to, or across the street from, the subject site, if fronting on Harbor Drive. In no instance shall the highest point of a building with frontage on Harbor Drive exceed an elevation of six hundred forty-three (643) feet elev. per the United States Department of Interior Geological Survey (USGS NGVD).

Mechanical, stairwell enclosure, access hatches and elevator equipment and any required screening may extend above the maximum height permitted but not by more than five (5) feet. The total area covered by all mechanical equipment, stairwell enclosure, and elevator equipment may not exceed one hundred (100) square feet and shall be located so as to not be visible from any adjoining right-of-way.

- F. Transparent windows. Transparent window area or display windows which provide visibility into building interiors or displays. Glass shall be clear or lightly tinted in windows, doors, and displays.
- G. Architectural treatment. Blank walls, including retaining walls and screening walls in excess of three (3) feet in height, shall not be permitted when visible from a right-of-way, park or public parking area. At least sixty

(60) percent of the wall area between two (2) feet and eight (8) feet in elevation above the sidewalk or adjacent grade shall be designed to create a pleasant environment for pedestrians. Such facades shall have one or more of the following characteristics:

1. Transparency, see subparagraph F. of this section.
2. Art or architectural treatment. Sculpture, mosaic, glass block, opaque art glass as relief artwork or similar features of visual interest. Structural architectural detailing, including windows, balconies, bay windows, awnings, or other elements, is also acceptable.
3. Vertical trellis. A permanent vertical trellis in front of the wall with climbing plants or plant materials.

H. Key street segments. Within the WF-2 district, the following key street segments are established:

- Harbor Street, from Franklin Avenue to the entrance to Lighthouse Connection Park.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-418. CC. Civic Center district.

Sec. 40-418.01. Intent.

The CC, Civic Center district is intended to form the institutional and governmental core of the community, specifically intended to accommodate the concentration of municipal and public facilities in the Hilltop area of the city. This district will be comprised of governmental offices and general office buildings, parks and places of public assembly and will be non-commercial in nature. Structures in the district will generally be larger iconic forms, built around a government square, with good sidewalk exposure, yet formed to accommodate automobile access as the regional governmental center. Plazas, parks and outdoor spaces will create an efficient yet inviting space for the civic activities of the community.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-418.02. District summary.

A. *Permitted uses.*

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Governmental building
- Library
- Municipal uses—Utilities
- Office building
- Park or parkland
- Professional service establishment
- Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to section 40-502

- Accessory use, to a special land use, subject to section 40-503
- Commercial parking facility, subject to section 40-515
- Drive-through business, subject to section 40-521
- Educational facility, subject to section 40-530
- Hotel, subject to section 40-535
- Mixed use development, subject to section 40-544
- Place of public assembly, large and small, subject to section 40-551
- SSMWET, subject to article IX
- STMWET, subject to article IX

C. *Site and building placement standards.*

Maximum lot coverage:	75%
Minimum setbacks:	
Front:	10 feet
Corner front:	10 feet
Side:	20 feet
Rear:	20 feet
See Table 40-402.02 and section 40-418.03 for more detail and exceptions	

D. *Building form standards.*

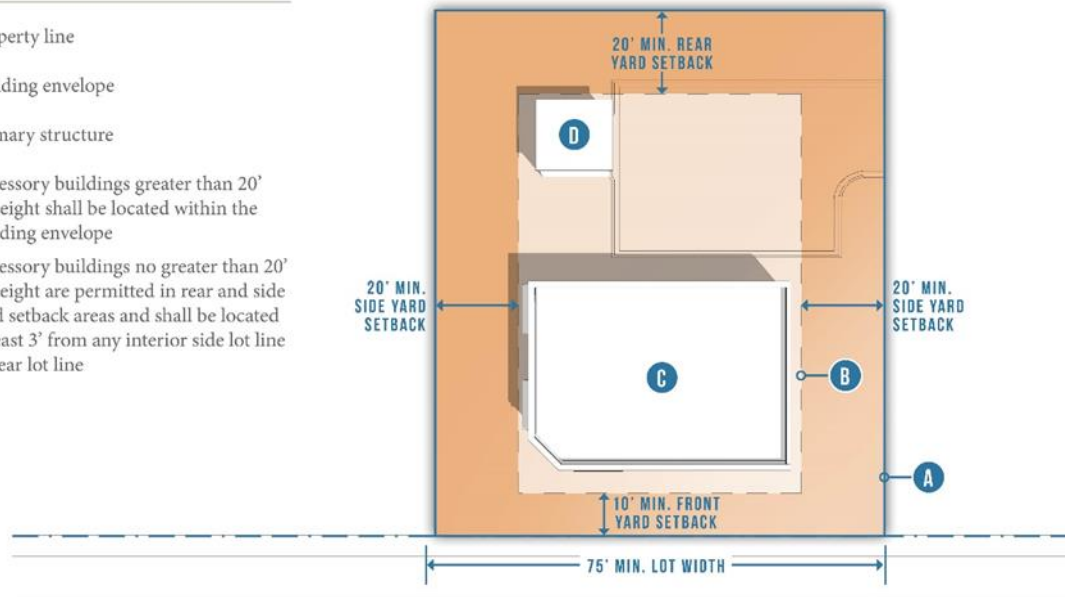
Maximum building height:	35 feet
Maximum building height for government buildings facing Central Park:	100 feet (B)
Roofline modulation:	Required every 35 feet; modulation includes a change in elevation of at least 3 feet; or a sloped or gabled roofline segment of 3 feet vertical and 12 feet horizontal
Exterior cladding materials:	
Primary walls:	Minimum 80% face brick, stone, solid wood, and/or fiber cement board
Secondary walls:	Minimum 80% face brick, stone, solid wood, fiber cement board, composite siding, and/or decorative concrete block
Accent/trim materials:	Maximum 20% metal, concrete, face brick, stone, solid wood, fiber cement board, composite siding, decorative concrete block, and/or EIFS (must be high impact resistant up to 6 feet from ground level)
Architectural features:	Wrap around entire side visible from right-of-way
Building articulation:	Required every 50 feet; may be accomplished using windows, balconies, change in building material, etc.

CC. CIVIC CENTER SITE & BUILDING PLACEMENT

FIGURE 4-28

KEY

- Ⓐ Property line
- Ⓑ Building envelope
- Ⓒ Primary structure
- Ⓓ Accessory buildings greater than 20' in height shall be located within the building envelope
Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-418.03. Notes.

- A. Key street segments. Within the CC district, the following key street segments are established:
 - Franklin Avenue, from the CB district boundary to the Fifth Street rights-of-way.
- B. Height of any proposed architectural features to be approved by the planning commission.
- C. Projections into required yards for government buildings: architectural features such as fireplaces, bay windows, canopies and ornamentation may project into any required yard at a distance as approved by the planning commission.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-419. TI. Transitional Industrial district.

Sec. 40-419.01. Intent.

The TI, Transitional Industrial district is intended to allow a mix of commercial, service commercial and light industrial activities, which can be compatible with some non-industrial uses such as live/work facilities and entertainment uses. The TI district will include good accessibility to accommodate pedestrian and bicycle traffic safely with automobiles and commercial vehicles. This district is intended to allow for the transition from traditional industrial uses to commercial, retail, residential and some live/work uses. The TI district is intended for the area north of Fulton and west of the Ferry Street mixed use corridor, as well as the Kooiman industrial area.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-419.02. District summary.

A. *Permitted uses.*

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Animal grooming
- Automobile repair, minor
- Boat launch
- Eating and drinking establishment
- Greenhouse
- Municipal uses—Utilities
- Office building
- Park or parkland
- Recreational facility, commercial
- Research and development
- Retail business or retail sales
- Service establishment accessory to a principal use
- Showroom
- Trade and industrial school
- Warehouse
- Wholesale facility
- Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Automobile gasoline station, subject to section 40-506
- Automobile repair, major, subject to section 40-507
- Contractor's establishment, subject to section 40-516
- Dredging facility, subject to section 40-520
- Dwelling, multiple family, subject to section 40-527
- Grower, subject to section 40-543a
- Live/work, subject to section 40-540
- Manufacturing, compounding, or processing, subject to section 40-541

- Marina, subject to section 40-542
- Mixed use development, subject to section 40-544
- Place of public assembly, small, subject to section 40-551
- Processor, subject to [section] 40-543a
- Provisioning center, subject to [section] 40-543a
- Safety compliance facility, subject to [section] 40-543a
- Secure transporter, subject to [section] 40-543a
- Shared commercial facility, subject to section 40-557
- SSMWET, subject to article IX
- STMWET, subject to article IX
- Studio for performing and graphic arts, subject to section 40-562
- Telecommunication towers and antenna, subject to section 40-564
- Veterinary hospital, subject to section 40-566

C. *Site and building placement standards.*

Maximum lot coverage:	70%
Minimum setbacks:	
Front:	25 feet
Corner front:	25 feet
Side:	10 feet
Rear:	10 feet (A)
Waterfront:	20 feet
Minimum residential floor area:	400 square feet
See Table 40-402.02 and section 40-419.03 for more detail and exceptions	
Sensitive Area Overlay requirements per section 40-422 may apply in certain portions of the district	

D. *Building form standards.*

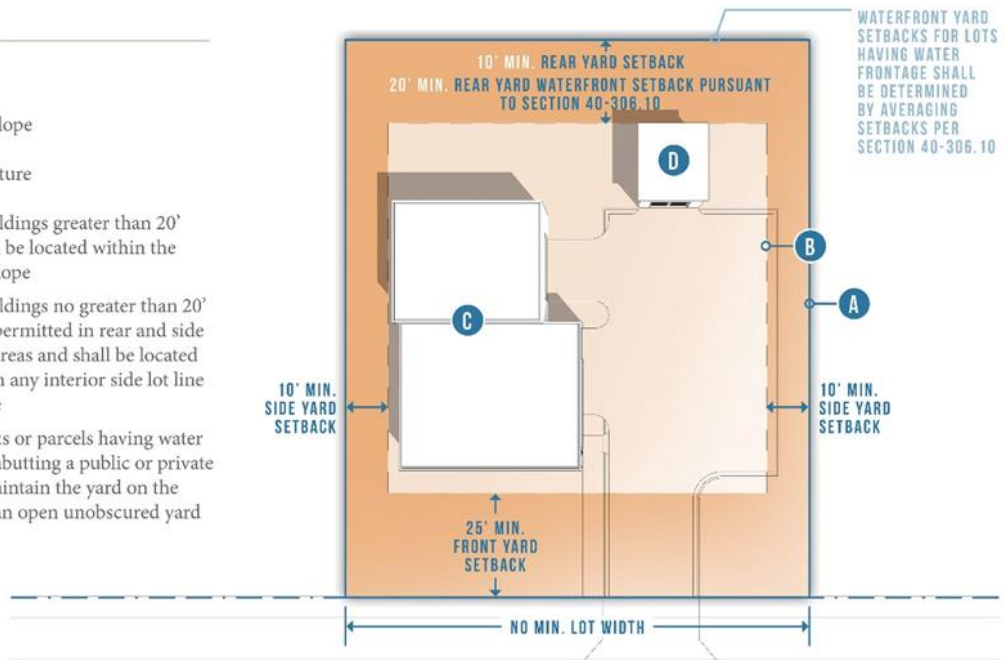
Maximum building height:	40 feet
Building articulation:	Required every 50', may be accomplished using windows, balconies, change in building material, etc.
Maximum roof pitch:	N/A
Blank walls:	Prohibited when adjacent to or visible from a public street

TI. TRANSITIONAL INDUSTRIAL SITE & BUILDING PLACEMENT

FIGURE 4-29

KEY

- (A) Property line
 - (B) Building envelope
 - (C) Primary structure
 - (D) Accessory buildings greater than 20' in height shall be located within the building envelope
- Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line
- Residential lots or parcels having water frontage and abutting a public or private street shall maintain the yard on the water side as an open unobscured yard



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-419.03. Notes.

- A. Rear yard setback shall be twenty-five (25) feet when use abuts the LDR, MDR, MFR, S, E or OT districts, or when abutting a residential use.
- B. Key street segment:
 - Fulton Street, from the Easttown district boundary to the Beechtree rights-of-way.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-420. I. Industrial district.

Sec. 40-420.01. Intent.

The I, Industrial district is intended to accommodate commercial uses unsuited to other districts, as well as wholesale activities, warehouses, and manufacturing and assembly operations whose external, physical effects are restricted to the area of the district and are well-matched to the surrounding uses. The I district is intended to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared material. It is further intended that activities involving the processing of raw material be entirely enclosed and that all uses conform to the performance standards of this ordinance. Uses within the I district will generally be employment generators.

It is the intent of this district to provide sufficient space for current or future needs for manufacturing and wholesaling or related uses while preserving the general character of the community.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-420.02. District summary.

A. *Permitted uses.*

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Automobile gasoline station
- Automobile repair, minor
- Greenhouse
- Manufacturing, compounding, or processing
- Municipal uses—Utilities
- Office building
- Research and development
- Self-service storage facility
- Service establishment accessory to a principal use
- Showroom
- Trade and industrial school
- Warehouse
- Wholesale facility
- Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Airport, subject to section 40-504
- Automobile repair, major, subject to section 40-507
- Billboard, subject to section 40-511
- Contractor's establishment, subject to section 40-516
- Dry cleaning plant, subject to section 40-524
- Fuel storage, subject to section 40-531
- Grower, subject to section 40-543a
- MWET, subject to article IX
- Power generating facility, subject to section 40-553

- Processor, subject to [section] 40-543a
- Provisioning center, subject to [section] 40-543a
- Safety compliance facility, subject to [section] 40-543a
- Secure transporter, subject to [section] 40-543a
- SSMWET, subject to article IX
- STMWET, subject to article IX
- Telecommunications antennas and towers, subject to section 40-564
- Wells, oil and gas, subject to section 40-567
- Wind energy conversion systems, subject to section 40-568

C. *Site and building placement standards.*

Maximum lot coverage:	70%
Minimum setbacks:	
Front:	25 feet
Corner front:	25 feet
Side:	10 feet
Rear:	20 feet (A)
See Table 40-402.02 and section 40-418.03 for more detail and exceptions	
Sensitive Area Overlay requirements per section 40-422 may apply in certain portions of the district.	

D. *Building form standards.*

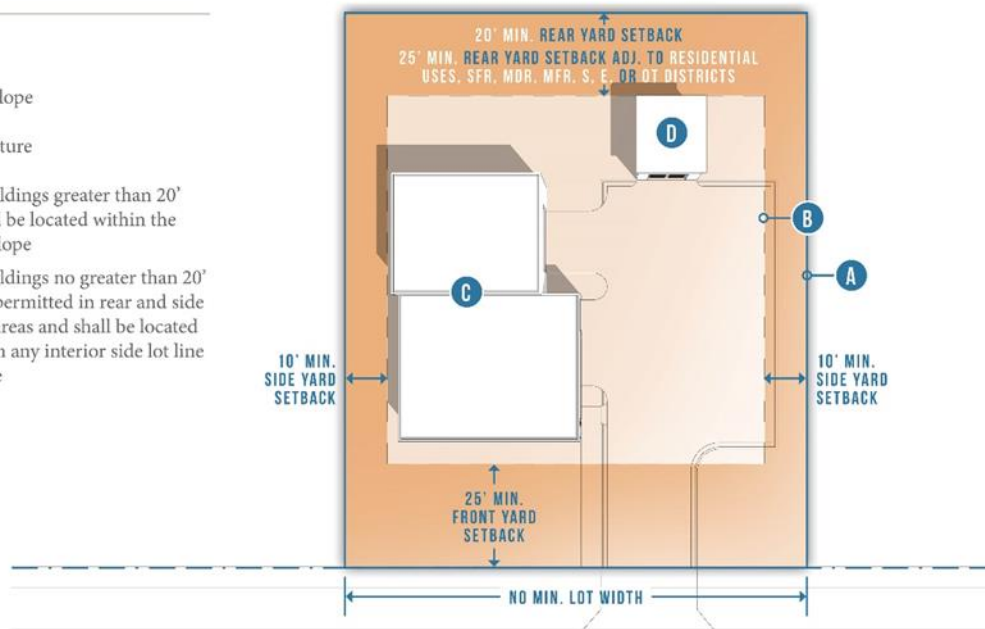
Maximum building height:	60 feet
--------------------------	---------

I. INDUSTRIAL SITE & BUILDING PLACEMENT

FIGURE 4-30

KEY

- (A) Property line
- (B) Building envelope
- (C) Primary structure
- (D) Accessory buildings greater than 20' in height shall be located within the building envelope
Accessory buildings no greater than 20' in height are permitted in rear and side yard setback areas and shall be located at least 3' from any interior side lot line or rear lot line



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-420.03. Notes.

1. Rear yard setback shall be twenty-five (25) feet when use abuts the LDR, MDR, MFR, S, E or OT districts, or when abutting a residential use.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-421. PD. Planned Development district.

Sec. 40-421.01. Intent.

This article provides enabling authority and standards for the submission, review, and approval of applications for planned developments. The PD district is intended to allow for a combination of land uses, site design, layout flexibility and innovation that cannot be achieved within conventionally structured zoning districts. The primary purpose of this article is to encourage the creation of desirable and efficient working and/or living environments that are designed and developed as integrated projects with harmonious land uses and compatibility with surrounding areas and natural features. It is the intent of this article to authorize the consideration and use of planned development regulations for the following purposes:

1. To encourage the use of land in accordance with its character and adaptability.
2. To promote the conservation of natural features, fragile lands and the preservation of important and historic community resources.

-
3. To encourage flexibility and innovation in land use and design for the purpose of protecting the character of the community and enhancing the quality of life in the city.
 4. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities.
 5. To promote the enhancement of housing diversity, shopping, traffic circulation, and recreational opportunities for the people of the city.
 6. To promote and ensure greater compatibility of design and use between and among neighboring properties.

A planned development must comply with this article. The provisions of this article are intended to result in land use and development substantially consistent with the goals and objectives and the future land use plan reflected in the City of Grand Haven Strategic Land Use Master Plan, as amended. The planned development provisions are not intended as a device for ignoring the zoning ordinance or the planning upon which it has been based.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-421.02. Qualifying conditions.

A PD district may be considered in any portion of the city. However, as a condition of a rezoning to PD, the applicant must demonstrate that the PD will result in a recognizable and substantial benefit to the ultimate users and occupants of the project and to the community, where such benefit would otherwise be unfeasible or unlikely. Such benefit may include, but shall not be limited to, the preservation of important natural and/or historic features, the provision of open lands, the provision of a mix of land uses, and/or innovation in design and project configuration.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-421.03. Development requirements.

- A. The city shall evaluate each PD application in accord with the following general standards. The proposed development:
 1. Shall be designed, constructed, and maintained to be an integrated and harmonious development, appropriate in appearance with the existing or intended character of the general vicinity;
 2. Shall be served adequately by essential public facilities and services, such as highways, streets, pedestrian ways, police and fire protection, drainage structures, refuse disposal, water and sewer, telecommunications;
 3. Shall be compatible with the capacities of public services and facilities it may affect;
 4. Shall be developed in accordance with the intent for a planned development as contained herein.
 5. Shall conform to the Sensitive Area Overlay requirements per section 40-422, if applicable.
- B. Permitted uses within a PD. Any principal or accessory land uses permitted in any zoning district, either as a use by right or a use subject to special conditions under this ordinance, or any combination of such uses, may be considered within the PD district. Provided, however, that the planning commission and the city council must reach a finding that all such proposed uses and the impacts they may generate on one another and on the surrounding community shall be generally compatible and harmonious with one another.

- C. Guidance standards. Unless specifically waived or adjusted by the city council upon the recommendation of the planning commission through the provisions of subsection 40-421.03.D, below, the dimensional standards set forth in Table 1 shall be used as a guide in evaluating the size, bulk and dimensions of proposed PD developments. For PD developments proposing more than one type of land use, the appropriate guidance standards shall be applied for each such type of use.

TABLE 1. GUIDANCE STANDARDS

Proposed PD Land Use Types ¹	Building Separation ²	Setback ³			Height ⁴ Stories/Feet	Percent Land Coverage	Land Area per Unit
		Front (Street)	Each Side	Rear			
Commercial and Institutional	0 or a minimum of 20 ft.	25 ft.	10 ft.	20 ft.	4/52 ft.	N/A	N/A
Single-Family Residential	N/A	25 ft.	8 ft.	25 ft.	2½/35 ft.	35%	5,000 sq. ft.
Multi-Family Residential	0 or not less than 20 ft.	25 ft.	20 ft.	25 ft.	4/52 ft.	50%	1,000 sq. ft.
Industrial	40 ft.	40 ft.	20 ft.	20 ft.	N/A/40 ft.	N/A	N/A

Notes to Table 1. Guidance Standards.

1. For buildings proposed to house more than one type of use, the guidance standards of the principal use within the structure, as proposed by the applicant, shall be used.
 2. Building separation standards shall apply to multiple structures located on a single parcel within the PD development and shall not be less than twenty (20) feet, except in the case of party-wall or zero lot line structures.
 3. Setback standards shall be applied for structures within a PD and sited on individual parcels. For structures located adjacent to the boundary of the PD, the setback between such structure and boundary of the PD shall be determined from the requirements for the zoning district adjoining that boundary.
 4. In no instance shall building heights exceed ninety-six (96) feet.
- D. Departures from guidance standards. Consistent with the planned development concept, and to encourage flexibility and creativity in development, departures from the guidance standards may be granted upon the recommendation of the planning commission as part of the approval of a planned development. Such departures may be authorized if, in the judgment of the city council upon the recommendation of the planning commission, (1) there are features or planning mechanisms incorporated into the project which would generally achieve the objectives of each of the regulations from which a departure is being requested, and/or (2) the proposed planned development is likely to be more consistent with the objectives of the city's future land use plan than a development under the terms of the guidance standards. Provided, that under no circumstances shall a structure exceed a maximum height of ninety-six (96) feet.
- E. Phasing. The stages or phases of any PD development shall be so structured and scheduled that, if later stages or phases of the development are not implemented, the initial stage(s) shall be consistent with the

provisions of this article and shall not detract from the feasibility of developing the remaining portion of the subject PD area in an appropriate and desirable manner.

- F. Private roads. Private roads within the PD, if any, shall conform to the minimum road construction standards established by the city. The city council, upon the recommendation of the planning commission, may approve departures from the strict application of such private road standards where an alternative road design is likely to be more consistent with the objectives of the planned development and the city's future land use plan than roads meeting the city's minimum construction standards. The applicant must pay all costs of inspection and maintenance. All necessary agreements pertaining to private road construction and maintenance shall be reviewed and approved by the city and must be executed and recorded prior to the commencement of construction.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-421.04. Application process.

- A. The procedure for application, review, and approval of a PD shall be a two-part process. The first part shall be application and approval of a preliminary development plan, which shall require a legislative enactment amending the zoning ordinance so as to reclassify the property to PD. Such action shall confer upon the applicant concept approval for the length of time established by the city council in the amendatory ordinance granting the PD designation. The second part of the review and approval process shall be the application for approval of a final development plan for the entire project or for anyone or more phases of the project. Final development plan approval shall require the granting of site plan approval by the planning commission pursuant to section 40-115 of the zoning ordinance.
- B. Effect of approval. The granting of a planned development rezoning application shall require an amendment of the zoning ordinance and the zoning map. An approval granted under this article including all aspects of the final development plan and conditions imposed shall constitute an inseparable part of the zoning ordinance.
- C. Preapplication conference. Prior to the submission of an application for planned development, the applicant shall meet with the planning and development team of the city (which shall consist of those individuals so designated by the city manager). The applicant shall present at such conference, or conferences, a sketch plan of the planned development, and the following information:
1. A description of the property in question and disclosure of ownership interests;
 2. The total number of acres to be included in the project;
 3. A description of the proposed land uses including the approximate number of residential units and/or the approximate number, type, and square footage of nonresidential development. This shall also include a description of the general development concept, including structures to be retained, remodeled or removed, an overall architectural concept or development theme, and markets to be served by the development;
 4. The relationship of the development to the surrounding neighborhood.
 5. The approximate area of the proposed PD to be devoted to each use;
 6. A general description of any departures from the regulations of this article which may be requested;
 7. Description of how the proposed PD will relate to the objectives of the City of Grand Haven Strategic Land Use Master Plan;
 8. All known natural resources, historic sites and natural features, including any views from off the site to important natural features and any impediments to development; and

-
9. The benefits that are expected to result from the adoption of the PD provisions pertaining to the subject site.
 10. If the plan is to be carried out in phases, a description of the phases and the approximate time frame for each phase.

Based on the information presented, the planning and development team will advise the applicant of possible issues and concerns the city may want addressed should the PD application be submitted. However, any such initial reaction or response from the planning and development team shall not be regarded as either conclusive or complete and the applicant shall be so advised.

D. Preliminary development plan and rezoning request—Submission and content. Following the preapplication conference, fourteen (14) copies (unless otherwise required by the city) and a PDF of a preliminary development plan and application for a PD rezoning request shall be submitted. The submission shall be made to the zoning administrator who shall forward it to the planning commission for consideration at a regular or special meeting. The plan shall be prepared by a licensed professional engineer, community planner, or architect and shall be accompanied by an application form and fee as determined by the city council. The application for preliminary development plan approval and rezoning shall contain the following information unless specifically waived by the planning commission upon the recommendation of the zoning administrator:

1. All the information required for the preapplication conference.
2. A boundary and topographic survey including date, north arrow, and scale which shall not be more than 1" = 100'.
3. Locational sketch of site in relation to surrounding area.
4. Legal description of property including common street address(es).
5. All lot or property lines with dimensions.
6. General location of all buildings within one hundred (100) feet of the property lines.
7. General location and size of all existing structures on the site.
8. General location and size of all proposed structures on the site.
9. General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
10. General size and location of all areas devoted to open space.
11. Detail on the abutting zoning district(s) and the general dimensions and approaches planned to achieve a gradual transition between the proposed PD and the surrounding neighborhood.
12. Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
13. All areas within the Sensitive Areas Overlay district as defined in accordance with section 40-422 of this zoning ordinance.
14. A general signage plan, showing the type, location and dimensions of all signs. Only the signage located on the signage specifications stated within the plan will be permitted.
15. A plan for debris management and dust abatement during construction.
16. A illustration of parking areas including traffic flow diagrams and a detailed estimate of parking demand based on all proposed uses.
17. A narrative describing:

-
- a. The nature and concept of the project.
 - b. The proposed density, number, and types of dwelling units if a residential PD.
 - c. How the proposed project meets the objectives of the PD ordinance.
 - d. The legal mechanisms and structures proposed to assure the perpetual maintenance of all open space proposed.
 - e. How the proposed project will be served by public water, sanitary sewer, storm drainage, electric, gas, and telecommunications which shall be prepared by a registered professional engineer.
 - f. The phasing or staging plan.
 - g. Proof of ownership or legal interest in property.
18. Reserved.
 19. The name, address and phone number of the applicant.
 20. The name, address and seal of the professional engineer, planner or architect that prepared the plan.
- E. Preliminary development plan—Planning commission review:
1. *Pre-public hearing discussion (optional)*. The applicant may meet with the planning commission in a pre-public hearing discussion. At the pre-public hearing discussion, the planning commission shall review the preliminary development plan and shall make reasonable inquiries of the applicant. The planning commission shall determine whether the application is complete and may ask questions of the applicant and seek further information. The planning commission shall consider any waivers of application materials recommended by the zoning administrator and concur with same, or direct that materials or information recommended for waiver be provided. The planning commission shall review the preliminary development plan for consistency with the PD provisions of this ordinance and may provide the applicant with its initial comments. Provided, however, that the planning commission shall not render any judgments concerning the PD request prior to the public hearing and the applicant shall be advised that any initial comments of the planning commission provided at the pre-public hearing discussion are subject to change and shall not be construed as a final judgment of the city.
 2. *Planning commission public hearing*. Prior to setting the public hearing, the applicant shall submit all required and requested information to the city. Once complete, the planning commission shall conduct a public hearing in accordance with the requirements of section 40-122, hearing notice requirements hereof. Following the hearing, the planning commission may render a judgment on the proposed PD preliminary development plan or table the matter for further information and/or consideration. Any decision made on the PD preliminary development plan shall take into account the project's consistency with section 40-421.05.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-421.05. PD design considerations and performance standards.

A proposed planned development shall take into account the following design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located. The planning commission shall review the preliminary development plan to evaluate whether each of the following standards are appropriately addressed in the design and development plan. In all instances, except with regard to building height, the planning commission may recommend exceptions where the imposition of the following standards would result in patterns of development that would be out of character with the development and/or with the surrounding area.

-
- A. *Building massing*: Except as provided herein, exterior building surfaces must not exceed thirty (30) feet in length without an architectural break, such as a change in elevation, window or doorway or building line. Multiple buildings on a single parcel (if permitted) shall be separated by a distance of at least twenty (20) feet. Existing sight corridors from off the site to natural, cultural or historic features shall be preserved or enhanced to the greatest extent possible.
 - B. *Building height*: Buildings within a PD may exceed the height limitations of the most proximate abutting zoning district and the guidance standards of subsection 40-421.03.C, or Table 1, hereof, if a minimum yard equal to the height of the building shall be provided on any side of a building adjoining another zoning district. Provided, that under no circumstances shall a structure exceed a maximum height of ninety-six (96) feet.
 - C. *Fumes and odors*: No fumes or odors shall be permitted at any property line.
 - D. *Dust and litter*: During construction of a PD, the terms of the debris management and dust abatement shall be followed. Following completion of development, no dust or litter shall be permitted to leave a development site.
 - E. *Architectural character and landscaping*: Building architecture shall reflect a common theme or pattern which shall be internally consistent within the PD and aesthetically appropriate for the setting and neighborhood. Landscaping shall be required along public roadways to soften presentation from the street.
 - F. *Artificial light*: Artificial lighting shall be aesthetically designed and shielded to prevent light from casting off the property, to the greatest extent possible. Building surface reflectivity, on-site lighting and landscape screening shall be planned and executed such that the degree of light cast off the site shall not exceed one foot candle at the PD boundary. Exceptions may be made for decorative fixtures.
 - G. *Traffic and access*: Maximum daily traffic volumes shall be estimated prior to development and the site design shall be developed to accommodate such volumes safely. In addition, the planning commission may require a traffic impact study and contingency provisions within the development to manage volumes that exceed such estimate. Access shall be provided to regional arterial roadway through on-site access or off-site cross access easements. Where possible, nonresidential development shall provide cross access easements to adjoining nonresidential development.
 - H. *Stormwater runoff*: No off-site discharge of stormwater shall be permitted except to an approved drainage system.
 - I. *Noise*: The applicant shall document measures proposed in the PD district to achieve full compliance with the City of Grand Haven Noise Ordinance.
 - J. *Visual screening*: A visual barrier, preferably consisting of mixed evergreens and deciduous vegetation, shall be established to provide a permanent opaque screen of service areas, dumpsters and loading docks and a partial buffer to parking areas and similar less intrusive elements, from surrounding residentially zoned or used property. Where natural landscaping is not feasible, fences or walls may be substituted if they are designed to complement the proposed development and buildings and are generally compatible with surrounding uses.
 - K. *Outdoor storage*: All outdoor storage, if permitted, shall be completely screened from view from all offsite points with natural landscaping. If natural landscaping is not feasible, fences or walls may be substituted, if designed to compliment and enhance the proposed development and buildings and are generally compatible with surrounding uses.
 - L. *Signage*: Exterior signage shall conform to the requirements of article VII and the signage plan submitted as a part of the preliminary development plan and shall include effective design approaches

to screen signs within the PD from view from surrounding private property occupied by residential land uses.

- M. *Parking*: Off-street parking shall be provided in accord with the requirements of article VI of the zoning ordinance. In a mixed use development, the applicant shall propose shared parking arrangements to reduce pavement within the development. For such shared parking arrangement, the applicant shall provide for an enforceable mechanism to assure cooperation among future building owners and occupants to assure the viability of a shared parking arrangement. The minimum number of off-street parking spaces shall be determined by considering each proposed use and its likely peak hour parking demand. A maximum daily parking demand matrix will be used to determine the peak hour demand for all combined uses and the proposed PD shall provide for not less than the greatest peak hour requirement for the combined uses reflected in such matrix. The use of deferred parking areas (or reserved interim green areas) may be considered to calibrate the required parking standards with evolving conditions.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-421.06. Standards for zoning approval.

Following the public hearing, the planning commission shall recommend to the city council either approval, denial, or approval with conditions of the PD rezoning request and preliminary development plan. In making its recommendation, the planning commission shall find that the proposed PD meets the intent of the PD district and the following standards:

- A. Granting of the planned development rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely.
- B. The proposed type and density of use shall be compatible with the capacities of the public services and facilities it may affect, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
- C. The proposed development shall be compatible with the master plan of the city and shall be consistent with the intent and spirit of this article.
- D. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the zoning administrator.
- E. The proposed phasing plan is feasible and each of the proposed phases shall be capable of standing on its own and in conjunction with previously constructed phases in terms of the provision of all required services, facilities, open space and amenities to insure the protection of natural resources and the health, safety and welfare of the users of the PD and surrounding residents.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-421.07. City council approval.

- A. *Manner of approval*. After receiving the recommendation of the planning commission, the city council shall consider an ordinance to approve the proposed PD and shall hold a public hearing in accordance with section 40-122, hearing notice requirements hereof and, following said hearing, either approve, deny, or approve with conditions the PD application and preliminary development plan in accordance with the requirements

of the city Charter, section 40-121 amendments, and the standards for approval and conditions for a PD. No building permit shall be issued for any improvements in the PD until planning commission approval of the PD final development plan.

B. *Effect of approval.*

1. The planned development amendment including the preliminary development plan as approved, the incorporated narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. Such authorization shall remain in effect for a period of one year from the date of approval by the city council, unless a longer period is granted by the city council. Uses not specifically identified in the preliminary development plan shall not be permitted. All improvements and uses shall be in conformity with this amendment, except as permitted by section 40-421.11. During the period of effectiveness of the preliminary development plan, the applicant shall be permitted to submit one (or more if the project is to be proposed in phases) site plan applications seeking final development plan approval pursuant to section 40-421.08.
2. In the event that an application for a final development plan is not submitted within the time limits set forth in the approved preliminary concept development plan and any extensions thereof that may be permitted and approved, the approval granted under this article shall expire, and the planning commission shall commence rezoning proceedings to an appropriate zoning district.
3. Prior to commencement of construction, the applicant shall record an affidavit with the Ottawa County Register of Deeds which shall contain the following:
 - a. Date of approval of the PD by the city council.
 - b. Legal description of the property.
 - c. A statement that the property shall be developed in accordance with the approved PD preliminary development plan and any conditions imposed by the city council or planning commission unless an amendment thereto is duly approved by the city.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-421.08. Final development plan.

- A. *Submittal.* After receiving the PD rezoning and preliminary development plan approval from the city council, the applicant shall submit a final development plan for review and approval by the planning commission prior to starting any construction. The final development plan shall contain the same information required for the preliminary development plan, the information required for site plan review in section 40-115, a detailed plan indicating all signs proposed in accordance with the preliminary development plan, and any information specifically requested by the planning commission in its review of the preliminary development plan. Only signage located in detail on the signage specifications stated within the plan will be permitted.
- B. *Standards for PD final development plan approval.* Upon receipt of a complete application for final development plan for an approved PD, the planning commission shall review said application and either approve, deny, or approve with conditions the final development plan. In making its decision, the planning commission shall find that the proposed PD meets the intent of the PD district, that it is consistent with the preliminary development plan and that it meets the requirements of section 40-115 for site plan approval.
- C. *Conditions.*
 1. In approving a PD final development plan, the planning commission may impose reasonable conditions. Conditions imposed shall:

-
- a. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - c. Be necessary to meet the intent and purpose of the zoning ordinance and the preliminary development plan, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
2. The conditions imposed with respect to the approval of a PD final development plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the planning commission and the landowner. The planning commission shall maintain a record of conditions which are unchanged. The final development plan, as approved, shall act as a restriction upon the development. The development must conform with the final development plan and no building permit shall be issued for any improvements that are not in compliance with said plan.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-421.09. Performance guarantees.

The planning commission may require a performance bond or similar guarantee in order to ensure the completion of required improvements pursuant to section 40-117, fees, escrows and performance guarantees.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-421.10. Commencement of construction.

Construction of a PD must be started within one year from the effective date of the grant of final development plan approval. This time limit may be extended upon application to the planning commission if it is demonstrated that substantial progress is being made in completing plans and securing financing. In the event that construction has not commenced within these time limits and any extensions thereof that may be permitted and approved, the approval granted under this article shall expire, and the planning commission shall commence rezoning proceedings to an appropriate zoning district in accordance with the policies of the City of Grand Haven Comprehensive Plan. For the purposes of this paragraph, completion of a phase shall be the date all structures intended for occupancy by homeowners, tenants, residents or businesses have been approved for occupancy.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-421.11. Modification and amendments.

- A. *Modification of a PD preliminary development plan.* Minor changes to a PD preliminary development plan may be approved by mutual agreement of the applicant and the planning commission, provided the changes comply with all applicable requirements of this zoning ordinance and all other city regulations or state law. In reaching a determination on whether a proposed change may be treated as a minor amendment, the planning commission shall make a final determination based on the facts presented by the applicant and shall be guided by the standards of this section 40-421.11. Minor changes include:
 1. Adjustments to the total combined building area not to exceed the lesser of five thousand (5,000) square feet or five (5) percent of the gross floor area in any phase of development, provided that the

cumulative effect of such changes shall not exceed the lesser of five thousand (5,000) square feet or five (5) percent of total gross floor area in the PD. Adjustments to building heights shall not be considered a minor amendment.

2. Adjustments to project phases to either accelerate or retard the development of previously approved project elements. Provided, however, the planning commission shall have the authority to evaluate such a proposed change in project phasing to determine whether the sequence of project elements proposed was a key element of approval of the preliminary development plan and rezoning. If, in the sole judgment of the planning commission, project phasing and the sequence of development elements are regarded as key elements of the preliminary development plan approval, a proposed change to project phasing shall not be regarded as a minor change under this section.
 3. A change in the land uses proposed within the development resulting in an increase or decrease in any type of use; such as, but not limited to retail uses or residential uses; of not more than ten (10) percent of the floor area originally approved for that type of use. Provided, however, if in the sole judgment of the planning commission, the particular mix of land uses proposed and approved in the preliminary development plan is regarded as a key element of the preliminary development plan approval, a proposed change to the mix of land uses shall not be regarded as a minor change under this section.
 4. A change proposing the relocation of a building or structure such that not less than seventy (70) percent of building or structure footprint shall remain within the footprint as reflected in the preliminary development plan.
 5. The planning commission may not approve as a minor change any element of a preliminary development plan that the city council in its approval of the preliminary development plan identified as a key element in its approval and the planning commission may not modify any condition imposed by the city council when the city council approved the preliminary development plan.
- B. *Modification of a final development plan.* Minor changes to a PD final development plan may be approved by the planning commission, as follows.
1. The relocation of structures, the relocation and reconfiguration of roads, planting areas, parking areas, signs, lighting, and driveways provided that all such improvements remain in the same general location as approved by the planning commission and provided further that all such changes shall result in no significant additional impact on adjoining properties than would result from the original development.
 2. Minor adjustments among proposed land uses which, in the sole judgment of the planning commission, do not result in a fundamental change in the character of the development. Provided, however, that no use type originally approved shall be eliminated and no new use not originally approved shall be added as part of a minor amendment to a PD.
- C. *Amendment of an approved PD.* Except as provided in subsections 40-421.11.A. and B., all changes in an approved PD shall be considered major changes and shall be processed in accord with the original approval procedures for a PD. Nothing in this section 40-421.11 shall prevent the planning commission from treating any proposed change to a PD as a major amendment to be processed in accord with the original approval procedures, if in the sole judgment of the planning commission, a more complete review and approval process is needed to evaluate the proposed amendment.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-421.12. Existing planned developments.

Planned developments that have been approved and developed under the provisions of section 40-421 prior to this amendment shall continue to be occupied and used in accordance with the provisions in effect when they

were approved. However, where the development has not yet occurred or phases have not been completed, such uncompleted portions or phases shall be developed only in accordance with the current provisions of section 40-421. Furthermore, any changes or modifications to such planned developments shall be approved in accordance with the requirements and procedures of the current provisions of section 40-421.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-422. SA. Sensitive Areas Overlay district.

Sec. 40-422.01. Intent.

The SA Sensitive Areas Overlay district is intended to protect, conserve and promote specific areas within the city on which there are elements of environmental significance that comprise some of the city's natural heritage and contribute to the character and identity of the city, and therefore are deserving of protection, preservation and conservation.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-422.02. Application.

The SA Overlay district, as it appears on the city's official zoning map mylar and SA Overlay district maps, reflects the SA Sensitive Areas within the city as depicted on the city's adopted future land use strategic land use master plan map. The SA Overlay district as portrayed on the city's zoning map is an overlay district, which extends across other zoning districts described in this chapter. The criteria utilized to designate Sensitive Areas are as follows:

A. *Floodplain.*

Sensitive because:	It provides water recharge areas and natural water retention basins during periods of heavy precipitation, snowmelt and riverflow. Harmful pesticides and other chemicals can leach into waterways, and homes and property can be damaged during periods of heavy precipitation, snowmelt and riverflow
Defined by:	100-year and 500-year floodplain as defined by FEMA mapping on streams and International Great Lakes Datum (IGLD) elevation on Lake Michigan
	Boundary at which there is a 1% chance in any year of a 100-year flood occurring
	Boundary at which there is a 0.2% chance in any year of a 500-year flood occurring
Comments:	Development requires permit from EGLE and sometimes USACE
	Often contains wetlands regulated under the Michigan Resources and Environmental Protection Act (Act No. 451 of the Public Acts of 1994, as amended), Part 303, Wetland Protection

B. *Wetlands/streams.*

Sensitive because:	It provides flood and storm control, wildlife habitat, pollution treatment, water recharge and storage areas, erosion control, water quality benefits
Defined by:	Criteria set by state/federal law: state definitions outlined in the Michigan Natural Resources and Environmental Protection Act. Part 303, Wetland Protection
	All wetlands subject to regulation by the City, including: A. Wetlands two (2) to five (5) acres in size, whether partially or entirely contained within the site of proposed alteration, which are not contiguous to any lake, stream, river or pond

	B. Wetlands smaller than two (2) acres in size which are not contiguous to any lake, stream, river or pond and are determined to be consistent with the intent of the Sensitive Areas Overlay District
	And criteria set by state/federal law: state definitions outlined in the Michigan Natural Resources and Environmental Protection Act. Part 301, Inland Lakes & Streams
	Delineated by site inspections, including investigation of plants, soils, and hydrology
	May include springs, seeps, rivers
	May exclude manmade ponds

C. *Dunes/Lake Michigan shoreline.*

Sensitive because:	Value includes rare ecosystem, part of the largest stretch of fresh-water dunes in the world; areas of high erosion; very specialized habitat for plants and animals, containing several state and federal-listed species; beaches for recreation
Defined by:	State and federal statutes (Shoreline) (Section 10 and part 325 of PA 451 of 1994 as amended) and Part 323 of 451 of 1994 as amended (High Risk Erosion Areas)
	Geomorphologic features and interrelated habitat zones (dunes); Shoreline that has been determined to annually erode by one foot or more for a minimum of fifteen (15) years
	Delineated by site inspections
	Existing urbanized areas may be excluded where density is high and/or habitat value is limited
Comments:	May contain areas designated by the State as Critical Dune Areas (CDAs) and subject to regulation under Part 353, Sand Dune Protection and Management, and Part 323, Shoreland Protection and Management
	May contain sensitive slopes

The city will apply criteria letters D—F for consideration only when occurring in conjunction with (within or immediately adjacent to) one or more of criteria letters A—C. The criteria, which do not stand-alone as Sensitive Areas are:

D. *Vegetation/habitat.*

Sensitive because:	Quality of life, aesthetic value, habitat value, provide buffer zone to other Sensitive Areas which are immediately adjacent and may contain species of concern
Defined by:	Sensitivity of area within or immediately adjacent to another Sensitive Area; areas in a natural vegetated condition; areas where impact could adversely affect the adjacent Sensitive Area
	Areas of sufficient size, connection, and/or diversity, to currently support wildlife communities
	May provide biodiversity in combination with an adjacent Sensitive Area
	Delineated by site inspections
Comments:	Likely to be a component of all floodplains, wetland/stream and dune classifications
	May also provide justification for excluding other areas from Sensitive Area designation
	Not labeled separately on mapping, but identified in documentation if present

E. *Species of concern.*

Sensitive because:	Some plant and animal species are identified as rare within the State of Michigan and are protected by State and /or federal laws
--------------------	---

Defined by:	Known occurrences of species listed as endangered, threatened, or of special concern (source: State of Michigan database)
	Assessment of habitat; May include habitat suitable for state or federal listed endangered or threatened plant or animal species (may include areas where there are no documented occurrences)
	Direct observation of species not otherwise mapped or known to occur

F. *Slopes.*

Sensitive because:	In proximity to other Sensitive Areas, there is potential for impact to adjacent Sensitive Areas if slopes are disturbed because of potential for destabilization/erosion, altered drainage patterns
Defined by:	Delineated by site inspections, including consideration for degree of slope, soil type, vegetative cover, erodibility, buffering value and adjacent use or community

All other provisions of the ordinance notwithstanding, wherever the SA district extends over part or all of another zoning district, the standards of the SA district shall control.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-422.03. Use provisions.

A. *Permitted uses.*

1. Public parks and public open-space areas.
2. Quasi-public reserves or open-space areas.
3. Non-motorized bicycle, hiking, horseback riding, exercising, or nature trails.
4. Shelter houses.
5. Management, enhancement, or stabilization protection structures.
6. Single-family dwelling construction projects in zoning districts that permit this use.

B. *Principal uses permitted to special conditions:* The following uses shall be permitted subject to special conditions in the SA Overlay District. All such uses shall be subject to review and approval by the planning commission as well as site plan review by the planning commission. Such uses shall be subject to the procedures and requirements of sections 40-422.04 and 40-115 site plan process. If a special land use and the standards for which conflict with section 40-422.04, section 40-422.04 shall apply. All such uses shall be reviewed under section 40-422.04 and shall not be permitted if they would unacceptably impact any Sensitive Area:

1. Any use permitted in the underlying zoning district, subject to all requirements in the underlying district and all requirements of this section.
2. Uses permitted subject to special conditions in the underlying zoning district, subject to any applicable requirements for such uses in such zoning district.
3. For any parcel for which the underlying zoning district is a PD Planned Development, any use permitted within the PD district subject to all requirements of the PD district.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-422.04. Required conditions.

Application to develop land within the SA Overlay district for any use permitted in that district shall require compliance with the following conditions:

- A. No person shall undertake any activity such as grading, clearing, cutting and filling, excavating, or tree removal in preparation for a use subject to special conditions in the Sensitive Area Overlay unless approved by the planning commission and any other review agency such as the department of environmental quality.
- B. The construction, expansion of or change in a permitted use of land shall meet all building height, bulk, and setback requirements applicable to the use district in which it is located and where applicable to the use district in which it is located and, where applicable, shall meet the numerical off-street parking and off-street parking layout standards of this chapter.
- C. One single-family detached dwelling erected on a single lot of record shall comply with the building height and building setback requirements of the residential district in which the lot is located.
- D. No existing or new use of land permitted in the SA Overlay district shall be allowed unless it complies with the high-risk erosion area setback requirements of part 323 entitled "Shorelands Protection and Management" of the Natural Resources Environmental Protection Act, Act No. 451 of the Public Acts of Michigan of 1994, as amended, and the shoreline protection measure requirements stated in section 40-423.03 of the Beach Overlay district, if applicable.
- E. The disposal of sanitary sewage from any expanded use or new use of land within the SA Overlay district shall be by means of the city's public sanitary sewer system, or, if not available, shall be by approval of the Ottawa County Health Department.
- F. All land within the SA Overlay district affected during development, shall be stabilized during construction to minimize soil erosion conditions. Upon completion of development, said land shall be:
 - 1. Restored so as to establish permanent drainage patterns with no greater adverse effect on adjacent properties;
 - 2. Replanted to prevent soil erosion; and
 - 3. Restored to the natural appearance and contours of the land to the extent possible, in compliance with part 91, entitled "Soil Erosion and Sedimentation Control" of the Natural Resources Environmental Protection Act, Act No 451, of the Public Acts of Michigan of 1994, as amended.
- G. All development and redevelopment located within 250 feet of a critical dune area which is designated on the Michigan Department of Natural Resources "Atlas of Critical Dune Area" dated February 1989 or any amendments thereto with the SA Overlay district shall comply with requirements of Part 353 entitled "Sand Dunes protection and Management" of the Natural Resources Environmental Protection Act, Act No. 451, of the Public Acts of Michigan of 1994, as amended.
- H. Any use of a wetland located within a SA Overlay district shall comply with the requirements of Part 303, entitled "Wetland Protection" of the Natural resources Environmental Protection Act, Act No. 451, of the Public Acts of Michigan of 194, as amended.
- I. Any use of an area designated as a floodplain by the Michigan Department of Natural Resources or the National Flood Insurance Program Flood Insurance Rate Map dated February 15, 1978, shall comply with requirements of Part 31, entitled "Water Resources Protection," Part 301 entitled "Inland Lakes and Streams," Part 303 entitled "Wetland Protection," Part 323 entitled "Shorelands Protection and

Management," and Part 325 entitled "Great Lakes Submerged Lands" of the Natural Resources Environmental Protection Act, Act No. 451 of the Public Acts of Michigan of 1994, as amended.

- J. Reasonable efforts shall be made to protect and preserve natural and native vegetation within the SA Overlay district. Significant trees (six (6) inches and larger in diameter) measured at four (4) feet from grade shall be preserved, wherever possible. Reasonable pruning and trimming of existing vegetation is allowed. Vegetative cover that is removed outside of the building envelope shall be cut flush with the ground and the stumps and roots shall not be removed. Pruning of dead and native cover is permitted, however, the stumps and roots shall not be removed.
- K. Improvements located within the SA Overlay district, including parking lots, driveways, and storm water management structures, shall be designed to minimize negative impacts on sensitive natural features. Examples include use of pervious pavers, depressed parking lot islands, native plantings, and bioswales.
- L. For construction or expansion of any use subject to special conditions on any parcel in the SA Overlay district, a site plan shall be prepared and submitted for review and approval by the planning commission and, where applicable, the Michigan Department of Environment, Great Lakes & Energy (EGLE). All site plans shall be prepared in accordance with Section 40-115 and with applicable standards of Part 323 entitled "Shorelands Protection and Management" and Part 353 entitled "Sand Dunes Protection and Management" of Natural Resources Environmental Protection Act, Act No. 451, of the Public Acts of Michigan of 1994, as amended.
- M. The proposed use, expansion or improvement will not unacceptably impact the Sensitive Area or surrounding property or uses. In determining such issues, staff (if subject to staff review) or the planning commission (if subject to planning commission review) shall, at a minimum and not by limitation, consider at least the following factors:
 - 1. Traffic generation and traffic flows, including any hazardous conditions;
 - 2. Noise generation;
 - 3. The effects of vehicles and paved driveways on the premises including, without limitation, run-off, snow removal, noise, etc. resulting from the presence and use of vehicles and paved driveways as they relate to the Sensitive Area and the vegetation or animal life thereon;
 - 4. Lot coverage;
 - 5. Impacts upon wildlife and native plant species habitat;
 - 6. Landscaping;
 - 7. Compatibility with other uses and zoning in the vicinity;
 - 8. Compatibility with neighboring properties;
 - 9. The use of any herbicides, insecticides, other pesticides or hazardous substances on the site, including, without limitation, the effects of any run-off;
 - 10. Native vegetation removal
 - 11. Any mitigation of any effects upon the sensitive area;
 - 12. Long-term shoreline erosion estimates;
 - 13. Other factors deemed by the planning commission to be important in the protection of the Sensitive Area.
- N. For the purposes of this district, uses of land not specifically allowed in section 40-422.03 shall be prohibited in the SA Overlay district.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-422.05. Environmental survey.

If the planning commission, upon initial review of any application and site plan filed pursuant to this Article, deems it necessary and appropriate to its review of the application and site plan, may require the applicant to conduct an environmental survey of the subject property which specifically identifies and delineates the locations and presence of sensitive areas, floodplains, wetlands/streams, dunes, Lake Michigan shorelines, slopes, species of concern, habitat for vegetation and wildlife, and other issues listed in section 40-422.02.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-422.06. Reconsideration and designation as sensitive area.

The owner of any parcel of property part or all of which is designated as lying within the SA Overlay district and containing a Sensitive Area or any person of interest with the owner's written consent, may apply to the planning commission for reconsideration of that designation or redefining of the areas on the property designated as a Sensitive Area. Such an application shall be supported by an environmental survey meeting the requirements in section 40-422.05, in the case of wetland areas previously mitigated under an approved EGLE wetland mitigation permit, prior to the adoption of this ordinance, shall suffice for reconsideration of designation as Sensitive Area. If the planning commission, after a public hearing noticed and held in the same manner as is required for any rezoning and after reviewing and considering the information submitted by the applicant, together with any other information the planning commission deems relevant, determines that the Sensitive Area designation should be modified (which modification could include the elimination of the property from the SA Overlay district, the decrease of the portion designated as Sensitive Area or the increase of the portion designated as Sensitive Area), the planning commission shall recommend such a change to the city council in the same manner as for any other rezoning request.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-423. Beach Overlay district.

Sec. 40-423.01. Intent.

The Beach Overlay district (B-OD) is an overlay district intended to prevent damage to private property along the shore of Lake Michigan, to prevent damage to public trust shorelands, and to preserve the character of those public trust shorelands, which constitute a valuable public resource and an important part of the identity of the community.

The city finds that during periods of low Lake Michigan water levels, sand accretion in this district tends to significantly enlarge the beach and to enlarge affected parcels in this district. This additional land area can be seen by property owners as permanent and attractive for development. The character of the shorelands along this portion of the Lake Michigan shoreline, as well as viewsheds along the shoreline from public parks in this district can be compromised by development in immediate proximity to the water's edge.

The city further finds that the beach and property area near the shoreline is subject to submergence and erosion during periods of higher Lake Michigan water levels and resulting from severe weather conditions. It has been demonstrated that current state and federal development standards for the Lake Michigan shoreline, such as those imposed based on the ordinary high water mark (OHWM) and the base flood elevation, do not ensure that property shoreward of those locations is protected from erosion, inundation, or damage during such periods of

time and/or weather events. The OHWM is not intended to reflect these periods of peril, and the base flood elevation is the still-water elevation that does not take into account the effect of wave action. The city further understands that revised federal floodplain regulations are being developed to take into account additional environmental factors such as waves and to provide an improved standard of floodplain development protection, but implementation of these regulations will not likely occur for several years.

When erosion threatens a structure legally built near the shoreline, owners may wish to construct a seawall or implement similar shore protection measures. Such actions may pose an increased threat of erosion and damage to adjacent private properties and to public trust shorelands more broadly, and may significantly diminish the character of those public trust shorelands.

Given the physical, environmental and developmental characteristics of the B-OD, including generally large lots that need not be developed near the water's edge to be economically viable, and given that the area generally benefits from accretion, the city believes that construction of seawalls and similar structures in this area can be detrimental to the public health, safety, and welfare. This finding is supported by the 2017 City of Grand Haven, Building Coastal Resiliency Report developed by the University of Michigan, a copy of which is on file with the city.

The city believes the most appropriate, effective, and reasonable method to further the public interests of protecting natural resources, preserving the economic and environmental well-being of the community, protecting the health, safety and general welfare of the community, and promoting the general preservation or enhancement of property values along Lake Michigan is to restrict the construction of structures so near the water's edge as to: (1) be susceptible to damage resulting from inundation or erosion; or (2) create an increased threat of erosion or damage on adjacent properties; (3) be detrimental to the spirit and character of the public trust property; (4) be detrimental to vistas from neighboring public parks; or (5) be potentially built in a location that will render the structure non-conforming under the future federal floodplain protection regulations currently under development.

These regulations are intended to prevent the construction of structures and implementation of other measures that would have deleterious effects on neighboring private properties and on public trust shorelands more broadly, to preserve the character of public trust shorelands along the Lake Michigan shoreline, and to protect vistas from neighboring public parks.

These regulations are supported by the master plan.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-423.02. Description of district.

The B-OD, as it appears on the city's official zoning map mylar and Beach Overlay district map, is an overlay district covering certain land along Lake Michigan. It specifically includes all lands situated lakeward of a line sequentially connecting the following points as well as the distance and bearing of each line segment, described by Michigan State Plan Grid Coordinates, South Zone, Grid NAD 83 international feet. This line, which does not track existing lot lines, is defined by the sum of two (2) measurements: (1) the line commonly referred to as the elevation contour, which represents the fifty-year flood elevation (583.7 feet) in 1992, as established by the State of Michigan for the purpose of identifying shorelands at risk of inundation and high-energy waves during a relatively high-probability storm event, plus the sixty-year projected recession distance (one hundred fifteen (115) feet), as established by the State of Michigan for high risk erosion areas.

Point	Northing	Easting
A	579225.99	12619765.36
B	579049.41	12619790.83
C	578679.58	12619871.22
D	578267.11	12619936.88
E	577896.31	12619976.95

F	577229.62	12620047.64
G	576590.75	12620053.34
H	575792.14	12620032.51
I	575154.57	12619982.43
J	574544.89	12619889.28
K	573875.48	12619803.34
L	573646.32	12619886.67
M	573279.97	12620122.56
N	572952.10	12620173.23
O	572598.74	12620366.71
P	572477.53	12620498.89
Q	572044.16	12620786.27
R	571757.22	12620899.96
S	571458.53	12621094.06
T	571148.42	12621217.45
U	570975.79	12621308.75
V	570520.99	12621478.05
W	570250.16	12621594.71
X	570103.87	12621688.10
Y	569454.72	12621850.64
Z	569175.38	12621936.64
AA	568586.22	12622095.66
BB	568381.03	12622131.70
Line	Distance	Bearing
AB	178.41'	N 8.2088° E
BC	378.47'	S 12.2634° E
CD	417.66'	S 9.0453° E
DE	372.96'	S 6.1675° E
EF	670.43'	S 6.0521° E
FG	638.89'	S 0.5115° E
GH	798.88'	S 1.4943° W
HI	639.54'	S 4.4905° W
IJ	616.76'	S 8.6874° W
JK	674.90'	S 7.3155° W
KL	243.85'	S 19.9831° E
MN	331.8'	S 8.7838° E
NO	402.9'	S 28.7032° E
OP	179.3'	S 47.4775° E
PQ	520.0'	S 33.5503° E
QR	308.6'	S 21.6131° E
RS	356.2'	S 33.0176° E
ST	333.8'	S 21.6971° E
TU	195.3'	S 27.8748° E
UV	485.3'	S 20.4175° E
VW	294.9'	S 23.3031° E
WX	175.6'	S 32.5573° E
XY	669.2'	S 14.0563° E

Created: 2021-12-13 14:17:43 [EST]

YZ	292.3'	S 17.1123° E
ZAA	610.3'	S 15.1050° E
AABB	208.3'	S 9.9619° E

The city shall review the location of the line commonly referred to as the elevation contour every ten (10) years or if the fifty-year flood elevation is updated by the State of Michigan for the purpose of identifying shorelands at risk of inundation and high-energy waves during a relatively high-probability storm event, and determine if it should be adjusted.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-423.03. Shoreline protection measures.

For the reasons set forth in section 40-423.01, the installation, construction, and operation of shoreline protection measures, including but not limited to breakwater, groins, riprap, revetment, bulkhead, seawall, and sandbags, within the B-OD shall be subject to the following:

- A. No shoreline protection measure shall be installed or constructed in the B-OD, except for temporary fencing not more than four (4) feet in height and with openly spaced slats or weaves, placed seasonally between October 1 and May 1 to influence the accumulation of sand and/or snow that does not prevent public passage across the public trust property, and except for temporary geotextile tubes or equivalent large sandbags placed at the toe of the slope during periods of extreme high water, which must be dismantled immediately when water levels recede to below the State of Michigan Ordinary High Water Mark (OHWM), and which are permitted by USACE and EGLE. All artificial materials must be completely removed from the site when the geotextile tubes are dismantled. This shall not be construed or used as support to install permanent armoring of the shoreline.
- B. In the event the provisions of this section effectively prevent the development or use of a lot existing on the effective date of this amendment for all purposes permitted in the underlying zoning district, or create an unnecessary hardship for the use of such a lot, the property owner may seek a variance.
- C. If any lot within or partially within the B-OD is divided or the subject of a boundary adjustment after the effective date of this amendment such that any resulting parcel is nonbuildable due to the regulations of this section, except for a boundary adjustment that has the effect of lessening a nonconformity with respect to this section, it will be deemed a voluntary action of the property owner and will disqualify the resulting nonbuildable parcel from receiving a variance.
- D. In the event the provisions of the B-OD render nonconforming a structure which is existing or under construction pursuant to a valid building permit on the effective date of this amendment, completion of the permitted project shall not be deemed a voluntary action of the property owner that would disqualify the parcel from receiving a variance if on lands within and adjacent to the B-OD.
- E. To the extent of any conflict between the regulatory provisions contained in this section and other provisions of the zoning ordinance, the restrictions contained in this section shall control with respect to all lots that include land within the B-OD.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

ARTICLE V. STANDARDS AND REQUIREMENTS FOR SPECIAL LAND USES⁶

Sec. 40-500. Special land uses.

A special land use is a use that is permitted within a specified zone district after meeting specific requirements listed in this article V. Such uses may not be appropriate in all circumstances, but with certain restrictions or conditions can be made compatible in others. It is the purpose of this article to name, describe, and list any additional requirements for each individual special land use. Due to the nature of the use and the location in which it is proposed, special land uses require special consideration in relation to the welfare of adjacent properties and to the community as a whole.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-501. Special use procedures.

- A. *Submission of application.* A special land use application shall be submitted and processed according to article I, section 40-116, special land use process.
- B. *Compliance with ordinance provisions.* In addition to the special land use standards in section 40-116.03, and specific review standards contained herein for each named use, all special land uses shall comply with the following, unless specifically modified by the terms of this article:
1. Exterior lighting shall be in accordance with section 40-317 hereof
 2. Signs shall be in compliance with the provisions of article VII of this ordinance.
 3. Off-street parking shall be in compliance with article VI of this ordinance.
 4. Dumpster location and screening shall be in compliance with section 40-301.03, accessory structures, of this ordinance.
 5. Landscaping shall be in compliance with article VIII of this ordinance.
- C. In some instances, the uses listed in this article may be permitted by right in certain districts and permitted as a special land use in others. The specific review standards contained herein shall apply only when the use is considered a special land use. If a use listed in this chapter is permitted by right, the specific standards in this article need not be satisfied, though they may be instructive to the planning commission during its review of the site plan.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

⁶Editor's note(s)—Ord. No. 2021-02 , § 1(Exh. A), adopted Jan. 4, 2021, amended art. V in its entirety to read as herein set out. Former art. V, §§ 40-500—40-516, 40-518—40-521, 40-523—40-527, 40-529—40-533, 40-535—40-556, 40-558—40-568, pertained to similar subject matter and derived from an ordinance adopted March 5, 2007; Ord. No. 11-05, § 1, adopted Feb. 21, 2011; Ord. No. 15-06, § 1, adopted July 20, 2015; Ord. No. 17-01, § 9, adopted April 24, 2017; Ord. No. 17-09, § 1, adopted Dec. 18, 2017; Ord. No. 20-03, § 4, adopted Feb. 17, 2020; and Ord. No. 2020-09 , § 1, adopted Oct. 19, 2020.

Sec. 40-502. Accessory buildings with footprint greater than principal building.

- A. *Definition.* An accessory structure, as defined herein, which is a supplementary building on the same parcel as the principal building, or part of the principal building, with a ground floor area or building footprint greater than the ground floor area or building footprint of the principal building on the parcel.
- B. *Regulations and conditions.*
1. In all zoning districts on parcels of less than one acre, the floor area of an accessory building as defined in this section shall not exceed the ground floor area or building footprint of the principal building by more than fifty (50) percent.
 2. In all zoning districts, except the Industrial district, the following standards shall be applied:
 - a. On parcels of more than one acre, but less than five (5) acres, the floor area of an accessory building as defined in this section shall not exceed the ground floor area or building footprint of the principal building by more than one hundred (100) percent
 - b. On parcels of five (5) acres, or more, the floor area of an accessory building as defined in this section shall not exceed the ground floor area or building footprint of the principal building by more than two hundred (200) percent.
 3. Only within the Industrial district on parcels larger than one acre, the ground floor area or footprint of accessory buildings may exceed the area of the principal building without limitation, providing all other provisions of this zoning ordinance are met.
 4. The floor area limitations of this section shall be applied cumulatively for all accessory buildings on a parcel.
 5. Accessory buildings as defined in this section shall comply with all yard, setback, and building height standards of this zoning ordinance.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-503. Accessory uses, related to permitted special uses.

- A. *Definition.* A use which is clearly incidental to, customarily found in connection with, and located on the same lot as a principal use permitted as a special land use.
- B. *Regulations and conditions.*
1. For purposes of interpreting accessory uses related to permitted special uses;
 - a. A use may be regarded as incidental or insubstantial if the viability of the special use is not dependent in any significant way on the accessory use.
 - b. To be commonly associated with a special use it is not necessary for an accessory use to be connected with such special use more times than not, but only that the association of such accessory use with such special use takes place with sufficient frequency that there is common acceptance of their relatedness.
 2. An accessory use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, or dust, greater than or more burdensome than such impacts from the principal use of the property.
 3. Where an accessory use related to a permitted special use is proposed, and regulations are contained in this ordinance for said use, those regulations shall be met; provided, the planning commission may

impose additional conditions on approval, to protect the health, safety, and welfare of the city and its residents.

4. The planning commission may require site or performance measures pertaining to an accessory use related to a permitted special use to address on-site or off-site impacts or potential impacts resulting from said accessory use or the combination of the accessory use and the principal permitted special use.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-504. Airport.

- A. *Definition.* Any location which is used for the landing or taking off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities, and all appurtenant rights-of-way, either heretofore or hereafter established.
- B. *Regulations and conditions.*
 1. A site plan submitted in conjunction with the special land use for an airport shall illustrate areas where aircraft operations occur such as a terminal, hangers, aircraft parking areas, runways, taxiways, flight school or club, flight viewing area, fueling areas, aircraft maintenance, administrative, charter, customs or other similar aircraft use areas.
 2. Apron, runway, taxiway, and tie-down clearance specifications established by the Federal Aviation Administration shall apply.
 3. A minimum setback of fifty (50) feet shall apply from any buildings to the boundary of the airport property.
 4. Drives and service roads to commercial and industrial buildings must be paved.
 5. All utilities shall be placed underground.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-505. Animal grooming.

- A. *Definition.* Any property, structure, building, or premises in or on which pets and other domesticated animals are bathed and/or groomed for commercial gain, but excluding any veterinary, kennel, or clinical services.
- B. *Regulations and conditions.*
 1. All portions of the unit must be equipped with a central air-conditioning and ventilation system which shall be maintained in a proper operating condition so that windows and doors may remain closed year-round without producing an adverse interior environment.
 2. When such uses are located in a building occupied by other uses and to which access is gained through a common entry, access to the grooming facility must be from a separate entry, which shall give direct access from the street or sidewalk.
 3. All rooms in which animals are to be contained for more than thirty (30) minutes without receiving consistent attention from a handler must be equipped with sufficient sound-proofing materials to insure that noise does not carry to adjacent businesses or residences.
 4. Pets shall not be kept overnight.

Created: 2021-12-13 14:17:43 [EST]

(Supp. No. 13)

-
5. An animal grooming establishment in the OT district shall only be located on and have its primary access from a key street segment as defined herein.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-506. Automobile gasoline station.

- A. *Definition.* Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and convenience items; and which may include as an accessory use the servicing and repair of automobiles and the sale and installation of lubricants, tires, batteries, and similar vehicle accessories; but which does not include an automobile service center.
- B. *Regulations and conditions.*
 1. Curb cuts for ingress and egress to an automobile gasoline station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto.
 2. Minimum lot areas shall be fifteen thousand (15,000) square feet.
 3. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity.
 4. All buildings, pump islands and other facilities shall be located in conformance with the yard and setback requirements of the zoning district.
 5. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site.
 6. The site plan shall include measures satisfactory to the planning commission to control blowing trash, dust, or debris from the facility.
 7. Outdoor servicing of vehicles shall not be permitted.
 8. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-507. Automobile repair, major.

- A. *Definition.* An establishment engaged in the general repair, engine rebuilding, transmission rebuilding, overhaul or reconditioning of motor vehicles; collision repair services, such as body, frame or fender straightening and repair; major welding activities; and overall painting and undercoating of automobiles.
- B. *Regulations and conditions.*
 1. Dismantled, wrecked, or inoperable vehicles or any vehicle parts or scrap of any kind shall not be kept outdoors where they are visible from any adjoining property or right-of-way, nor shall such vehicles be stores for more than sixty (60) days. The planning commission may require an opaque fence up to eight (8) feet in height and/or an evergreen landscape buffer not less than eight (8) feet in height at time of planting to screen any vehicles from neighboring uses or passers-by.
 2. Not more than two (2) vehicles shall be parked on site at any time for the purpose of selling or renting such vehicles.
 3. Lot area shall be at least fifteen thousand (15,000) square feet.

-
4. All equipment including hydraulic hoists, pits, lubrication, and repair facilities shall be entirely enclosed within a building. No outdoor storage of merchandise or equipment shall be permitted.
 5. All repair and maintenance activities shall be performed entirely within an enclosed building.
 6. The planning commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-508. Reserved.

Sec. 40-509. Automobile wash.

- A. *Definition.* Any building or premises or portions thereof used for the commercial washing of automobiles.
- B. *Regulations and conditions.*
 1. All such facilities shall be connected to a public water and sewer system.
 2. All washing activities shall be carried out within a building, however drying and waxing activities associated with manual and coin operated automobile washes may occur outdoors.
 3. The producer for a vacuum system (the source of noise) shall be located within an enclosed building, or if the producer is not located within an enclosed building, the producer shall be no closer than one hundred (100) feet from any property line which abuts a property zoned or used for residential purposes.
 4. Vacuum equipment shall be considered an accessory structure and shall meet accessory structure setback requirements.
 5. Vacuum equipment shall only be available for use during normal business hours.
 6. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line, unless more stringent standards apply.
 7. Adequate drainage shall be provided, to prevent flooding, freezing of runoff, and environmental damage.
 8. Manual and coin automobile washes shall provide adequate space for drying and waxing vehicles.
 9. The applicant shall demonstrate to the satisfaction of the planning commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking or pedestrian areas on site.
 10. The applicant shall demonstrate that no litter and debris will travel off-site.
 11. The planning commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-510. Bed and breakfast.

- A. *Definition.* A building at which overnight accommodations and a morning meal are provided to transients for compensation for periods no longer than fourteen (14) days. For the purposes of this ordinance, a bed and breakfast shall not be considered a short-term rental.

-
- B. *Regulations and conditions.* The applicant shall provide documentation acceptable to the planning commission that the proposed use shall meet the following standards:
1. Basic standards. It is the intent to establish reasonable standards for bed and breakfast establishments to assure that:
 - a. The property is suitable for transient lodging facilities. In this connection, a bed and breakfast establishment shall meet the requirements of the City of Grand Haven Rental Property Code and shall be subject to periodic inspections as provided in said code.
 - b. The use is compatible with other allowed uses in the vicinity.
 - c. The impact of the establishment is no greater than that of a private home with houseguests.
 - d. A smoke detector in proper working order shall be provided in every sleeping room and a fire extinguisher in proper working order on every floor in the immediate vicinity of the sleeping rooms.
 - e. Guest stays shall not exceed fourteen (14) consecutive days nor more than thirty (30) days in one year.
 2. Specific standards for all bed and breakfast establishments. The following requirements together with any other applicable requirements of this ordinance shall be complied with for bed and breakfast establishments in all districts, unless superseded by the terms subsection 40-510.B.3. or B.4. hereof.
 - a. The minimum lot size shall be consistent with the district minimum for one-family dwellings. If a one-family dwelling is not a permitted or special land use in the district, the minimum lot size for the district shall be provided.
 - b. The establishment shall have at least two (2) exits to the outdoors.
 - c. The establishment shall be the principal structure on the property.
 - d. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that accessory dwellings in existence as of the effective date of this section, and located on the same parcel as a bed and breakfast may be utilized for sleeping rooms, in accordance with this section.
 - e. The bed and breakfast shall not alter the residential character of the building or structure.
 - f. The rental sleeping rooms shall have a minimum area of one hundred (100) square feet for one or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
 - g. Special use approval shall not be granted if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
 - h. A site plan shall include a floor plan layout of the proposed structure drawn to a scale of not less than 1/8 " = 1' that shows the specific layout of the proposed facility in accord with the provisions of this zoning ordinance.
 - i. In all districts except S, the minimum distance between bed and breakfast establishments shall be six hundred sixty (660) feet as measured between the closest property lines.
 - j. The permit holder shall secure and maintain all required state and local permits.
 - k. No separate cooking facilities shall be allowed in guestrooms. Food and beverages maybe be served only to guests who stay on the premises.

-
- l. Lavatories and bathing facilities shall be provided for guests at the bed and breakfast operation at a ratio of not less than one bathroom per two (2) guest bedrooms.
 - m. Any proposed expansion of a bed and breakfast which would result in one of the following shall be treated as a new application subject to review and approval by the planning commission in accordance with this section 40-510:
 - 1) A physical alteration to the structure in which the bed and breakfast is operated, or any accessory structure, visible from the structure's exterior, or
 - 2) A physical alteration of the interior of the structure in which the bed and breakfast is operated which would result in an increased number of guest bedrooms, or
 - 3) An increase in the number of parking spaces on the premises.
 - n. Signage for bed and breakfast establishments shall be governed pursuant to article VII hereof.
3. Specific standards for bed and breakfast establishments in the LDR, MDR, MFR, DR, NS, and E districts. The following requirements together with any other applicable requirements of this ordinance shall be complied with for bed and breakfast establishments located in the LDR, MDR, MFR, DR, NS and E districts.
- a. The establishment shall be owner-occupied at all times. During temporary absences (up to fourteen (14) days in a calendar year), the owner's designee must be on the premises.
 - b. The bed and breakfast shall employ no more than three (3) persons in addition to the owners and their immediate family, including spouses, siblings, and children.
 - c. Not more than twenty-five (25) percent of the floor area shall be devoted to guest rooms. Two (2) bedrooms must be retained for the owner and are not permitted to be used as guest rooms. A maximum of four (4) guest rooms is permitted in each bed and breakfast. For the purposes of this section, each sleeping room in a suite shall be counted as a separate guest bedroom.
4. Specific standards for bed and breakfast establishments in the C, OS, S, OT, CC, WF-2 and NMU districts. The following requirements together with any other applicable requirements of this ordinance shall be complied met for bed and breakfast establishments located in the C, OS, S, OT, CC, WF-2 and NMU districts.
- a. A bed and breakfast shall have an owner or resident manager shall be on the premises at all times.
 - b. A bed and breakfast establishment shall not have more than eight (8) guest rooms.
 - c. A bed and breakfast establishment in the OT district shall only be located on and have its primary access from a key street segment as defined herein.
5. All bed and breakfast establishments shall comply with the parking requirements of article VI and the sign requirements of article VII hereof.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-511. Billboard.

- A. *Definition.* An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
- B. *Intent.* It is the intent of this section 40-511 to:

-
1. Protect the city's distinctive community character and natural landscape;
 2. Protect scenic resources and viewsheds located within the city;
 3. Enhance the economic base of the community associated with tourism and the community's overall economic well-being by protecting natural and scenic resources;
 4. Satisfy the public need for commercial information provided by billboards while promoting aesthetic and balanced use of lands and scenic resources along public rights-of-way in the city.

C. *Regulations and conditions.*

1. A billboard shall be considered a principal use and such parcel shall meet the lot area and width requirements of the I district.
2. Not more than two (2) billboards may be located per one-quarter-linear mile of highway/roadway regardless that such billboards may be located on different sides of the highway. The one-quarter-linear mile measurement shall not be limited to the boundaries of the City of Grand Haven where the road extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures showing only one face visible to traffic proceeding from any given direction on a highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face, including billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces, shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subparagraph 3. below.
3. No billboard shall be located within six hundred sixty (660) feet of another billboard abutting either side of the same highway.
4. No billboard shall be located closer than the required front yard setback from the street right-of-way or a side yard setback from any interior boundary lines of the premises on which the billboard is located.
5. A site plan shall be submitted illustrating distances and spacing of existing billboards, residential districts and uses, and setbacks.
6. The surface display area (sign face) of any side of a billboard may not exceed two hundred forty (240) square feet and shall be continually maintained in good condition.
7. The height of a billboard shall not exceed thirty-five (35) feet above the natural grade of the ground on which the billboard is established with not less than ten (10) feet of clearance beneath the sign face.
8. No billboard shall be placed on top of, cantilevered or otherwise suspended above the roof of any building.
9. A billboard may be illuminated, provided such illumination is confined to the surface of the sign and is so located as to avoid glare, upward light or reflection onto any portion of an adjacent street or highway, property, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate. A billboard shall not include an electronic message board as defined in section 40-201.19, definitions.
10. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
11. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (PA 106 of 1972, as amended) bordering interstate highway, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also

comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-512. Boarding house.

- A. *Definition.* A dwelling unit or part thereof in which, for compensation, lodging, and more than one meal is provided.
- B. *Regulations and conditions.*
 - 1. No separate cooking facilities shall be allowed in guestrooms.
 - 2. Lavatories and bathing facilities shall be provided for guests at the boarding house operation at a ratio of not less than one bathroom per two (2) guest bedrooms.
 - 3. The permit holder shall secure and maintain all required state and local permits.
 - 4. The establishment shall have at least two (2) exits to the outdoors.
 - 5. Reserved.
 - 6. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
 - 7. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that accessory dwellings in existence as of the effective date of this section, and located on the same parcel as a boarding house may be utilized for sleeping rooms, in accordance with this section.
 - 8. The boarding house shall not alter the residential character of the building or structure.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-513. Short-term rental.

- A. *Definition.* A dwelling unit providing transient accommodations for periods of less than one month, more than three (3) times per year.
- B. *Regulations and conditions.* The applicant shall provide documentation acceptable to the planning commission that the proposed use shall meet the following standards:
 - 1. *Intent.* It is the intent to establish reasonable standards for short-term rentals as special uses in the Dune Residential, Old Town, and Southside districts, to ensure that:
 - a. The property is suitable for temporary lodging.
 - b. The use is not incompatible with other allowed uses in the vicinity.
 - c. Impacts on neighboring properties are minimized to the extent reasonably possible.
 - 2. *Specific standards for short-term rentals in the Dune Residential, Old Town, and Southside districts.* The following standards, together with any other applicable standards in this ordinance, are required for short-term rental uses in the Dune Residential, Old Town, Southside districts:
 - a. If the subject lot does not meet the district minimum lot area or has other dimensional nonconformities, the planning commission may determine that the short-term rental use is not

suitable, or it may condition approval on measures that mitigate potential adverse effects of operating a short-term rental on the lot.

- b. If an outdoor area intended for the congregating of guests (e.g., porches, decks, pools and pool decks, gazebos, fire pits, etc.) is provided, it shall be sufficiently setback from the property lines or screened or buffered with a fence, wall, or landscape screen to minimize sounds and light, so as not to disturb neighbors. All existing and proposed fire pits shall meet the city's fire code.
 - c. Accessory structures constructed or expanded after the effective date of this section shall not be used as sleeping rooms for short-term rentals, and shall not be counted for purposes of determining the maximum occupancy of a short-term rental use pursuant to chapter 9 of the Grand Haven Code of Ordinances.
 - d. Short-term rental uses shall comply with the parking requirements of article VI of this zoning ordinance.
 - e. The driveway and off-street parking areas shall be laid out in a manner so as to minimize on-street traffic congestion to the extent reasonably possible.
 - f. The exterior appearance of the dwelling shall have a residential character, and shall not be incompatible with other dwellings in the vicinity. By way of example, the subject property shall not: (i) appear to be a commercial, multi-family, or institutional use; (ii) be altered to add excessive paved or other impermeable surfaces that create an appearance incompatible with other lots in the neighborhood; or (ii) be illuminated or signed in a manner that is out of character with other homes in the vicinity.
 - g. The applicant shall submit a site plan of the structure or proposed structure drawn to a scale of not less than $\frac{1}{8}'' = 1'$ that shows the specific layout of the facility in accord with the provisions of this zoning ordinance.
 - h. The special use permit holder shall secure, maintain, and furnish proof of all required federal, state, and local permits.
 - i. No separate cooking facilities shall be allowed in sleeping rooms.
 - j. Interior features (bedrooms, bathrooms, kitchens, dwelling units, means of ingress and egress, etc.) must be in conformance with the Michigan Construction Code, and all open permits must be finalized prior to occupancy as a short-term rental.
 - k. In the Southside district, only properties located on Franklin Avenue between 5th Street and Harbor Drive are eligible for use as a short-term rental.
3. *Special use approval required.* Special use review and approval is required for short-term rentals in the Dune Residential, Old Town, and Southside districts for properties that have not previously been used for short-term rentals in compliance with applicable city ordinances.
4. *Site modifications.* The following site modifications will void an existing special use permit for short-term rental uses:
- a. Any structural expansion of the dwelling that increases the square footage of the dwelling, including the addition of a new decks and patios.
 - b. Alteration of the interior of the dwelling in a manner that results in an increased number of sleeping rooms.

In these circumstances, a property owner may seek a new special use permit in accordance with the standards provided in this section.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-514. Cemetery.

- A. *Definition.* Grounds and facilities including any one or a combination of more than one of the following a burial ground for earth interment; a mausoleum for crypt entombment; a crematory for the cremation of human remains; and a columbarium for the deposit of cremated remains.
- B. *Regulations and conditions.*
1. A proposed cemetery that provides a chapel or other enclosure for graveside interment and committal services shall be appropriately designed to accommodate occasional gatherings, including necessary restroom facilities and utilities.
 2. A landscape buffer of ten (10) feet shall be provided where a cemetery abuts a residentially zoned or used parcel.
 3. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
 4. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
 5. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-515. Commercial parking facility.

- A. *Definition.* A parking area or parking building available to the public, with or without fee, used to temporarily store motor vehicles.
- B. *Regulations and conditions.*
1. New commercial parking facilities shall not be accessed from Washington Street. Commercial parking facilities may front on Washington Street when retail or office uses are provided along the Washington Street frontage.
 2. Landscaping and buffering shall be provided pursuant to standards set forth in of article VIII of this zoning ordinance; provided, that landscaping and buffering shall be provided to screen any commercial parking facility from an adjacent residentially zoned or used parcel.
 3. The applicant shall demonstrate to the planning commission the need for the proposed parking facility, and also the sufficiency of the spaces provided to meet the needs of adjacent land uses.
 4. A site plan shall be submitted illustrating clearly marked circulation patterns. The city shall retain the right to approve or deny locations of curb cuts, spaces, and drive aisles.
 5. A commercial parking facility in the S district shall only be located on and have its primary access from a key street segment as defined herein.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-516. Contractor's establishment.

- A. *Definition.* A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly, or staging areas.
- B. *Regulations and conditions.*
1. Any outdoor storage area shall conform to the yard, setback, and height standards of the zoning district in which it is located.
 2. Uses shall produce no detectable objectionable dust, fumes, or odors at any property line.
 3. All travel surfaces shall be paved as a condition of approval.
 4. Cranes, booms or other extensions on equipment, trucks, or other vehicles parked on site shall be stored in the lowest possible configuration.
 5. There shall be no off-site discharge of stormwater except to an approved drainage system in accord with the city's engineering requirements.
 6. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line.
 7. The planning commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-517. Reserved.

Sec. 40-518. Child care, commercial.

- A. *Definition.* A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:
1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve-month period.
 2. A facility operated by a religious organization where children are cared for not more than three (3) hours while persons responsible for the children are attending religious services.
- B. *Regulations and conditions.*
1. All required state and local licensing shall be maintained at all times.
 2. All outdoor areas used for care and play area shall be located in the rear or side yards only and shall have appropriate fencing for the safety of the children. Such fence shall consist of a six-foot-high opaque fence along the area adjoining another residence, and a four-foot to six-foot-high fence in the

rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.

3. Such facilities shall be located at least fifteen hundred (1,500) feet from any one of the following:
 - a. A licensed or pre-existing operating group or commercial child care home.
 - b. An adult foster care facility.
 - c. A facility offering substance use disorder treatment and rehabilitation service to seven (7) or more people.
 - d. A community correction center, resident home, halfway house, or similar facility under jurisdiction of the county sheriff or the department of corrections.
4. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
5. The planning commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10:00 p.m. and 6:00 a.m.
6. Within the S, E, and OT districts, a commercial child care shall front on and be accessed primarily from a key street segment, as defined herein.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-519. Child care, group home.

- A. *Definition.* A private home in which more than seven (7) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.
- B. *Regulations and conditions.*
 1. All required state and local licensing shall be maintained at all times.
 2. All outdoor areas used for care and play area shall be located in the rear or side yard only, and shall have appropriate fencing for the safety of the children. Such fence shall consist of a six-foot-high opaque fence along the area adjoining another residence, and a four-foot to six-foot-high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.
 3. Such facilities shall be located at least fifteen hundred (1,500) feet from any one of the following:
 - a. A licensed or pre-existing operating group or commercial child-care home.
 - b. An adult foster care facility.
 - c. A facility offering substance use disorder treatment and rehabilitation service to seven (7) or more people.
 - d. A community correction center, resident home, halfway house, or similar facility under jurisdiction of the department of corrections.
 4. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
 5. The planning commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10:00 p.m. and 6:00 a.m.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-520. Dredging facility.

- A. *Definition.* A facility designed or used to remove earth from the bed of a water body, watercourse, or wetland.
- B. *Regulations and conditions.*
 - 1. A dredging facility shall only be permitted when established in conjunction with a marina operation and after planning commission review and approval. It is specifically intended that these uses shall not be permitted as individual or freestanding uses.
 - 2. When not in use, dredging, and sheet pile equipment shall be stored indoors or within the rear yard and fully screened from public view. Screening shall consist of fencing or landscape materials approved by the planning commission and shall effectively screen the equipment from any street, water body, watercourse, wetland, or residential district or use.
 - 3. The planning commission may establish limits on the outdoor storage, size, and parking of equipment or vehicles to preserve the character of the neighborhood. No outdoor storage of materials or earth is permitted.
 - 4. Materials or earth shall be transported from the site via a route approved by the planning commission. Said route shall not disrupt or interfere with uses or land in the City of Grand Haven.
 - 5. The planning commission reserves the right to require buffering, screening, setbacks and other elements that are greater than those otherwise required by this ordinance in keeping with the spirit and intent of this ordinance to protect the public health, safety, and welfare.
 - 6. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity.
 - 7. Noise generated on the site shall not exceed a cumulative total of sixty (60) decibels measured at any property line of the subject site. Cumulative total includes all noise generated at the site, including dredging activities; and the applicant shall demonstrate that this standard would be met.
 - 8. The applicant shall demonstrate that any applicable state and/or federal permits have been granted; and further, that any applicable state and/or federal requirements would be met.
 - 9. The applicant shall demonstrate that no discharge to groundwater or surface water, including direct and indirect discharges, would occur.
 - 10. Failure to achieve and maintain the above standards shall be cause for revocation of the special use permit.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-521. Drive-through business.

- A. *Definition.* A principal use or accessory use of an establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
- B. *Regulations and conditions.*

-
1. All automobile queuing for a drive-through window shall be separated from other off site and on-site traffic patterns.
 2. Pedestrian areas shall be clearly marked.
 3. The drive-through lane(s) shall be designed to accommodate a full-size passenger vehicle pulling a recreation-vehicle trailer.
 4. The applicant shall demonstrate to the satisfaction of the planning commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking or pedestrian areas on site.
 5. Any commercial establishment with a drive-through facility which adjoins a property zoned or used for residential purposes shall be effectively screened from view from such property.
 6. The proposed site shall front upon a paved public street. All ingress and egress shall be from said street.
 7. Outdoor speakers for the drive-through establishment shall be located in a way that minimizes sound transmission toward adjacent property and results in sound levels of less than sixty (60) decibels at any property line.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-522. Reserved.

Sec. 40-523. Dry cleaning and laundry establishment, on-site.

- A. *Definition.* A commercial establishment providing dry cleaning and laundry services on-site for businesses and residents and which includes a dry cleaning plant.
- B. *Regulations and conditions.*
 1. Pursuant to section 40-332, hazardous substance groundwater protection hereof, all storage tanks or other facilities used to store hazardous, toxic, odorous, explosive or flammable substances shall be equipped with appropriate containment structures or equipment; to prevent any migration of such substances into the groundwater or surface waters of the city; and to prevent said substances from being perceptible outside such containment.
 2. The planning commission may impose hours of operation limitations to protect the character of surrounding uses.
 3. Dry cleaning facilities with drive through service shall comply with section 40-521, drive-through business.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-524. Dry cleaning plant.

- A. *Definition.* A facility used or intended to be used for cleaning fabrics, textiles, clothing, laundry or other similar articles by immersion and/or agitation in solvents or other processes.
- B. *Regulations and conditions.*
 1. Pursuant to section 40-332, hazardous substance groundwater protection hereof, all storage tanks or other facilities used to store hazardous, toxic, odorous, explosive or flammable substances shall be

-
- equipped with appropriate containment structures or equipment; to prevent any migration of such substances into the groundwater or surface waters of the city; and to prevent said substances from being perceptible outside such containment.
2. The planning commission reserves the right to require buffering, screening, setbacks and other elements that are greater than those otherwise required by this ordinance in keeping with the spirit and intent of this ordinance to protect the public health, safety, and welfare.
 3. The applicant shall demonstrate and disclose the following:
 - a. Potential environmental impacts on air, surface water, ground water, soils, and natural features. These potential impacts shall be minimized or fully mitigated.
 - b. Potential impacts on the health of residents of the City of Grand Haven and surrounding communities and on plant and wildlife communities in the vicinity. The planning commission shall not approve the proposed manufacturing, compounding, or processing use if potential impacts are significant.
 - c. The potential chemical constituents of all emissions to the air, groundwater, and surface waters shall be disclosed. Impacts of these emissions shall be negligible.
 4. Dry cleaning plants with drive through service shall comply with section 40-521, drive-through business.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-525. Dwelling, accessory.

- A. *Definition.* A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family dwelling.
- B. *Regulations and conditions.*
 1. An accessory dwelling, which provides transient accommodations for periods of less than one month, more than three (3) times per year, and which is continuously unoccupied for three (3) or more months during any one year, shall also be considered a short-term rental, and regulated under section 40-513, short-term rentals, of this article.
 2. All structures designed and/or used for the temporary or permanent dwelling of a person or persons and not integrated into the primary residence on a lot shall be considered an accessory dwelling unit (ADU). ADUs may be permitted as a special land use, provided they meet the following standards:
 - a. The ADU shall be connected to public water and wastewater systems.
 - b. The ADU shall include a kitchen, bathroom, and sleeping area separate from the primary residence, and shall meet all provisions of the Building Code and regulations.
 - c. The exterior design of an ADU, whether attached or detached to the principal dwelling, including the primary dwelling unit, shall be compatible with the existing residence on the lot. The building form, height, construction materials, dimensions, and landscaping shall remain consistent with the principal structure and in harmony with the character and scale of the surrounding neighborhood.
 - d. The ADU shall not result in excessive traffic, parking congestion, or noise.
 - e. The design and location of the ADU shall maintain a compatible relationship to adjacent properties and shall not significantly impact the privacy, light, air, or parking of adjacent properties.

Created: 2021-12-13 14:17:43 [EST]

(Supp. No. 13)

-
- f. Where applicable, the ADU shall be located and designed to protect neighboring views of the lakeshore and scenic coastal areas.
 - g. No more than one ADU shall be permitted on a single parcel.
3. Development standards.
- a. *Unit size.* ADUs shall have a floor area no less than four hundred (400) square feet and no greater than one thousand (1,000) square feet.
 - 1) Under no circumstances shall the maximum lot coverage for a given district be exceeded unless the ADU is adjacent to an alley, in which case the total lot coverage shall not exceed the maximum for that district by more than ten (10) percent.
 - 2) The floor area of an ADU shall not be greater than the size of the principal dwelling.
 - b. *Setbacks.* ADUs shall comply with all setbacks for accessory buildings in the zoning district in which they are located. Attached ADUs shall meet the same setbacks as required for the principal dwelling.
 - c. *Occupancy.* The property owner must occupy either the principal or accessory dwelling.
 - d. *Height.* When an ADU is located on the second story of a detached accessory building, the height of such building shall not exceed twenty-two (22) feet or eighty (80) percent of the principal building height, whichever is greater, provided that in no case shall the accessory building with the ADU exceed the height of the principal building. Height shall be measured to the roof peak. If the principal dwelling unit has historic or special roof features or ornamentation, which should be matched on the ADU, the maximum building height may be exceeded in order to accommodate the existing character of the lot, subject to review and approval of the zoning administrator.
 - e. *Orientation.* Windows facing an adjoining residential property must be designed to protect the privacy of neighbors, unless fencing or landscaping is provided as screening.
4. Deed restrictions. Before obtaining a building permit, or when a building permit is not required, before making an ADU available for use, the property owner shall file with the zoning administrator a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner, which shall state the following:
- a. The use permit for the ADU shall be in effect only so long as either the main residence or the ADU is occupied as the principal residence by the applicant.
 - b. The ADU is restricted to the approved size.
 - c. The ADU shall not be sold separately.
 - d. All above declarations shall run with the land, and are binding upon any successor in ownership.
 - e. The deed restrictions shall lapse upon the removal of the ADU.
5. Attached accessory dwelling units. All attached ADUs shall have a separate entrance/exit from that of the primary dwelling unit. All interior doors and entryways linking the primary residence to the accessory unit shall be lockable.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-526. Dwelling, two-unit.

- A. *Definition.* A building containing two (2) attached dwelling units and is surrounded by open space or yards.

B. *Regulations and conditions.*

1. Scale elevation drawings depicting architectural features shall be provided. A two-unit dwelling shall be designed to look like a one-unit dwelling and shall include architectural details found on the majority of dwellings in the neighborhood, so that the two-unit dwelling is consistent with the aesthetic character of existing buildings.
2. A garage serving a two-unit dwelling shall be (1) recessed or (2) placed to the rear of the dwelling with side or rear entry.
3. Within the MDR districts, a two-unit dwelling shall front on and be accessed primarily from a key street segment, as defined herein.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-527. Dwelling, multiple-family.

A. *Definition.* A building containing three (3) or more attached dwelling units and is surrounded by open space or yards.

B. *Regulations and conditions.*

1. Scaled elevation drawings depicting architectural features shall be provided. In an area of predominately single-family homes, a multi-family dwelling shall be designed to look like a one-unit dwelling and shall include architectural details found on the majority of dwellings in the neighborhood, so that the multi-family dwelling is consistent with the aesthetic character of existing buildings.
2. A garage serving a multi-family dwelling shall be either (1) recessed, or (2) placed to the rear of the dwelling with side or rear entry.
3. Within the CB district, multiple-family dwellings shall not front on or take primary access from Washington Street. In the MDR district, a multiple-family dwelling shall only be located on and have its primary access from a key street segment as defined herein.
4. A minimum separation distance of fifteen (15) feet shall be provided between buildings located on the same parcel if they are not attached by a common wall.
5. Multiple-family dwellings in the CB district shall provide a minimum ground floor transparency of thirty-five (35) percent and a minimum upper story transparency of fifteen (15) percent. Buildings with more than one frontage (i.e., corner lots, through lots) shall be required to provide the aforementioned minimum transparency for one building frontage only. The building frontage subject to minimum transparency shall be determined by the zoning administrator.
6. Multiple-family dwellings in the CB district shall either meet the "build-to zone" requirement or provide other features (such as stairways, landscaping, or decorative fencing) within the space between the front property line and the building wall. In no case shall the building face be set back further than eight (8) feet from the front property line.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-528. Reserved.

Sec. 40-529. Eating and drinking establishment.

- A. *Definition.* A retail establishment selling food and drink for consumption on the premises, including restaurants, taverns, coffee houses, bakeries, lunch counters, refreshment stands, and similar facilities selling prepared foods and drinks for immediate on-site consumption or for take-out.
- B. *Regulations and conditions.*
1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
 2. Such facilities shall be located and designed such that no objectionable noise in excess of sixty (60) decibels and no objectionable vibration shall be carried onto adjoining property zoned for, or occupied by, residential uses.
 3. Such facilities shall be located and designed such that no objectionable odor or fumes shall be carried onto property located in the residential districts.
 4. The site plan shall include measures satisfactory to the planning commission to control blowing trash, dust or debris from the facility.
 5. The planning commission may establish reasonable hours of operation for eating and drinking establishments.
 6. Within the OT and WF districts, eating and drinking establishments shall front on and be accessed primarily from a key street segment, as defined herein.
 7. Outdoor seating may be permitted as a sidewalk cafe in accordance with the provisions in section 40-302.02, sidewalk cafes. Rooftop dining shall comply with subsection 40-306.08.C. and other forms of outdoor dining, including patio or deck dining may be permitted by the planning commission if it finds that such facilities shall not create any detrimental conditions that may affect adjoining or nearby properties.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-530. Educational facility.

- A. *Definition.* A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of Michigan.
- B. *Regulations and conditions.*
1. All outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way. Provided, however, the planning commission may permit chain link or wrought iron fences up to six (6) feet in height adjoining a right-of-way upon a finding that such fences are necessary for the safety of pupils of the facility.
 2. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
 3. The planning commission may establish standards to limit routine noise generated by an educational facility to no more than sixty (60) decibels at the property line, taking into account the nature of the facility, the surrounding uses and zoning and the probable frequency of objectionable noise levels that may be generated by the use.

-
4. Off-street parking shall be arranged so the area for bus loading and unloading of students will not be in the path of vehicular traffic.
 5. Sidewalks shall be required connecting the off-street parking area to the main entrance of the school, and to the required sidewalk along the adjacent road right-of-way line.
 6. An educational facility with a place of public assembly shall comply with the special land use standards for place of public assembly set forth in section 40-551.
 7. Public schools under the jurisdiction of the Michigan superintendent of public instruction are not subject to the requirements of this ordinance in accordance with the Revised School Code, MCL 380.1263(3).

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-531. Fuel storage.

- A. *Definition.* Any combination of storage tanks or containers, including pipes connected thereto, which is used to contain petroleum or other inflammable liquids.
- B. *Regulations and conditions.*
 1. The applicant shall demonstrate to the planning commission proper design and licensing measures as required by state and federal statutory and regulatory authority.
 2. Any hazardous, flammable, or corrosive materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with applicable state and federal requirements.
 3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.
 4. Storage facilities shall provide adequate security and signage to notify the public of the hazardous materials and to prevent trespass.
 5. The planning commission reserves the right to require buffering, screening, setbacks and other elements that are greater than those otherwise required by this ordinance in keeping with the spirit and intent of this ordinance to protect the public health, safety, and welfare.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-532. Reserved.

Sec. 40-533. Home occupation, major.

- A. *Definition.* A major home occupation as defined herein that may be apparent to neighbors by virtue of activities on site, signage, outdoor storage, or modifications to structures or grounds.
- B. *Regulations and conditions.*
 1. The operator of a proposed home occupation shall attach an operational plan for the home occupation to the application for a land use permit. The operational plan shall provide the following information:
 - a. The hours the home occupation will operate.

-
- b. A description of employee parking and workforce staging plans.
 - c. A site plan in accordance with subsection 40-115.04.C.
 - d. A description of the shipping and delivery requirements of the home occupation.
 - e. A description of any material used in the home occupation which will be stored on the premises.
2. The on-site activities associated with the home occupation shall be fully conducted within the personal residence or accessory buildings of the person engaging in the home occupation.
 3. The activities of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be bothered by the existence of the home occupation.
 4. In addition to the occupants of the residence and not more than two (2) nonresident employees, a home occupation may employ other persons, provided their work activities are undertaken at locations other than the location of the home occupation.
 5. The planning commission may establish limits on the outdoor storage, size and parking of equipment or vehicles to preserve the residential character of the neighborhood. No outdoor storage of materials or scrap is permitted.
 6. Not more than one automobile associated with the home occupation may be parked on the street at any time. Any other parking shall be on the parcel where the home occupation is taking place and parking for not more than two (2) automobiles may be constructed in addition to the area of the driveway in existence prior to the establishment of the home occupation.
 7. With the exception of material purchased over the counter for household cleaning, lawn care, operation of a photocopier machine, paint, printing, arts and craft supplies or heating fuel, the home occupation shall not involve the generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 229.433 et seq.), or use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910.2 (Dept. of Labor Regulations).
 8. Any change in the nature or activities of a home-based business shall be regarded as a new home occupation and shall require a new application, subject to subsection 40-115.04.C.
 9. Failure to fulfill the terms of the approved home occupation, the site plan, and its attachments, shall be grounds for revocation of planning commission approval of a home occupation.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-534. Reserved.

Sec. 40-535. Hotel.

- A. *Definition.* A facility offering transient lodging accommodations to the public with access from interior lobbies, and which may provide such additional services or facilities meals or restaurant service, meeting rooms, entertainment, and recreational facilities.
- B. *Regulations and Conditions.*
 1. The property shall be suitable for transient lodging facilities with overnight lodgers staying typically not longer than thirty (30) nights.

-
2. A hotel that includes auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site and shall be further regulated pursuant to section 40-551, places of public assembly.
 3. A hotel that includes an eating and drinking establishment shall be further regulated pursuant to section 40-529.
 4. The use and the impact of the establishment shall be compatible with other allowed uses in the vicinity in terms of parking, traffic, noise, and odors, and shall not adversely impact the subject neighborhood.
 5. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a hotel.
 6. In the CB district, a hotel shall be designed with the lobby and other active commercial or service uses occupying not less than fifty (50) percent on the ground floor frontage adjacent to any public right-of-way.
 7. Each unit shall contain not less than two hundred fifty (250) square feet of floor area, and shall contain at least two (2) rooms, including a bathroom.
 8. No more than fifty (50) percent of the total number of units in a hotel shall contain cooking facilities, exclusive of microwave oven, coffee maker, and refrigerator of less than three (3) cubic feet capacity.
 9. No guest shall establish permanent residence at a hotel.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-536. Hospital.

- A. *Definition.* A facility providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the hospital facility.
- B. *Regulations and conditions.*
 1. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses.
 2. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with section 40-332 hereof, and any applicable state or federal requirements.
 3. Maximum building height may exceed thirty (30) feet in height provided a minimum yard equal to the height of the building shall be provided on all sides of the development, except that no structure shall exceed a maximum height ninety-six (96) feet.
 4. Helicopter landing pads may be permitted as accessory uses.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-537. Reserved.

Sec. 40-538. Kennel/animal day care.

- A. *Definition.* Any lot or premises on which three (3) or more domesticated animals or other household pets are either permanently or temporarily boarded or bred for profit.

B. *Regulations and conditions.*

1. The minimum lot area shall be one acre for the first four (4) animals, and an additional one-third (1/3) acre for each animal in addition to the first four (4).
2. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling and shall be set back at least seventy-five (75) feet from any LDR, MDR, or DR district.
3. Dog runs and exercise areas shall not be located in any front yard or required side or rear yard setback area.
4. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a totally enclosed building.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-539. Library.

A. *Definition.* A public, nonprofit facility in which literary, musical, artistic, or reference materials such as, but not limited to, books, manuscripts, computers, recordings, or films, are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

B. *Regulations and conditions.*

1. A library that includes day care facilities for more than six (6) children shall be required to comply with the special land use standards for group or commercial day care set forth in sections 40-518 and 40-519.
2. All required state and local licenses, charters, permits, and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
3. The planning commission may establish standards for hours of operation taking into account the nature of the facility and general compatibility with the surrounding uses and zoning.
4. Off-street parking shall be arranged so the area for book drop-off and bus loading and unloading of students will not be in the path of vehicular traffic.
5. Sidewalks shall be required connecting the off-street parking area to the main entrance of the library, and to the required sidewalk along the adjacent road right-of-way line.
6. A library with a place of public assembly shall comply with the special land use standards for place of public assembly set forth in section 40-551.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-540. Live/work.

A. *Definition.* A dwelling unit used for both dwelling purposes and any nonresidential use permitted in the zoning district in which the unit is located.

B. *Regulations and conditions.*

1. Space devoted to nonresidential uses shall be accessible from the dwelling area.
2. Residents of the dwelling shall be the primary employees in the nonresidential space.
3. The floor area of the dwelling unit shall be at least four hundred (400) square feet in area.

-
4. The planning commission may limit hours of operation of the nonresidential use to protect the character of the neighborhood.
 5. The planning commission may require measures to abate nuisances associated with the live/work unit, including sound and odor transmission, and any hazardous or regulated materials and processes.
 6. Any change in the nature or activities of a nonresidential use shall be regarded as a new use and shall require a new application.
 7. Failure to fulfill the terms of the approved special use permit shall be grounds for revocation of planning commission approval.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-541. Manufacturing, compounding, or processing.

- A. *Definition.* An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.
- B. *Regulations and conditions.*
 1. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity.
 2. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line.
 3. The applicant shall disclose any hazardous, flammable, or corrosive materials proposed to be stored, used or handled on the site. Use and handling shall be conducted in accordance with applicable state and federal requirements.
 4. Federal, state and local agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state, county, and city permits and approvals.
 5. Any storage facilities shall provide adequate security and signage to notify the public of any hazardous materials and to prevent trespass.
 6. Outdoor storage of materials, substances, products, or component parts is not permitted.
 7. Vehicles and equipment that are actively used as an integrated component of the establishment may be temporarily parked on the site from time to time, provided such parking is located in the side or rear yard, and screened from public view. Screening shall consist of fencing or landscape materials approved by the planning commission and shall screen the equipment from any street or non-industrial district or use. No portion of the parking area shall be located within two hundred (200) feet of any residential district or use.
 8. The planning commission reserves the right to require buffering, screening, setbacks and other elements that are greater than those otherwise required by this ordinance in keeping with the spirit and intent of this ordinance to protect the public health, safety and welfare.
 9. The applicant shall demonstrate and disclose the following:
 - a. Potential environmental impacts on air, surface water, ground water, soils, and natural features. These potential impacts shall be minimized or fully mitigated.

-
- b. Potential impacts on the health of residents of the City of Grand Haven and surrounding communities and on plant and wildlife communities in the vicinity. The planning commission shall not approve the proposed manufacturing, compounding, or processing use if potential impacts are significant.
 - c. The potential chemical constituents of all emissions to the air, groundwater, and surface waters shall be disclosed. Impacts of these emissions shall be negligible.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-542. Marina.

- A. *Definition.* A facility, including three (3) or more waterfront boat slips, which provides for the servicing, storing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina.
- B. *Regulations and conditions.*
 - 1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
 - 2. Marinas shall be located only on parcels contiguous to, and with direct access to, navigable water.
 - 3. Marinas shall not interfere with riparian interests or the integrity and quality of the water body.
 - 4. Vehicular ingress and egress to the marina shall be within the riparian owner's interest area, or written authorization shall be secured from an adjacent property owner granting such access.
 - 5. All marinas shall be similar in architectural design, scale, and character to adjacent structures and activities in the vicinity, and shall be constructed of durable materials, such as brick, stone, wood, or similar material.
 - 6. The increased use of the water body associated with the marina shall not create congestion, reduce safety, or aggravate existing congestion and safety problems currently recognized. Marinas shall not constitute any navigational hazards, as determined by the planning commission.
 - 7. All marinas shall provide watercraft sanitary holding tank pump out services, per section 5 of Act 167 of 1970.
 - 8. Onshore storage of boats and/or trailers may only be incorporated in a marina special use approval where the planning commission is satisfied that such storage will be effectively screened from view from adjoining properties and rights-of-way.
 - 9. All off-street parking shall be in compliance with article VI of this ordinance, except that the parking requirement for a marina shall be one parking space per three (3) boat racks and one parking space per 1.5 boat slips.
 - 10. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a marina.
 - 11. The flushing or discharge of boat toilets, and/or the discarding of waste or refuse from boats into open waters is prohibited. Facilities shall be provided at the marina for disposal of refuse from boat holding tanks in a sanitary manner. Each marina shall provide suitable, safe, and sanitary toilet and refuse facilities within buildings designed for this purpose. No less than one toilet shall be provided for each fifty (50) boat spaces or less within not more than five hundred (500) feet of walking distance of each boat space. Refuse and garbage containers shall be provided and kept in clean and sanitary condition for the use of boat owners within not more than one hundred fifty (150) feet of walking distance of each boat space. All such facilities shall be subject to the approval of the county health department.

-
12. In the WF district, maximum building height for a marina shall be thirty-five (35) feet.
 13. If boat storage is provided, the following shall apply:
 - a. All boat storage shall be contained within a fully enclosed building, or outside within a rear or interior side yard only. Boats for sale may be displayed without regard to season, in a front or exterior side yard, but not within any minimum required front yard setback.
 - b. Outside boat rack storage and all boats stored therein, shall be screened from view from any off-premises public street from which the rack storage structure is visible, or from any adjacent district in which residential dwellings are permitted, by means of a screen wall consisting of ridged, weather resistant, architectural material, which shall be affixed directly to the boat rack storage structure.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-543. Medical offices.

- A. *Definition.* A facility in which medical, health, and related providers maintain offices and provide services to patients on an outpatient basis.
- B. *Regulations and conditions.*
 1. Any dumpsters used by a medical office shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines. Any disposal of bio-hazardous waste shall be in conformance with state and local requirements.
 2. For medical offices in the CB district:
 - a. A medical office shall not be permitted except as a part of a multi-tenant office building.
 - b. A medical office shall not be located on the ground floor of a building fronting on Washington Street.
 3. For medical offices in the S district:
 - a. A medical office must comply with all requirements of the S district.
 - b. Where a parking area abuts an existing residential use, the parking area must be screened using appropriate and effective screening methods as determined by the planning commission.
 - c. Where the planning commission determines that a proposed medical office shall primarily provide secondary care services the number of parking spaces required may be reduced to provide one space for each three hundred fifty (350) square feet of gross floor area. For purposes of this subsection, "secondary care services" shall mean services provided by human medical specialists who generally do not initially diagnosis or have first contact with a patient and who typically generate less vehicle traffic, including optometrists, podiatrists, chiropractors, and similar medical professionals."
 - d. The applicant must provide an interior floor plan to demonstrate the proposed layout of the medical office.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-543A. Medical marihuana facility.

- A. *Definition.* A location at which a state operating licensee is licensed to operate under the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 et seq. which encompasses a grower, processor, provisioning center, safety compliance facility, and secure transporter as defined in this ordinance.
- B. *Regulations and conditions.*
1. An applicant must obtain a lottery position from the City of Grand Haven prior to submitting a special use application.
 2. An applicant must demonstrate that they have been pre-qualified for a medical marihuana state operating license from the State of Michigan.
 3. Buffers from sensitive land uses as described in this subsection.
 - a. There shall be a minimum separation distance of one thousand (1,000) linear feet from K-12 schools and libraries.
 - b. There shall be a minimum separation distance of five-hundred (500) linear feet from the following land uses:
 - 1) Parks or parkland.
 - 2) Places of public assembly specifically for worship purposes.
 - 3) State-licensed day care facilities, including commercial day care, day care facility, and group day care.
 - 4) State-licensed substance use disorder programs
 - c. Buffers shall generally be measured from the nearest lot line of the lot proposed for the medical marihuana facility to the nearest lot line of any of the above sensitive land uses.
 - d. If a medical marihuana facility is located in compliance with all applicable minimum separation distances and then a sensitive land use is subsequently located within any applicable minimum separation distance, the medical marihuana facility is not thereby rendered non-compliant with this subsection 3.
 4. Hours of operation are limited to 7:00 a.m. to 9:00 p.m. daily.
 5. The minimum number of off-street parking spaces shall be as follows:
 - a. Provisioning center: One space per One hundred fifty (150) square feet GFA.
 - b. Grower: One space per employee on largest shift plus one space per two thousand (2,000) square feet GFA.
 - c. Processor: One space per employee on largest shift plus one space per two thousand (2,000) square feet GFA.
 - d. Secure transporter: Five (5) spaces plus one per employee on the two (2) largest shifts.
 - e. Safety compliance facility: One space per employee of the largest shift plus five (5) visitor spaces.
 6. Where a parking area abuts an existing residential use, the parking area must be screened using appropriate and effective screening methods as determined by the planning commission, but shall not be less than the requirements of article VIII landscaping.
 7. Outdoor storage of materials, substances, products, or component parts is not permitted.

-
8. The applicant shall disclose any hazardous, flammable, or corrosive materials proposed to be stored, used, or handled on the site. Use and handling shall be conducted in accordance with applicable state and federal requirements.
 9. The applicant must obtain an annual medical marijuana facilities permit from the City of Grand Haven to maintain the special use permit.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-544. Mixed use development.

- A. *Definition.* A development of a tract of land, building, or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district, in a compact urban form.
- B. *Regulations and conditions.*
 1. The mixing of uses will be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety, and welfare of city residents. The mixing of uses shall be consistent with the policies set forth in the City of Grand Haven Master Plan.
 2. The applicant shall demonstrate that the proposed mixing of uses will not constitute a nuisance to future inhabitants or users of the development, or the city in general.
 3. Off-street parking facilities for such mixed uses may be provided collectively as provided in article VI.
 4. A proposed mixed use development shall be designed in such a manner that will lead to compatible, efficient, and attractive uses of property in the city, and shall:
 - a. Encourage unique retail, office, and residential use alternatives.
 - b. Establish neighborhood places that will define and strengthen the community character and supplement the identity of the city.
 - c. Provide for the redevelopment of underutilized sites.
 - d. Facilitate pedestrian oriented development using design options such as sidewalk cafes, rear parking, residential condominiums above small-scale service or retail uses, and enhanced landscape open spaces, squares, and parks.
 - e. Vehicular and pedestrian circulation within the development and access to the development shall be safe, convenient, uncongested, and well defined. Shared access to parking areas will be required, where appropriate.
 5. A mixed use development shall not infringe unreasonably on any neighboring uses.
 6. Within the OT and WF districts, a mixed use development shall front on and be accessed primarily from a key street segment, as defined herein.
 7. Within the CB district, residential uses shall be located above retail or office, or located on the first floor when the development does not front or take access from Washington Street.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-545. Motel.

- A. *Definition.* An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.
- B. *Regulations and conditions.*
1. The property shall be suitable for transient lodging facilities with overnight lodgers staying typically not longer than thirty (30) nights.
 2. The use and the impact of the establishment shall be compatible with other allowed uses in the vicinity in terms of parking, traffic, noise, design, and odors.
 3. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a motel.
 4. A motel that includes auditorium, exhibition, or public meeting space shall be further regulated under the provisions of section 40-551, places of public assembly.
 5. A motel that includes an eating and drinking establishment shall be further regulated pursuant to section 40-529, eating and drinking establishment.
 6. Each unit shall contain not less than two hundred fifty (250) square feet of floor area, and shall contain at least two (2) rooms, including a bathroom.
 7. No more than fifty (50) percent of the total number of units in a motel shall contain cooking facilities, exclusive of microwave oven, coffee maker, and refrigerator of less than three (3) cubic feet capacity.
 8. No guest shall establish permanent residence at a motel.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-546. Mortuary/funeral home.

- A. *Definition.* A facility used for the preparation of the deceased for burial and for visitation and for the conduct of memorial and funeral services.
- B. *Regulations and conditions.*
1. A proposed mortuary/funeral home shall be located on a parcel of land with a minimum area of one-half (½) acre. Provided, however, that such facility shall not exceed the maximum lot coverage requirements of this ordinance.
 2. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
 3. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
 4. No building shall be located closer than fifty (50) feet from a property line that abuts any residential use in the LDR, MDR, MFR, OT, DR, E, or S districts.
 5. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from the road right-of-way and all residential views with a wall six (6) feet in height. Evergreen landscaping may also be required by the planning commission.
 6. All required federal, state and local licensing and permits shall be maintained at all times.

Created: 2021-12-13 14:17:43 [EST]

(Supp. No. 13)

-
7. A caretaker's residence may be provided within the main building of the mortuary establishment.
 8. A mortuary that includes a crematorium shall locate any cremating facilities at least one hundred (100) feet from any residential use.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-547. Multi-tenant commercial establishment.

- A. *Definition.* A building housing more than one business operated under common management, or a unified grouping of individual businesses, served by a common circulation and parking system.
- B. *Regulations and conditions.*
 1. The applicant shall demonstrate that the proposed establishment will be compatible with adjacent land uses and buildings.
 2. The establishment shall be architecturally similar to adjacent buildings and shall include architectural details found on the majority of buildings in the neighborhood, so that the establishment is consistent with the aesthetic character of existing buildings; provided, that the planning commission may waive this requirement when adjacent buildings are of an inappropriate or unrelated character or when adjacent buildings are not consistent with an established city plan for the neighborhood.
 3. Off-street parking facilities for the establishment may be provided collectively, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use, unless the planning commission finds that such requirements may be modified due to varying hours of operation or other factors, and as provided in section 40-605.03, shared parking.
 4. A multi-tenant commercial establishment in the WF district shall only be located on and have its primary access from a key street segment as defined herein.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-548. Nursing care facility.

- A. *Definition.* A residential care facility providing long-term care for elderly, infirm, terminally-ill, physically, emotionally and/or developmentally disabled persons, including a nursing care facility that provides independent living services, assisted living services, and medical treatment services, in a campus-like setting that has shared facilities or common areas, or both.
- B. *Regulations and conditions.*
 1. The use shall be established and maintained in accordance with all applicable local, state, and federal laws.
 2. If the use is operating as a nursing home, under the provisions of Article 17 of Michigan Public Act 368 of 1978, the nursing home shall maintain all valid state and local licenses at all times as a condition of special use approval.
 3. A nursing care facility, as defined herein, shall not be located within fifteen hundred (1,500) feet of any other nursing care facility.
 4. Parking shall comply with the parking requirement for each specific use on the site, however, parking requirements may be reduced if the planning commission finds that such requirements may be modified due to varying hours of operation or other factors or as provided in section 40-605.03, shared parking.

-
5. Within the MDR, OT and WF-2 districts, a nursing care facility shall front on and be accessed primarily from a key street segment, as defined herein.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-549. Office building.

- A. *Definition.* A building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, and may include ancillary services for office workers, such as a coffee shop or child-care facilities.
- B. *Regulations and conditions.*
 1. The applicant shall demonstrate that the proposed establishment will be compatible with adjacent land uses and buildings.
 2. Parking areas shall be screened from view from any public right-of-way. If residential uses are adjacent to the parking area, a three-foot landscaped berm or fence shall be provided to block glare from vehicular headlights.
 3. Internally lit signage shall not be permitted. Signage shall be externally lit, and downward facing to protect the residential character of the district.
 4. Lighting of parking areas shall be by wall mounted light fixtures only.
 5. Gable orientation of peaked roofs shall face the waterfront.
 6. An office building the WF district shall only be located on and have its primary access from a key street segment as defined herein.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-550. Open air business.

- A. *Definition.* A permanent business including the sales and/or display of retail merchandise or services outside of a permanent structure.
- B. *Regulations and conditions.*
 1. Lot area, lot width, and other dimensional requirements of the zoning district shall be complied with; provided, that no item or items displayed outdoors shall be greater than thirty-five (35) feet in height.
 2. The planning commission may establish, as a condition of approval, hours of operation for the open air business.
 3. The planning commission may establish, as a condition of approval, buffering mechanisms, including, but not limited to, evergreen or combined landscaping, berms, and fencing; and such conditions may be in addition to the landscaping and buffering standards of article VIII of this zoning ordinance to mitigate the visual impact of an open air business.
 4. The planning commission may make reasonable inquiries of the applicant, including, but not limited to, what types of items will be for sale. Certain items, as determined by the planning commission, may be restricted for display to rear or side yards and with adequate screening or fencing.
 5. The application shall provide for measures acceptable to the planning commission to prevent any noise in excess of sixty (60) decibels at any property line. Unless specifically approved by the planning

commission, the use of amplifiers, banners, and other attention gathering devices shall be prohibited. All signs shall be in compliance with the provisions of article VII of this ordinance.

6. The open air business area shall be paved, or mechanisms to prevent the creation of dust shall be implemented. The site plan shall include measures satisfactory to the planning commission to contain blowing dust, trash, and debris on the site.
7. Open air sales in the C district along the west side of Beacon Boulevard from the south city limits to Woodlawn Avenue may be permitted to a point thirty (30) feet distant from the right-of-way line.
8. If the open air sales includes the sales of secondhand personal property, the use shall also conform to the City of Grand Haven Code of Ordinances, as amended, including chapter 29, secondhand goods.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-551. Place of public assembly.

A. Definitions.

1. *Place of public assembly:* Buildings, structures and grounds, including theaters, churches, auditoriums, convention space, stadiums, sports arenas, lecture halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship or similar activities involving assembled groups of people numbering thirty (30) or more.
2. *Place of public assembly, large:* A place of public assembly shall be considered a large facility if it has either two thousand (2,000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future.
3. *Place of public assembly, small:* A place of public assembly shall be considered a small facility if it has either less than two thousand (2,000) square feet in gross floor area or total seating capacity of no more than one hundred (100) in the largest room intended for public assembly.

B. Regulations and conditions.

1. The zoning administrator may require the completion of a traffic impact study under the terms of subsection 40-115.04.E.2 of this zoning ordinance.
2. Within the S, E and OT districts, a large place of public assembly shall front on and be accessed primarily from a key street segment, as defined herein.
3. Within the S, E and OT districts, a small place of public assembly shall front on and be accessed primarily from a key street segment, as defined herein.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-552. Planned residential development.

- A. *Definition.* A specific parcel of land or several contiguous parcels of land, under single ownership and control, for which a comprehensive physical plan, meeting the requirements of this section and establishing functional use areas, density patterns, a fixed system of streets, provisions for public utilities, drainage and other essential services, and subject to review and approval by the planning commission and city council in accordance with this section 40-552, and which has been or will be developed in full accordance with the approved plan.

B. *Intent.* The purpose of the planned residential development option is to permit an optional means of development in all one-family residential districts, which allows a mixture of types of residential units (one-family, attached one-family cluster, two-family and multiple-family). It is further the intent of this section to permit the development of residential patterns which, through design innovation, consolidate open space and introduce flexibility so as to provide for sound physical handling of site plans in situations where the normal subdivision approach would otherwise be restrictive and prohibit proper treatment of the site. Development under this section shall be in accordance with a comprehensive physical plan establishing functional use areas, density patterns and a fixed system of residential collector streets. To accomplish this, the following modifications to the one-family residential standards shall be permitted subject to the conditions herein imposed:

C. *Regulations and conditions.*

1. Planned residential development (PRD) as hereinafter defined shall only be permitted on parcels containing five (5) or more contiguous acres under one ownership. All PRD uses shall be regulated as set forth in this section, the approved plan, any special conditions imposed by the planning commission or city council and other applicable provisions of this chapter. A PRD may include:
 - a. Detached or attached one-family dwellings;
 - b. One-family dwelling clusters;
 - c. Two-family dwellings;
 - d. Multiple-family dwellings;
 - e. Rental or management offices and club rooms accessory to the planned development;
 - f. Places of public assemblies;
 - g. Public, parochial and private elementary schools and/or high schools offering courses in general education;
 - h. Noncommercial golf courses;
 - i. Public libraries, parks, parkways and recreational facilities;
 - j. Private parks and recreation areas for the use of the residents of the planned residential development;
 - k. Accessory uses, accessory buildings, and accessory dwellings.
2. All the standards of section 40-403 of this chapter for the applicable LDR district shall be applied to a strip at least two hundred (200) feet in depth around the outer boundaries of the area proposed for a planned residential development, where the PRD abuts a one-family residential district. Development of the strip shall be in complete conformity with the zoning requirements of the governing one-family district and shall be developed with one-family detached residential structures; provided that the strip may be penetrated by an elementary school, park, golf course, or other related open space which is recorded in perpetuity for the purpose. All other uses permitted in this one-family district shall be prohibited from the strip. The planning commission may vary this two-hundred-foot depth in those instances wherein the parcel in question cannot be practicably developed at that depth, and when it shall find that:
 - a. The parcel is of a narrow dimension and would not permit sound development of that portion remaining after the two-hundred-foot of depth where subtracted from the total depth; or
 - b. The development of the remaining portion of the parcel in question would, due to topography and/or existing abutting development, be more properly related to the development of a strip greater or lesser than two hundred (200) feet wide.

-
3. For the purposes of determining density, the following maximum number of dwelling units per acre overall, by zoning district shall be permitted:

- a. LDR: 5 units per acre overall
- b. MDR: 7.3 units per acre overall
- c. MFR: 7.3 units per acre overall

The overall dwelling unit density of the PRD, as set forth and regulated above, may be averaged for the applicable area included within the proposed plan, except that no acre of land within the site shall exceed a maximum of twelve (12) dwelling units. Public rights-of-way, nonresidential use areas, and sub-aqueous or submerged swamp lands shall be excluded from density computations. Lakes or ponds, when landscaped and maintained, and included as portions of larger open space areas within the development, may be included in density computations. No more than one-half (½) of the total number of dwelling units proposed in a PRD shall be multiple-family dwellings.

4. For purposes of determining yard area requirements and regulating the distance between buildings, the following requirements shall control:
 - a. One-family detached dwellings shall be subject to the minimum requirements of section 40-404, applicable to single-family residential development.
 - b. One-family clusters shall meet the applicable requirements of section 40-328 (one-family clustering option).
 - c. Two-family dwellings shall meet the applicable requirements of section 40-404 applicable to two-unit development.
 - d. Multiple-family dwelling structures shall meet the applicable requirements of section 40-405, including the minimum requirements governing the minimum distance between buildings.
5. Application for PRD consideration by the planning commission and the city council under this section may be made by any person owning and controlling land in the LDR, MDR, or MFR districts. Application shall be made to the zoning administrator and shall contain the following information:
 - a. A boundary survey of the exact acreage being requested prepared by a registered land surveyor or civil engineer (scale: not smaller than one inch equals two hundred (200) feet);
 - b. A topographic map of the entire area at a contour interval of not more than two (2) feet. This map shall indicate all major stands of trees, of eight (8) inches or greater in diameter, bodies of water, easements, rights-of-way, Sensitive Areas overlay and unbuildable areas (scale: not smaller than one inch equals two hundred (200) feet);
 - c. A recent aerial photograph of the area shall be provided (scale: not smaller than one inch equals two hundred (200) feet);
 - d. A preliminary plan for the entire area carried out in such detail as to indicate the functional use areas and dwelling unit types being requested; the proposed population densities; a traffic circulation plan; sites being reserved for schools, if needed, service activities, playgrounds, recreation areas, parking areas, and other open spaces and areas to be used by the public or by residents of the planned residential development (scale: not smaller than one inch equals two hundred (200) feet);
 - e. An indication of the contemplated water, storm and sanitary sewer plan, and a preliminary topographic indicating how the land area is proposed to be shaped;
 - f. A written statement explaining in detail the full intent of the sponsor, indicating the number and type of dwelling units contemplated, resultant population and provided supporting

documentation such as: soil surveys, studies supporting land use requests, and the intended scheduling of the development.

6. Upon receipt of an application as a preliminary submittal, the zoning administrator shall refer such request to the planning commission for its report and recommendation. Following its review, the planning commission may approve the application and accompanying plan only upon finding that:
 - a. All applicable provisions of this section and other applicable requirements of city ordinances chapter have been met. Insofar as any provision of this section shall be in conflict with any other provisions of this chapter, the provisions of this section shall apply to the lands embraced within a planned residential development area;
 - b. Adequate areas have been set aside for all schools, walkways, playgrounds, recreation areas, parking areas, and other open spaces and areas to be used by the public or by residents of the community;
 - c. Open space may include parks and recreation areas, wooded lots, golf courses and any use of a similar nature approved by the planning commission;
 - d. There is or will be, at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water and that the road system and stormwater drainage system is adequate;
 - e. The plan provides for an efficient, aesthetic and desirable use of the open areas and the plan is in keeping with the physical character of the community and more specifically, the area surrounding the development;
 - f. The applicant has made provision, satisfactory to the planning commission to assure that those areas shown on the plan for use by the public or occupants of the development will be or have been committed for that purpose. The planning commission may require that conveyances or other documents be placed in escrow to accomplish this;
 - g. Public school officials have approved of the size and location of any public school lands to be set aside for such use within the PRD site;
 - h. Provisions, satisfactory to the planning commission, have been made to provide for the future financing of any improvements shown on the plan for open space areas, and common use areas which are to be included within the development and that perpetual maintenance of such improvements is assured by a means satisfactory to the planning commission;
 - i. The cost of installing all streets and the necessary utilities has been assured by a means satisfactory to the planning commission.
7. Upon receipt and review of the above information by the planning commission, it shall forward its recommendations to the city council for its consideration of the proposed PRD.
8. After review of the planning commission's recommendations and other information relative to the PRD application, the city council may move to grant the application, which will serve as preliminary approval of the PRD plan. If such preliminary approval is given, the city council shall instruct the applicant to have prepared, for review and approval by the city's legal counsel, a contract setting forth the conditions upon which such approval is based. The contract, after approval by resolution of the council shall be executed by the city and the applicant and recorded in the office of the county register of deeds. Final approval of the plan shall be effective upon recording. Physical development on the site shall be in accordance with the approved plan and shall not commence until after final approval by the city council.

-
9. Once an area has been included within a plan for planned residential development and such plan has been approved by the city council, no development may take place in such area nor may any use thereof be made except in accordance with said plan or in accordance with a planning commission and city council approved amendment thereto, unless the plan is terminated as provided herein.
 10. An approved plan may be terminated by the applicant or its successors or assigns, prior to any development within the area involved, by filing with the city and recording in the county records an affidavit so stating. The approval of the plan shall terminate upon such recording.
 11. No approved plan shall be terminated after development commences except by mutual agreement of the city council upon recommendation of the planning commission recommendation and of all parties in interest in the land.
 12. In order to assure the development of open space in conjunction with a PRD, the city council shall include in the contract recorded with the county register of deeds, a schedule for the completion of portions of the open space so that it coincides with completion of dwelling units. The developer may suggest a schedule for review by the council.
 13. Within a period of two (2) years following approval by the city council, final plats and/or site plans for an area embraced within the planned residential development must be submitted as hereinafter provided. If such plats or plans have not been submitted and approved within the two-year period, the right to develop under the approved plan may be terminated by the city.
 14. Before any building permits shall be issued for buildings and structures within the area of planned residential development, final plats or site plans for a project area shall be submitted to the zoning administrator for review and recommendation by the planning commission of the following:
 - a. That all portions of the project are shown upon the approved plan for the planned residential development for use by the public or the residents of lands within the planned residential development contract;
 - b. That the final plats or site plans are in substantial conformity with the requirements of this section, the subdivision regulations and the approved plan for the PRD;
 - c. That provisions have been made in accordance with the PRD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the PRD contract;
 - d. That a dedication of public roads shall have been made so as to cause continuity of public access between the adjacent major thoroughfare and ingress and egress to all private development within the project area plan.
 15. Development of the approved final plan and/or plat may be continued in stages. If development of any approved portion is not substantially completed in three (3) years after approval, further final submittal of stages under the PRD shall cease until the part in question is completed or cause can be shown for not completing same.
 16. Approval of a planned residential development under this section shall be considered an optional method of development and improvement of property subject to the mutual agreement of the city and the applicant.
 17. Any changes or amendments requested shall terminate approval of the overall plan until such changes or amendments have been reviewed and approved as in the first instance. In instances where modifications are necessary to the plan, the building inspector may request that the plan be again submitted for review, if in the building inspector's judgment, a substantial change is being made in the plan.

Sec. 40-553. Power generating facility.

- A. *Definition.* A facility designed and used for the production of electrical energy primarily for the purpose of commercial sale to wholesale and retail customers connected to electrical transmission grid. Such facilities include geothermal, hydro, solar, coal, diesel, fuel oil, nuclear, natural gas combustion as well as solid waste incinerators.
- B. *Regulations and conditions.*
1. A proposal to establish a new power generating facility shall not be approved unless the planning commission reaches a finding, based on objectively verified evidence, that all processes to be used in the handling of fuel material, the combustion of fuels, the disposal of any byproduct, the handling of cooling water, the transmission of electrical energy, the handling of process chemicals and liquids, the maintenance of equipment and all processes and procedures associated with the facility shall be the most advanced such systems in terms of the following criteria:
 - a. Potential environmental impacts on air, surface water, ground water, soils, and natural features, shall be minimized or fully mitigated;
 - b. Potential community impacts on nearby land uses, public infrastructure and the economic vitality of the community shall be demonstrated to be either neutral or positive;
 - c. Potential impacts on the health of residents of the City of Grand Haven and surrounding communities and on plant and wildlife communities in the vicinity shall be negligible;
 - d. Potential safety impacts on the residents of the City of Grand Haven and surrounding communities and employees of the facility shall be fully and adequately addressed.
 2. The applicant shall fully disclose:
 - a. The nature and quantity of all fuels, chemicals, hazardous materials to be used or stored on site and all uses and activities shall at all times comply with sections 40-320, performance standards, and 40-332, hazardous substance and groundwater protection.
 - b. All operating and procedural details of the proposed facility including, but not limited to, equipment specifications, maintenance schedules, capital replacement schedules, and plans for eventual decommissioning of the facility.
 - c. The chemical composition of all emissions to the air, groundwater, and surface waters.
 - d. The organizational, capital, and operating financial structure for the proposed facility including resumes of officers, all members of the board of directors, and key technical staff assisting in the development.
 - e. The proposed phasing of the project including any change in ownership of the facility during development or following start-up.
 - f. All required federal, state, and local permits needed for facility operation, the procedures for permit application, the standards for review and approval, the specific agencies responsible for permit review and the status of all such permit applications.
 3. An application for a power generating facility shall include an environmental assessment in accord with the requirements of City of Grand Haven as established by the zoning administrator.

-
4. All manufacturing and processing activities shall take place inside a fully enclosed building or structure. Outdoor storage shall be permitted but shall be buffered with a wall of evergreens, or six-foot-tall fencing designed to be compatible with the surrounding neighborhood.
 5. The application shall provide for measures acceptable to the planning commission to prevent any noise in excess of sixty (60) decibels and any unreasonable vibration at any property line.
 6. All local, county, state, and federal laws, statutory, and regulatory requirements shall be met at all times. Any failure to comply with any federal or state licensing or permitting requirement shall be grounds for the revocation of any special use permitted issued pursuant to this section.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-554. Recreational facility, commercial.

- A. *Definition.* A recreation facility operated as a business and open to the public for a fee.
- B. *Regulations and conditions.* Commercial recreational facility, whether open to the public or by private membership, shall be subject to the following standards:
 1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
 2. Such facilities that include paint-ball, archery, and/or shooting ranges shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit.
 3. The application shall provide for measures acceptable to the planning commission to prevent any noise in excess of sixty (60) decibels at any property line.
 4. The planning commission may require that any or all of the property of a club facility be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.
 5. Within the OT district a commercial recreational facility shall front on and be accessed primarily from a key street segment, as defined herein.
 6. Within the LDR district, a commercial recreational facility shall provide sufficient isolation distance from residential uses or other measures acceptable to the planning commission to mitigate any potential detrimental impact on surrounding residential uses.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-555. Reserved.

Sec. 40-556. Retail business or retail sales.

- A. *Definition.* An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
- B. *Regulations and conditions.*
 1. The applicant shall provide for measures acceptable to the planning commission to prevent any excessive noise at any property line.
 2. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity.

-
3. Parking areas shall be screened from view from any public right-of-way. If residential uses are adjacent to the parking area, a three-foot landscaped berm or fence shall be provided to block glare from vehicular headlights.
 4. In the OT district, retail businesses or retail sales shall only be located on key street segments.
 5. Internally lit signage shall not be permitted. Signage shall be externally lit, and downward facing to protect the residential character of the district.
 6. Lighting of parking areas shall be by wall mounted light fixtures only.
 7. In the WF district, retail businesses or retail sales shall only be located on a key street segment.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-557. Shared commercial facility.

- A. *Definition.* An establishment or facility designed to accelerate the growth of entrepreneurial endeavors by providing access to physical space, equipment, working capital, or other common services to multiple users or tenants. Examples include, but are not limited to, business incubators, co-working spaces, commissary or test kitchens, pop-up retail establishments, artist markets, and similar facilities.
- B. *Regulations and conditions*
 1. Uses or activities permitted in shared commercial facilities shall be limited to those permitted by right or by special land use in that zoning district.
 2. An applicant seeking special land use approval for a shared commercial facility shall demonstrate that adequate parking exists to serve the facility.
 3. All activities shall be carried out within an enclosed building.
 4. On-site consumption of prepared food or beverages shall be prohibited.
 5. Shared commercial facilities shall not be used for residential purposes.
 6. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line.
 7. The planning commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-558. Senior assisted living facility.

- A. *Definition.* A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living, which may or may not include a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, and where the emphasis of the facility remains residential.
- B. *Regulations and conditions.*
 1. The use shall be established and maintained in accordance with any and all applicable local, state, and federal laws.
 2. Parking shall comply with the parking requirement for each specific use on the site, however, parking requirements may be reduced if the planning commission finds that such requirements may be

modified due to varying hours of operation or other factors or as provided in section 40-605.03, shared parking.

3. Section 40-402, summary tables, notwithstanding, all dwellings shall consist of at least four hundred fifty (450) square feet of floor area per dwelling unit.
4. The number of efficiency dwelling units may exceed fifteen (15) percent of the total number of dwelling units, provided the total number of dwelling units shall not exceed eighteen (18) dwelling units per net usable acre of land.
5. The owner shall file with the municipality, a covenant, reviewed as to form by the city attorney and approved by the city council. The owner shall covenant on behalf of himself, his heirs, personal representatives, successors, and assigns that occupancy of the development shall be limited to the elderly as defined in section 40-201 of this ordinance. The covenant shall be executed and recorded with the county register of deeds, prior to issuance of a building permit.
6. The planning commission may, at a public hearing held in accordance with the public hearing requirements set forth in this ordinance, permit housing for the elderly to exceed the maximum building height limitations of the district, provided the building(s) shall be set back from all property lines one foot for each foot the structure exceeds the maximum building height limitation of the district, except that no building(s) shall exceed seven (7) stories or seventy-five (75) feet in height, whichever is the lesser.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-559. Sexually oriented business.

- A. *Purpose of regulation.* The purpose and intent of the sections of this ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the city and to minimize their negative secondary effects. It is recognized that sexually oriented businesses because of their very nature, have serious objectionable operational characteristics, which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented uses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of city residents. The provisions of this ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this ordinance to legitimize activities that are prohibited by the ordinances of the city, or state or federal law. If any portion of section 40-559, including the definitions appearing in article II and referenced in section 40-559, is found to be invalid or unconstitutional by a court of competent jurisdiction, the city intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law.
- B. *Definitions.* Definitions associated with sexually oriented businesses are found in article II of this zoning ordinance.
- C. *Regulations and conditions.* Sexually oriented businesses shall be subject to the following standards:
 1. The proposed sexually oriented business shall not be located within five hundred (500) feet of the LDR, MDR, DR, NS, E, or MFR districts, or within five hundred (500) feet from a park, school, child care organization, place of worship or other sexually oriented business. The distance between a proposed sexually oriented business and any residence, residentially zoned property, park, school, child care organization, place of worship or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is intended to be

located to the nearest property line of the residence, residentially zoned property, school, child care organization, place of worship, or other sexually oriented business.

2. Entrances to the proposed sexually oriented business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that:
 - a. "Persons under the age of eighteen (18) are not permitted to enter the premises;" and
 - b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
3. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining road right-of-way or a neighboring property.
4. Hours of operation shall be limited to 8:00 a.m. to 11:00 p.m., Mondays through Saturdays.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
6. All signs shall be in accordance with article VII of this ordinance. Provided, however, that no sign visible from the parking area, any adjoining road right-of-way or a neighboring property shall display or depict any specified anatomical areas or specified sexual activities.
7. All parking shall be in accordance with article VI of this ordinance. Provided, however that all off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.
8. As a condition of approval and continued operation of a sexually oriented business, such business shall acquire and comply with all pertinent federal, state and local requirements governing its operation and licensing, including licensing pursuant to chapter 6, article VIII, of the City of Grand Haven General Code.
9. Any booth, room or cubicle available in any sexually oriented business used by patrons for the viewing of any entertainment characterized as showing specified anatomical areas or specified sexual activities shall:
 - a. Be constructed in accord with the Michigan Building Code, as amended;
 - b. Be unobstructed by any door, lock or other entrance and exit control device;
 - c. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - d. Be illuminated by a light bulb of wattage not less than sixty (60) watts; and
 - e. Have no holes or openings, other than doorways, in any side or rear walls.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-560. Sheltered housing.

- A. *Definition* . A community service facility offering temporary refuge for persons in domestic transition living together as a group of individuals or families.
- B. *Regulations and conditions*.

-
1. To be approved, the applicant shall present a facility management plan which shall outline (i) the specific social services to be provided at the facility, (ii) the particular needs of anticipated clientele, (iii) the expected length of stay for the persons offered temporary housing, and (iv) other information required by the planning commission to gain a complete understanding of the facility and any potential impacts on the neighboring community.
 2. The applicant shall demonstrate that outdoor site amenities (benches, tables, gardens etc.) be provided to prevent loitering on public and private property in the surrounding neighborhood.
 3. The use shall be compatible with other allowed uses in the vicinity. The impact of the facility shall be no greater than that of other uses allowed in the district.
 4. The applicant shall provide a description of the structured program that will be offered by the facility including the days and hours of program operation.
 5. When occupied, the sheltered housing facility shall have a shift manager on the premises at all times who is familiar with the facility's operational procedures, emergency management plan and have access to and knowledge of the persons staying at the shelter.
 6. The maximum number of beds is limited to 1.5 times the maximum number of dwelling units which would otherwise be permitted for a multiple family development.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-561. Social service center.

- A. *Definition.* An overnight or drop-in facility which provides services such as job training, counseling, health training, rehabilitation, therapy, or the distribution of food or clothing, but which does not include a medical office or permanent homeless shelter as a major element.
- B. *Regulations and conditions.*
 1. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity.
 2. To be approved, the applicant shall present a facility management plan which shall outline the specific social services to be provided at the facility, the particular needs of clientele anticipated, the staffing plan including numbers and qualifications of staff proposed and other information required by the planning commission to gain a complete understanding of the facility and any potential impacts on the neighboring community.
 3. The applicant shall demonstrate that outdoor loitering space would not be provided and that outdoor loitering would be prohibited.
 4. The use shall be compatible with other allowed uses in the vicinity. The impact of the establishment shall be no greater than of other uses allowed in the district.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-562. Studio for performing or graphic arts.

- A. *Definition.* A facility designed, constructed, or used for instructional, practice or production purposes in graphic and performing arts, including sculpture, painting, music, photography, drama, dance, yoga, and other similar pursuits.
- B. *Regulations and conditions.*

-
1. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity.
 2. To be approved, the use shall be deemed by the planning commission as compatible with other established and permitted uses in the vicinity.
 3. The applicant shall demonstrate that the proposed studio for performing or graphic arts will not constitute a nuisance to existing or future inhabitants or users of land near the use, or the city in general.
 4. The facility shall not generate noise levels of more than sixty (60) decibels at the property line for a single-standing building, or forty-five (45) decibels at the wall line of a facility located in a mixed use development or in a facility otherwise attached to another building or enclosed space.
 5. The planning commission may require additional measures to abate nuisances associated with the studio for performing or graphic arts, including sound and odor transmission and significant traffic generation. The planning commission may establish standards to limit routine noise generated by the facility in addition to the standards of this section, taking into account the nature of the facility, the surrounding uses, and zoning and the probable frequency of objectionable noise levels that may be generated by the use. The planning commission may also require a traffic study.
 6. Adequate drop-off and pick-up areas shall be provided when applicable.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-563. Tattoo and piercing parlor.

- A. *Definition.* An establishment where tattooing or skin piercing is regularly conducted whether or not it is in exchange for compensation.
- B. *Regulations and conditions.*
 1. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity. Hours of operation shall be consistent with those of adjacent land uses.
 2. Food or beverages shall not be served at the establishment.
 3. The applicant shall demonstrate that outdoor loitering space would not be provided for and that outdoor loitering would be prohibited.
 4. The use shall be compatible with other allowed uses in the vicinity. The impact of the establishment shall be no greater than of other uses allowed in the C, Commercial district.
 5. A proposed tattoo and piercing parlor shall be located a minimum of one thousand (1,000) feet from an existing tattoo and piercing parlor or educational facility. The planning commission may waive this requirement if it finds that physical features significantly separate the uses so as to avoid concentration of tattoo and piercing parlors, and to avoid the establishment of a tattoo and piercing parlor in proximity to an educational facility.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-564. Telecommunication antennas and towers.

- A. *Definitions.*

-
1. *Telecommunication antenna*: A device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas or telecommunication facilities for commercial or municipal purposes.
 2. *Telecommunication tower*: Any structure which is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio or other communication purposes. Such structures may be freestanding, such as self-supporting lattice, guyed, or monopole towers, or attached to an existing structure, such as artificial trees, steeples, light poles, poles supporting power lines or similar mounting structures that effectively camouflage or minimize the visual impact of antennas and towers.

B. *Regulations and conditions.*

1. *Siting criteria.* The locating of telecommunication antennas and towers shall be determined according to the following:
 - a. All new telecommunication antennas shall be co-located on an existing tower; provided that the planning commission may waive this requirement if it finds that co-location is impossible. Co-location on an existing tower will be deemed impossible only if there are no spaces for co-location on existing towers or other facilities in the city. Co-location will not be deemed impossible only if it may result in increased costs to the applicant. If an applicant maintains that co-location on an existing tower is impossible, the applicant must state in writing, and has the burden of demonstrating, each of the following:
 - 1) The names, addresses, telephone numbers and facsimile numbers of the owners of existing towers of which the applicant inquired regarding the availability of space.
 - 2) Details of all the efforts the applicant made to secure the right to use existing towers. This shall include details of all contacts including the names, addresses and telephone numbers of all persons contacted; dates and methods of contacts; the substance of all communications, etc.
 - 3) The specific reasons co-location on an existing tower is impossible. If there are technical reasons why co-location is impossible, the city may retain a technical expert to review the applicant's rationale. If the city's technical expert disagrees with the applicant's, the applicant shall pay the cost incurred by the city for such expert. The applicant shall deposit with the city an amount equal to the anticipated cost of the review by the city's technical expert prior to any action by the planning commission on the applicant's request to construct a new tower. Such amount shall be held in escrow and any amount not needed to support the actual costs of said expert review shall be returned if the city's expert confirms the applicant's claim.
 - b. If the planning commission determines that co-location on an existing tower is impossible, the applicant may request permission to construct a new tower in the TI, Transitional Industrial district or I, Industrial district, provided that all requirements of the zoning district in which a tower would be located are met, including minimum lot size.
 - c. Any new tower shall be at least one-half-mile from an existing tower.
2. *Co-location standards.* Any proposed tower shall be made suitable for at least five (5) co-locations, for a total of six (6) antenna locations. No person shall construct a new tower unless it is suitable for co-location of the antennae of potential future applicants.
 - a. In determining whether a proposed tower meets this requirement, the planning commission shall consider the written statements of the applicant and the applicant's engineer. The planning commission may also consider other information it finds to be relevant or helpful including those

of any expert(s) retained by the city and the statements of others in the telecommunications business.

- b. The applicant shall provide to the planning commission:
 - 1) A written statement of the applicant's engineer identifying the number of additional antennae that can co-locate on the proposed tower and further identifying the types and estimated costs of modifications to the proposed tower which would be necessary to accommodate the co-location of those additional cellular antennae.
 - 2) A written statement indicating the terms and conditions upon which it will allow a future applicant to co-locate its antennae on the applicant's proposed tower, which terms and conditions shall be reasonable in the current marketplace. The terms and conditions shall include the amount of rent or other financial consideration which the applicant shall require a future applicant to pay for the privilege of co-locating its antenna on the proposed tower, which amount may be subject to change only to reflect changes in the consumer price index.
 - c. The applicant's failure or refusal to allow any future applicant to co-locate its antenna on the applicant's tower consistent with these terms and conditions shall be a sufficient ground for the city's revocation of the special use permit granted to the applicant.
3. *General standards for towers.*
- a. The tower and any antenna located thereon must be less than two hundred (200) feet in height.
 - b. To the extent it is compatible with the co-location requirements above, the tower must be of a monopole design, capable of supplying its own support without the assistance of guy wires or other supports.
 - c. The tower and antennas located thereon shall not have any lights or signs of any kind and shall not be illuminated either directly or indirectly by any artificial means, except when lighting is required by either the Federal Aviation Administration or Michigan Department of Transportation, Bureau of Aeronautics.
 - d. No advertising logo, trademark, figures or other similar marking or lettering shall be placed on the tower or on any attachments thereto or on any accessory buildings.
 - e. The tower shall be located so that, in the event of a tower collapse, the tower shall fall completely within the boundaries of the property on which it is located. The applicant shall demonstrate compliance with this requirement.
 - f. Any equipment used in conjunction with the tower, other than antennas placed upon the tower, shall be located within a completely enclosed building, which shall not be any larger than two hundred forty (240) square feet in area. One shielded wall-mounted security light over the entrance to the building with wattage of one hundred fifty (150) watts or less is permitted. Shielding of the light shall be to direct it downward. There shall be no storage or placement of personal property outside such building.
 - g. Personnel shall not be continuously on the premises, but may come onto the site for servicing, maintenance, and related work necessary for the operation of the tower and related equipment.
 - h. No toxic, hazardous, or other dangerous substance of any kind shall be stored, placed, or used on the property; except fuel used specifically for emergency electrical generators, which fuel shall be located within fuel tanks directly attached to such generators. Notwithstanding the above, maintenance crews may bring onto the property, while maintenance is being conducted, lubricants and other materials reasonably necessary to properly maintain the facility, provided

there is compliance with all of the applicable city, county, state and federal ordinances, statutes, rules and regulations.

- i. The owner and operator must comply with Federal Communications Commission regulations for radio frequency standards for the tower and all current and future co-location wireless systems.
 - j. Except for existing driveways on city-owned property, all access drives in areas for vehicular use shall comply with section 40-321, private roads.
 - k. The tower must be engineered and constructed to withstand ninety-mile per hour winds.
 - l. The applicant shall demonstrate by way of a written opinion of a registered engineer that the proposed tower meets all of the applicable local, state, and federal building requirements.
 - m. The owner and operator of the tower, and any subsequent owner or operator of the tower, must make reasonable accommodations for co-location of antennas or other similar devices to provide personal wireless service and/or functionally equivalent services by other providers upon payment of reasonable compensation under all of the circumstances and provided such co-location is technically feasible.
 - n. On an annual basis (February 1), the owner of the tower must certify to the city manager that the tower remains in operation and is structurally sound. Failure on the part of the owner to provide the required certification on an annual basis shall create a presumption that the tower has been abandoned. The city reserves the right to require the owner to list with specificity the uses being made of a tower including the dates of use; the names, addresses, telephone and facsimile numbers for those using it on such dates; and other information which city officials may deem necessary to verify such use.
 - o. Applications for new towers or antennas are also subject to the provisions of Section 514 of the Michigan Zoning Enabling Act, as amended (MCL 125.3514 et seq.) In the event that the provisions of this ordinance conflict with the provisions said Act, the provisions of the Act shall control.
4. *Site plan application.* A site plan application shall include the following information that will be used by the planning commission to review the tower application:
- a. Elements required under subsection 40-115.04.D.
 - b. A written report including a description of the tower with technical explanations of its design.
 - c. Documentation establishing the structural integrity of the tower's proposed use.
 - d. The maximum capacity of the tower and information necessary to ensure that ANSI standards are met, and what capacity is being proposed.
 - e. A statement of intent regarding co-location and the availability of potential leasable spaces.
 - f. Proof of ownership of the proposed site or authorization to utilize it.
 - g. Copies of any easements affecting the property.
 - h. An analysis of the topography of the site and its relationship with neighboring properties.
 - i. A study depicting where any portions of the tower could be seen within a two-mile radius of the site.
 - j. A tower that remains unused for its original purpose for a period of twelve (12) months or more shall be deemed abandoned. In the event of abandonment, the tower and any accessory structures must be removed by the owner, at the owner's sole expense, upon written notification by the City of Grand Haven. If the owner fails to comply with this provision, the city shall have the

right to remove or have removed the cellular tower and shall be permitted to charge the costs of removal against the real property on which the tower had been located.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-565. Reserved.

Sec. 40-566. Veterinary hospital.

- A. *Definition.* A facility where animals are given medical care and the boarding of animals is limited to short-term care incidental to the clinic use, which may or may not include boarding or kennel facilities. Kennel facilities are those lots or premises on which four (4) or more domestic animals, six (6) months of age or older are kept temporarily or permanently for the purposes of breeding, boarding, or sale.
- B. *Regulations and conditions.*
1. Animal wastes, biohazard materials, or byproducts shall be disposed of as required by the Ottawa County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than twice per week. No animal wastes, biohazard materials, or byproducts shall be buried or incinerated on site. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use approval for a veterinary clinic.
 2. Said use shall be located on a parcel not less than one-half (½) acre in size, provided all operations and the housing of animals are contained in one or more completely enclosed buildings.
 3. The application shall provide for measures acceptable to the planning commission to prevent any noise in excess of sixty (60) decibels at any property line.
 4. Boarding areas shall be fenced and located at least fifty (50) feet from any residential use.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-567. Well, oil and gas.

- A. *Definition.* An oil or gas well is a natural reservoir or common source of supply of oil or gas.
- B. *Regulations and conditions.* No well shall be drilled so that it crosses property lines or directionally deviates from its vertical course, subject to the following conditions:
1. No well shall be closer than one hundred (100) feet from any structure. This would not include a well house or structure constructed to house equipment ancillary to the well.
 2. The maximum height of the well structure shall be sixty (60) feet.
 3. All setback requirements of the I district shall apply to all well structures.
 4. No well shall be closer than three hundred (300) feet from a residentially zoned district.
 5. Ground water monitoring shall occur as required by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and Michigan Department of Natural Resources (MDNR).
 6. Continuous automated air quality monitoring shall be installed and maintained to detect releases of hazardous gasses or other airborne contaminants. Types of hazardous materials and exposure thresholds shall be determined by EGLE, MDNR, or other appropriate state agencies. Incidents of releases shall be promptly reported to local authorities by the well owner.

-
7. Any well which is located within three hundred (300) feet of any Sensitive Area Overlay, as defined in section 40-422, Sensitive Areas Overlay district, shall submit an environmental assessment to determine how the Sensitive Area location will not be negatively impacted by the well. The planning commission shall review the impact on the Sensitive Area Overlay according to the criteria in section 40-422.04.
 8. A twenty-four-foot-wide clear hard surfaced fire lane must be provided to and completely encircle the drilling well.
 9. A fire hydrant must be located within three hundred (300) feet of the drilling well.
 10. An eight-foot-high wrought iron or chain link fence must encircle the drilling well. The gate must be locked at all times when there is no one on site.
 11. A containment berm, with a liner designed to contain any liquids released from the well, must be constructed around the well during and after construction, subject to the following:
 - a. The capacity of the containment berm must be sufficient to protect surrounding land from a liquid release, and shall be calculated on a case-by-case basis, based on reasonable estimates of well capacity and emergency response time.
 - b. The exterior of the berm must be landscaped. A landscaping plan must be submitted for planning commission approval.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-568. Wind energy conversion system.

- A. *Definition.* A wind energy conversion system shall mean all, or any combination of, the following:
 1. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
 2. A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power;
 3. A shaft, gearing, belt, or coupling utilized to convey the rotation of the surface areas into a form suitable for driving a generator, alternator, or other mechanical or electricity producing device;
 4. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
 5. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- B. *Regulations and conditions.* The following standards shall apply to all wind energy conversion systems as defined herein.
 1. A wind energy conversion system shall be located on a parcel at least two and one-half (2½) acres in size.
 2. In addition to the special use application, the applicant shall submit an evaluation of the likely impacts of the proposed facility in the following areas:
 - a. Noise and vibration at any property line;
 - b. Potential impacts on wildlife, including native and migrating birds;
 - c. Shadow and glare impacts on adjacent properties; and
 - d. Aesthetic impacts of the windmill on adjoining properties.

-
3. The applicant shall also submit an appropriately scaled site plan, illustrating the following:
 - a. Property lines, dimensions, acreage, and contours with appropriate intervals for site evaluation;
 - b. Location and elevation of the proposed wind energy conversion system;
 - c. Location and dimensions of all existing structures and uses on the lot within three hundred (300) feet of the system;
 - d. Height of any structures or trees over thirty-five (35) feet in height within a five-hundred-foot radius of the proposed wind energy conversion system, whether on-site or off-site;
 - e. Surrounding land use and all structures irrespective of height, within five hundred (500) feet of the wind energy conversion system location;
 - f. Standard drawings of the structural components of the wind energy conversion system, including structures, tower, base, and footings. A registered engineer shall certify drawings and any necessary calculations that the system complies with all applicable local, state, and federal building, structural and electrical codes;
 - g. Evidence from a qualified individual that the site is feasible for a wind energy conversion system;
 - h. Certification from a registered engineer or qualified person that the rotor and overspeed control have been designed for the proposed use on the proposed site;
 - i. Written justification that there is a substantial need for the proposed use;
 - j. Registered engineer's certification of the design and safety of the proposed tower to withstand winds of ninety (90) miles per hour; and
 - k. Registered engineer's certification that if the windmill were to fall, no building or structure - existing or potential - would be damaged.
 4. Setbacks.
 - a. Wind energy conversion systems shall maintain a minimum setback of two (2) times the total height of the wind energy conversion system from any property line.
 - b. Wind energy conversion systems shall maintain a minimum setback of at least three (3) times the wind energy conversion system height from the right-of-way line of any public road or highway.
 - c. In all cases the wind energy conversion systems shall maintain a minimum distance of at least 1.25 times the wind energy conversion systems height from any habitable structure.
 5. Dimensions.
 - a. Wind energy conversion systems shall not exceed a total height of one hundred fifty (150) feet unless the parcel on which the wind energy conversion systems is to be located is ten (10) acres or larger, in which case the maximum total height may be two hundred (200) feet. Such total height shall include both support structure and the highest elevation of the windmill rotor.
 - b. In all cases the minimum height of the lowest position of the wind energy conversion system's blade shall be at least thirty (30) feet above the ground.
 6. Siting and design standards.
 - a. Wind energy conversion systems shall not be placed on visually prominent ridgelines.
 - b. Wind energy conversion systems shall be designed and placed in such a manner to minimize, to the greatest extent feasible, adverse visual and noise impacts on neighboring areas.

-
- c. Colors and surface treatment of the wind energy conversion systems and supporting structures shall, to the greatest extent feasible, minimize disruption of the natural characteristics of the site.
 - d. If the wind energy conversion systems are two hundred (200) feet tall, they shall be equipped with air traffic warning lights, which adequately warn oncoming air traffic without being unreasonably obtrusive to neighboring properties.
 7. Safety measures.
 - a. Each wind energy conversion system shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
 - b. The planning commission shall determine the height, color, and type of fencing for wind energy conversion system installation.
 - c. Appropriate warning signs shall be posted. The planning commission shall determine the type and placement of the signs, pursuant to paragraph 11. below.
 - d. Each wind energy conversion system shall be properly grounded to safely sustain natural lightning strikes in conformance with the National Electrical Code.
 8. An approved wind energy conversion system shall be exempted from height restrictions of the zoning district.
 9. Any wind energy conversion system facility shall be equipped with anti-climbing devices. Tower climbing apparatus shall not be located within twelve (12) feet of the ground. A locked, protective fence at least six (6) feet high shall enclose a tower capable of being climbed.
 10. The wind energy conversion system operator shall maintain a current insurance policy which will cover installation and operation of the wind energy conversion system. The amount of said policy shall be established as a condition of approval. The applicant shall provide documentation or other evidence from the dealer or manufacturer that the wind energy conversion system can be successfully operated in the climatic conditions found in the City of Grand Haven. The windmill shall be warranted against any system failures reasonably expected in severe weather operation conditions, as a condition of approval.
 11. Wind energy conversion systems shall include no sign or advertising of any kind, except for one sign, not to exceed two (2) square feet posted at the base of the tower, and said sign shall contain the following information:
 - a. "Warning: high voltage."
 - b. Manufacturer's name.
 - c. Operator's name.
 - d. Emergency phone number.
 - e. Emergency shutdown procedures.
 12. Wind energy conversion systems shall be designed and constructed so as not to cause radio and television interference.
 13. If any wind energy conversion system remains non-functional or inoperative for a continuous period of one year, the permittee shall remove said system at their expense. Removal of the system shall mean the entire structure, including foundations, transmission equipment, and fencing, from the property. If removal of towers and appurtenant facilities is required and the permit holder, or successors, fails to remove the towers and appurtenant facilities from the property within thirty (30) days from the date

of notification by the zoning administrator, the City of Grand Haven may proceed to remove the towers and appurtenant facilities; in which case, the salvage becomes property of the city; and costs of removing the facilities will remain the burden of the permit holder.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

ARTICLE VI. PARKING⁷

Sec. 40-600. General provisions.

Sec. 40-600.01. All uses.

- A. No parking area, driveway, or off-street parking space shall be constructed prior to issuance of a permit. A basic site plan is required in accordance with subsection 40-115.04.C., for driveways in commercial or residential areas. Driveways shall follow the standards set forth in section 40-606. A detailed site plan is required in accordance with subsection 40-115.04.D., for parking areas and off-street parking spaces.
- B. Off-street parking spaces and maneuvering lanes shall not be located within any required front or side yard, unless otherwise provided by this section 40-600. Private driveways serving one-family and two-family dwellings are exempt from this requirement.
- C. Wherever the city council shall establish off-street parking facilities by means of a special assessment district, or by any other means, the city council may determine, upon completion and acceptance of such off-street parking facilities by the city council, that all existing buildings and uses and all buildings erected or uses established thereafter within the special assessment district, or districts, may be exempt from the requirements of this section for privately supplied off-street parking facilities.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-600.02. Location and use of parking.

- A. Off-street parking for nonresidential uses shall be on the same lot or within five hundred (500) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking area or space. Off-street parking for residential uses shall be on the same lot; except in the case of shared driveways or recorded consolidated parking arrangement pursuant to section 40-605.03.
- B. Required off-street parking spaces shall not be replaced by any other use unless and until an equal number of parking spaces are provided elsewhere and are so provided in compliance with this ordinance.
- C. The sale, renting, leasing, or storage of construction trailers, merchandise or motor vehicles, or trailers for sale or rent, or the repair of vehicles is prohibited on off-street parking lots, except where law permits the sale of vehicles in an off-street parking lot owned by the owner of the vehicle that is for sale.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

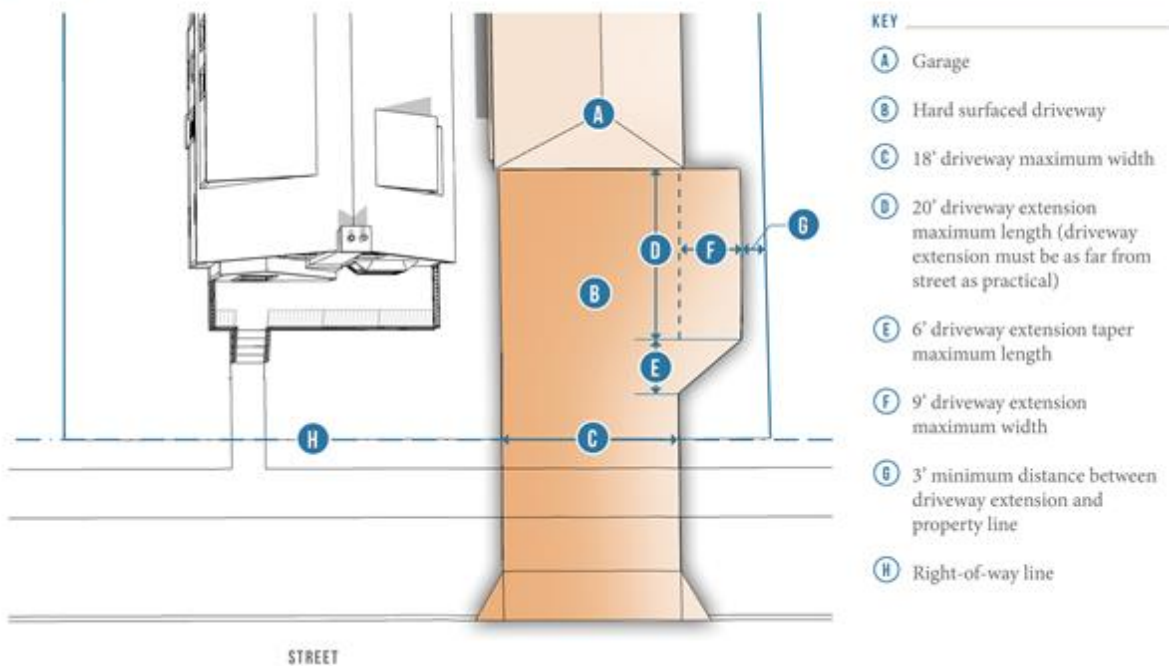
⁷Editor's note(s)—Ord. No. 2021-02 , § 1(Exh. A), adopted Jan. 4, 2021, amended art. VI in its entirety to read as herein set out. Former art. VI, §§ 40-600—40-606, pertained to similar subject matter and derived from an ordinance adopted March 5, 2007; and Ord. No. 15-06, § 1, adopted July 20, 2015.

Sec. 40-600.03. Specific parking requirements for one-family and two-family dwellings.

- A. Required off-street parking for one-family and two-family dwellings shall be provided within a garage, carport or on a paved driveway or as set forth in a recorded consolidated parking arrangement pursuant to section 40-605.03.
- B. Where the zoning administrator determines that irregular shape or size of a lot or a natural feature precludes the provision of the required number of off-street parking spaces, required off-street parking may be permitted in a required front yard or side yard, provided that the following is met:
 - 1. Automobiles shall be parked on an approved paved surface which shall extend as a continuous paved surface to the street; and
 - 2. Not more than fifty (50) percent of a required front or side yard shall be utilized as paved surface for the parking of automobiles.

DRIVEWAY REQUIREMENTS FOR ONE-FAMILY AND TWO-FAMILY DWELLINGS

FIGURE 6-1



- C. Access to enclosed or unenclosed parking shall be by means of a driveway which shall extend as a continuous uninterrupted way from the garage, former garage, parking structure, detached ADU, carport, or from a parking area approved pursuant to section 40-600.02, to a street or alley. Such driveway shall comply with the following standards:
 - 1. The driveway shall be an approved hard-surfaced driveway, paved with asphalt, concrete or other similar materials, which shall extend as a continuous uninterrupted pavement from the garage, former garage, parking structure or combination thereof, or from an approved hard-surfaced unenclosed parking apron, to a street or alley.
 - 2. The width of driveways extending from a garage, parking structure or combination thereof, shall not be wider than eighteen (18) feet, or the front width of the parking enclosure, whichever is greater. All

other driveways for one- and two-family dwellings may be up to eighteen (18) feet wide, provided however, one approved hard-surfaced driveway extension not more than nine (9) feet wide nor more than twenty (20) feet long may be placed along one side of the driveway and may extend beyond the front wall of the parking enclosure to a point no closer than one foot from an interior side or rear property line. A rolled curb may be required along the side or rear property line to prevent stormwater from entering adjacent properties. The length of the driveway taper for the extension shall not exceed six (6) feet. (see Figure 6-1)

3. The driveway extension shall be a physical extension of the driveway and shall be located at the far end of the driveway, furthest from the street right-of-way line.
 4. The width of a driveway at the front or corner front yard property line shall not exceed eighteen (18) feet.
 5. Driveway curb cuts shall be placed at least twenty-four (24) feet from an intersection measured from the edge of pavement.
- D. A one-family dwelling may have two (2) curb cuts, provided the driveway is a continuous driveway, extending uninterrupted from curb cut to curb cut. A two-unit dwelling may have two (2) separate driveways and curb cuts.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-601. Specific parking requirements for nonresidential uses in the LDR, MDR, DR, NS, CC, OS, S, E, OT, NMU, B, and TI districts.

New off-street parking areas serving nonresidential uses in the LDR, MDR, DR, NS, CC, OS, S, E, OT, NMU, B, and TI districts shall comply with the following requirements:

- A. Parking areas shall be located to the rear of the building to continue or establish a continuous facade wall along the street and/or to conceal the expanse of parking area. Where the planning commission determines such a configuration is not feasible, it may allow a parking area or portion thereof to be located to the side or front of the building; provided it is fully screened from public view with landscaping materials or a masonry wall in accordance with section 40-803.02.
- B. No more than fifty (50) percent of on-street parking spaces may be counted toward the off-street parking requirements, provided that:
 1. The on-street spaces are within a four-hundred-foot walking distance from the main entrance of the subject building;
 2. One bicycle rack capable of locking at least two (2) bicycles shall be provided within one hundred (100) feet of a building's main entrance for every ten thousand (10,000) square feet of building footprint.
 3. An on-street parking space shall not be counted unless its entire area falls within said four-hundred-foot walking distance;
 4. An on-street parking space shall not be counted if it is restricted in its use as a designated loading zone or if parking is prohibited for more than five (5) hours any twenty-four-hour period; and
 5. Regardless of the number of spaces that may be counted pursuant to this section, all new uses shall, at a minimum, provide sufficient off-street parking either on site or through an assured shared parking arrangement satisfactory to the planning commission for the employees anticipated to work at the subject site.

-
- C. Pedestrian connections to and from buildings and associated parking areas and adjacent sidewalks shall be provided.
 - D. Vehicular access to a parking area shall not be across land zoned or used for one-family dwellings.
 - E. Planning commission may grant relief on parking area setbacks and screening requirements in certain appropriate circumstances, as determined by the planning commission, for parking areas abutting a street or another parking area.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-602. Specific parking requirements for the C and MFR districts.

The following off-street parking requirements shall apply in the C and MFR districts along the east and west sides of Beacon Boulevard, South City limits to Woodlawn Avenue:

- A. Off-street parking may be permitted to a point thirty (30) feet distant from the right-of-way line.
- B. Pedestrian connections to and from buildings, associated parking areas, and adjacent sidewalks shall be provided.
- C. One bicycle rack capable of locking at least two (2) bicycles shall be provided within one hundred (100) feet of a building's main entrance for every ten thousand (10,000) square feet of building footprint.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-603. Specific parking requirements for the CB district.

The following off-street parking requirements shall apply in the CB district:

- A. A commercial parking facility shall comply with the maximum permitted height of the CB district.
- B. For nonresidential uses, not more than fifty (50) percent of on-street parking spaces may be counted toward the off-street parking requirements, provided that:
 - 1. The on-street spaces are within a four-hundred-foot walking distance from the main entrance of the subject building;
 - 2. Pedestrian connections to and from buildings, associated parking areas, and adjacent sidewalks shall be provided.
 - 3. One bicycle rack capable of locking at least two (2) bicycles shall be provided within one hundred (100) feet of a building's main entrance for every ten thousand (10,000) square feet of building footprint.
 - 4. An on-street parking space shall not be counted unless its entire area falls within said four-hundred-foot walking distance;
 - 5. An on-street parking space shall not be counted if it is restricted in its use as a designated loading zone or if parking is prohibited for more than five (5) hours any twenty-four-hour period; and
 - 6. Regardless of the number of spaces that may be counted pursuant to this section, all new uses shall, at a minimum, provide sufficient off-street parking either on site or through an assured shared parking arrangement satisfactory to the planning commission for the employees anticipated to work at the subject site.

-
- C. Pedestrian connectivity to and from buildings and associated parking areas or structures and adjacent sidewalks shall be provided.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-604. Number of parking spaces required.

Sec. 40-604.01. General requirements.

- A. Parking shall be provided in accordance with the number of spaces required in this section. Parking shall not exceed nor be less than the required spaces per unit of measure for new uses, except that the planning commission may approve additional or fewer spaces, provided the applicant demonstrates to the commission's satisfaction that adequate parking will be provided, excessive parking will be avoided, and snow storage is accommodated.
- B. A portion of the required parking area may be deferred until some future date, provided that adequate space on the property is reserved for future parking, and provided that the reserved area is used as open landscaped space until parking is constructed. A permit shall be required prior to construction of a deferred parking area.
- C. For uses not specifically listed, off-street parking shall be provided as required for the most similar use, as determined by the zoning administrator. The planning commission or zoning administrator may reference industry standards or professional technical publications to establish such requirements.
- D. When calculations determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one additional parking space.
- E. Handicapped spaces and loading spaces shall count toward the required number of spaces.
- F. Parking lots may be equipped with electric vehicle charging stations, and the city may require electric vehicle charging stations for parking lots that contain twenty-five (25) or more parking spaces.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-604.02. Waivers and reductions.

- A. A twenty-percent reduction of the number of spaces required may be permitted by the planning commission for a use located within eight hundred (800) feet of a regularly-scheduled, year-round transit service stop currently in use and for a use eight hundred (800) feet from a commercial parking facility, and where such reduction will not result in inadequate parking area.
- B. A twenty-percent reduction of the number of spaces required may be permitted by the planning commission for a new or expanding nonresidential use that dedicates carpool spaces, vanpools, transit passes, and similar alternative means of transportation for its employees, and where such reduction will not result in inadequate parking area.
- C. A reduction in the number of spaces may be permitted by the planning commission equivalent to one space for each four (4) covered or uncovered bicycle spaces or lockers.
- D. A fifty-percent reduction of the number of spaces required may be permitted by the planning commission for a new or expanding nonresidential use or building that is within a walking distance of four hundred (400) feet of a public parking facility.

Sec. 40-604.03. Required spaces per unit of measure.

	Use	Minimum Parking Per Unit of Measure
A.	<i>Residential uses</i>	
	1. Accessory dwelling	1 space per unit
	2. Boarding house	2 spaces for the principal dwelling use, plus 1 off-street space per rental unit
	3. Dwelling, one- and two-family	2 spaces per unit
	4. Dwelling, multiple-family	2 spaces per unit
	5. Manufactured housing community	2 spaces per dwelling, plus 1 off-street space per 10 dwelling units
	6. Residential above retail or office	1.2 spaces for each dwelling unit, plus parking for the nonresidential uses as determined in this section 40-604.03
	7. Sheltered housing	Applicant shall demonstrate parking demand, plus one space per employee/volunteer of the largest shift.
	8. Short-term rental	2 spaces per unit (up to six occupants), plus one space for every three occupants over six, based on approved occupancy for all structures on the site.
B.	<i>Institutional and related uses</i>	
	1. Airport	1 space per each five aircraft parking spaces
	2. Cemetery	1 space per employee of largest shift, plus 1 space for each 3 seats of seating capacity in any facility for interment services
	3. Educational facility	1 space per employee of largest shift, plus 1 space for each classroom and 1 space for each 4 seats of seating capacity in any auditorium or gymnasium
	4. Hospitals, clinics and urgent care	1 space per employee in the largest shift plus 1 space for each 3 beds dedicated to in-patient care and 1 space for each 1,000 square feet of area dedicated to out-patient services
	5. Library	Applicant shall demonstrate parking demand, but not less than 1 space per 500 square feet of gross floor area
	6. Nursing care facility	1 space per employee in the largest shift plus 1 space for each 4 beds
	7. Place of public assembly, large or small	1 space per 4 seats of legal capacity
	8. Trade and industrial school	Applicant shall demonstrate parking demand, but not less than 1 space per 300 square feet of gross floor area
C.	<i>Commercial Uses</i>	
	1. Automobile gasoline station	1 space per 150 square feet dedicated to retail activity, plus 1 space at each fuel pump, plus 1 stacking spaces per fuel nozzle
	2. Automobile repair, all types	1 space per employee of largest shift, plus 1 space per service bay
	3. Open air business	1 space per employee of largest shift, plus 1 customer space per 450 square feet of showroom

	4. Automobile wash	3 stacking spaces per bay, plus 1 space per 350 square feet of retail/office space, not including car wash bays.
	5. Bed and breakfast	2 spaces for the principal dwelling use, plus 1 off-street space per rental room
	6. Day care, group and commercial	2 spaces for the principal dwelling use, if applicable, plus 1 space per employee of largest shift, plus 1 space per 4 clients
	7. Drive-through business	5 stacking spaces per drive-through lane with window service or 3 stacking spaces for drive-through ATM, in addition to any spaces required for the non-drive-through uses
	8. Dry cleaning and laundry establishment, all types	1 space per 350 square feet of retail space, plus 1 space per each 3 coin-operated machines, if applicable, and 1 space for each employee of the largest shift
	9. Eating and drinking establishment	1 space per 3 seats of legal capacity
	10. Home occupation	2 spaces for the principal dwelling use, plus up to 2 additional off-street spaces
	11. Hotel and motel	1 space per rental room
	12. Live/work	1 space per unit, plus 1 space per 500 square feet of space devoted to business use
	13. Marina	1 space per 3 boat racks, plus 1 space per 1.5 boat slips
	14. Mixed use development	1.2 spaces for any dwelling unit, plus parking for any nonresidential uses as provided herein
	15. Mortuary	1 space per employee of largest shift, plus 1 space per 4 seats of legal capacity
	16. Multi-tenant commercial establishment	Applicant shall demonstrate parking demand, but not less than 1 space per 300 square feet of gross floor area
	17. Open air business	1 space per 350 square feet of indoor space devoted to retail activity, plus 1 space for each 2,000 square feet of outdoor display area
	18. Personal service business	1 space per 350 square feet of gross floor area
	19. Recreation facility, commercial	Applicant shall demonstrate parking demand
	20. Recreation facility, outdoor	Applicant shall demonstrate parking demand
	21. Retail business or retail sales dealing primarily in consumable and convenience goods	1 space per 150 square feet of gross floor area up to 50,000 square feet of gross floor area plus 1 space for each 350 square feet of gross floor area in excess of 50,000 square feet
	22. Retail business or retail sales dealing primarily in durable goods	1 space per 250 square feet of gross floor area up to 10,000 square feet, plus 1 space for each 350 square feet of gross floor area in excess of 10,000 square feet
	23. Service establishment accessory to a principal use	Applicant shall demonstrate parking demand
	24. Sexually oriented business	1 space per 350 square feet of gross floor area
	25. Showroom	1 space per 450 square feet of gross floor area
D.	<i>Office and service uses</i>	
	1. Medical office	1 space for each employee of the largest shift plus 1 space per 200 square feet gross floor area
	2. Office building	1 space per 300 square feet of gross floor area

	3. Governmental building	1 space per 300 square feet of gross floor area, unless planning commission determines a lesser parking allotment will effectively serve the use
	4. Professional service establishment	1 space per 450 square feet of gross floor area
	5. Veterinary hospital	1 space per 300 square feet of gross floor area
E.	<i>Industrial, Storage and Related Uses</i>	
	1. Contractor's establishment	1 space per employee of the largest shift plus 1 space for each 500 square feet of any retail or showroom space
	2. Manufacturing, compounding, or processing	1 space per employee of largest shift plus 1 space per 2,000 square feet of gross floor area
	3. Municipal uses—Utilities	Applicant shall demonstrate parking demand
	4. Power generating facility	1 space per employee of largest shift, plus 5 visitor spaces
	5. Research and development	1 space per employee of largest shift, plus 5 visitor spaces
	6. Self-service storage facility	1.5 spaces per 100 storage units
	7. Warehouse	5 spaces plus 1 per employee on the 2 largest shifts
	8. Wholesale facility	1 space per 350 square feet of sales space, plus 1 space per employee of largest shift

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-605. Dimensional requirements for parking.

Sec. 40-605.01. In general.

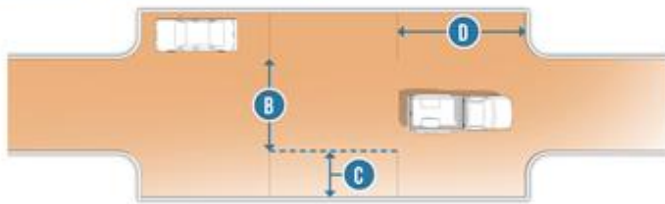
- A. All off-street parking spaces shall be provided adequate access by means of maneuvering lanes; access directly onto a street or public right-of-way shall be prohibited.
- B. Maneuvering lanes for ninety-degree parking patterns shall accommodate two-way traffic.
- C. Up to twenty (20) percent of required parking spaces may be provided as marked spaces dedicated to compact vehicles. Dimensions of such spaces shall be provided as indicated below.
- D. Parking spaces and maneuvering lanes shall be provided in accordance with the requirements below.

Parking Pattern	Minimum Maneuvering Lane Width	Parking Space Width	Parking Space Length	Compact Vehicle Space Dimensions
0° (parallel)	12 feet	8 feet	23 feet	7' × 18'
30° to 53°	12 feet	9 feet	20 feet	same
54° to 74°	15 feet	9 feet	19 feet	same
75° to 90°	22 feet	9 feet	19 feet	8' × 16'

DIMENSIONAL REQUIREMENTS FOR PARKING

FIGURE 6-2

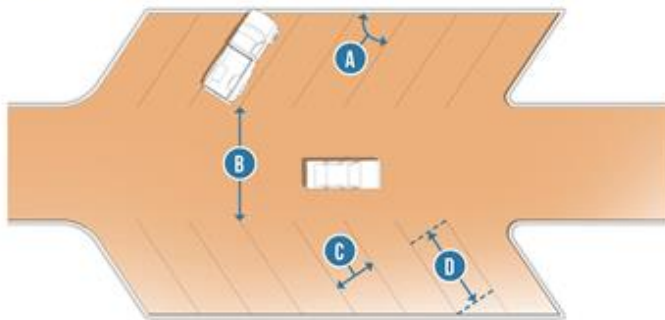
PARKING ELEMENTS: 0° (PARALLEL) PARKING PATTERN



KEY

- Ⓐ Parking pattern angle
- Ⓑ Maneuvering lane width
- Ⓒ Parking space width
- Ⓓ Parking space length

PARKING ELEMENTS: 0° - 90° PARKING PATTERNS



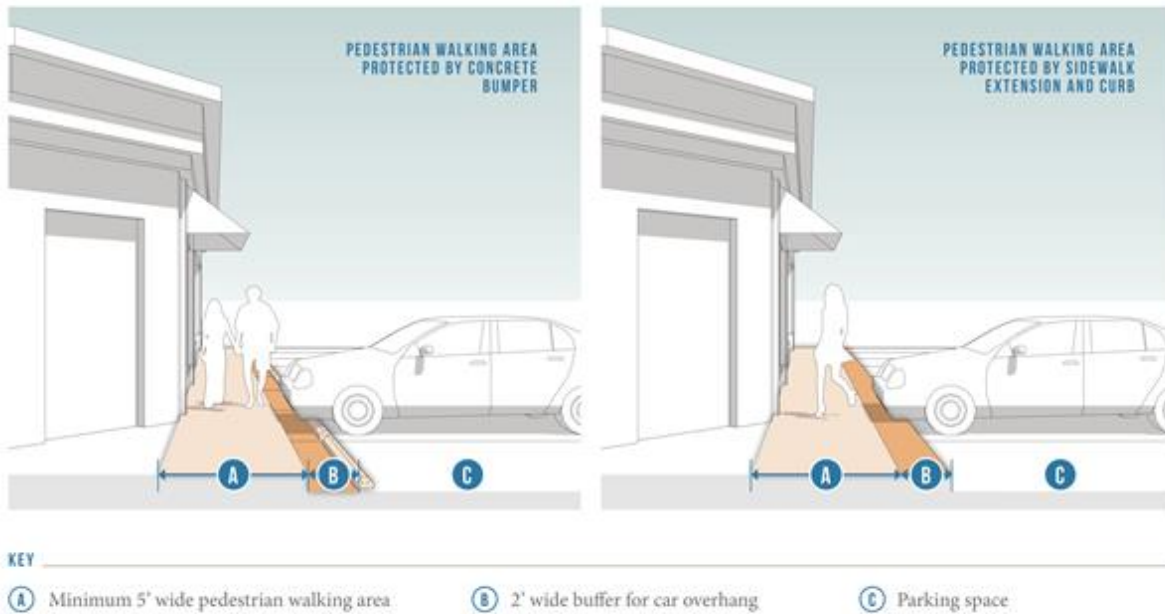
(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-605.02. Parking design requirements.

- A. All off-street parking areas, maneuvering lanes, access drives, loading spaces, and private residential driveways, shall be bituminous, concrete or approved pavers. All such areas shall be paved within eight (8) months from the date a permit is issued to install the parking area. The planning commission may waive this requirement if it finds that porous pavement would significantly reduce stormwater runoff and blowing dust would be prevented.
- B. New access points to off-street parking lots shall be located a minimum of twenty-four (24) feet from a street intersection and if not located on a property line as a shared driveway, shall be located a minimum of five (5) feet from a property line. The area between the driveway and the property line shall be landscaped to provide a buffer between motor vehicles and the adjacent property, in accordance with section 40-803.02, required parking area screening.
- C. If provided, parking area lighting shall comply with section 40-317, lighting.
- D. Parking areas shall have barriers such as concrete bumpers or curbs to prevent vehicles from extending over or into any public sidewalk, walkway, right-of-way, or adjacent property, and an area at least two (2) feet in width shall be provided for this purpose and to ensure that adjacent sidewalks maintain a minimum width of at least five (5) feet. Parking areas shall include striping delineating each individual parking space.
- E. Off-street parking lots shall be designed to effectively manage stormwater using low impact design methods and stormwater management best practices.

PARKING ADJACENT TO SIDEWALKS

FIGURE 6-3



- F. Shared access drives between separate parking areas shall be provided where appropriate and reasonable, as determined by the planning commission.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-605.03. Shared parking requirements for nonresidential uses.

- A. Two (2) or more buildings or uses may collectively provide the combined and required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In the instance of such dual use of off-street parking spaces where operating hours of buildings do not conflict or overlap, the planning commission may grant an exception to the preceding standard and permit a reduction of the combined sum of required parking.
- B. Shared parking areas may be located on a different lot than the subject building or use that it serves, where the following conditions are met:
1. The parking area is located no more than four hundred (400) feet from the main entrance of the subject building or use it serves.
 2. The sharing of parking shall be guaranteed via a legally binding and recorded agreement between the owner of the parking area and the owner of the buildings or uses which is located on a different lot served by the parking area. Such agreement shall be submitted to the city for review and approval and address the issue of how parking will be shared, maintained, and be adequate if the parties modify operating hours or other factors. The planning commission may waive the requirement for a recorded agreement where it finds sufficient alternative documentation of an assured long-term shared parking arrangement.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-605.04. Shared parking requirements for short-term rentals.

Each short-term rental shall have independent access to the adjacent roadway which shall not include shared-driveway access. The requirements of this subsection may be waived upon written consent of all property owners utilizing a shared-driveway. Such written consent shall be in the form of a shared parking agreement signed by all applicable property owners acknowledging permission for transient use of the shared-driveway. The agreement shall contain a statement recognizing that the waiver of the requirements of this subsection is contingent upon continued cooperative use of the shared-driveway and that the waiver may be revoked by the zoning administrator for repeated complaints of shared-driveway blockage and/or other abuses. The agreement shall be submitted to the city for review to ensure its compliance with this subsection. Additionally, the planning commission may waive the requirement for an agreement where it finds sufficient alternative documentation of an assured long-term shared parking arrangement.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-605.05. Loading spaces.

- A. Loading spaces shall be provided on the same property as any nonresidential use involving the receipt or distribution of materials or merchandise.
- B. Loading spaces shall be provided adequate access by means of maneuvering lanes; access directly onto a street or public right-of-way shall be prohibited.
- C. Loading spaces shall be located within the rear yard or side yard in any zoning district other than the CB or B districts. Landscaping and buffering, in addition to that required by section 40-803.02, required parking area screening, shall be provided to fully screen loading spaces from public view when located in an interior side yard, unless the planning commission determines such screening is not needed based on existing land uses, site features, or topography.
- D. Loading spaces shall be at least ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.
- E. Loading spaces shall be provided in accordance with the requirements below. The planning commission may approve modification of the requirements, if it finds that adequate loading and unloading space will be provided.

Square feet of Principal Permitted Building on a Property	Minimum Number of Loading Spaces Required
Up to 5,000	0
5,001 to 20,000	1
20,001 to 100,000	2
1 additional space is required per additional 50,000 square feet	

- F. Loading spaces shall be located so loading and unloading activities do not interfere with pedestrian or private motor vehicle movement.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-606. Driveways and curb cuts.

- A. Driveways serving a one-family dwelling or a two-unit dwelling shall conform to the standards of section 40-600.03(C).
- B. In the LDR, MDR, MFR, NS, OS, CB, B, WF, WF-2, CC, and PD districts, driveway curb cuts shall be placed at least twenty-four (24) feet from an intersection measured from the edge of pavement.
- C. In the C, TI, and I districts, driveway entrances and exits to a property shall comply with the following standards unless superseded by state or federal statute or rule.
 - 1. The location of a driveway curb cut to any street shall be a minimum of twenty-four (24) feet from an intersection of any two (2) streets, measured from the edge of the respective rights-of-way. Provided that, parcels greater than one hundred (100) feet in width, shall have driveways curb cuts at least sixty (60) feet from an intersection measured at the edge of the public right-of-way.
 - 2. Driveway curb cuts shall be aligned with driveways on the opposite side of the street or offset a minimum distance of thirty (30) feet, measured from centerline to centerline.
 - 3. Driveways on the same side of a local street shall be separated by at least thirty (30) feet, measured from the edge of pavement. Provided, that common or shared drives shall have zero distance between them but shall comply with required distances from intersections and other driveways as set forth in this section.
 - 4. Exit-only or entrance-only driveways shall be a minimum of ten (10) feet wide, and no more than eighteen (18) feet in width. All other driveways shall be a minimum of eighteen (18) feet but no more than thirty-five (35) feet in width.
- D. For any site plan addressing a property located in an area without curbs and gutters or defined existing driveways, the planning commission shall establish appropriate driveway widths and alignment and may require on-site features such as lane striping or curbing to define driveway location and turning movements.
- E. All driveways shall be paved with asphalt, concrete, pavers or other materials acceptable to the planning commission and connect to a private road, private road easement, or public right-of-way.
- F. Commercial driveway spacing.
 - 1. Subject to subsection 40-606.G., the minimum spacing between two (2) commercial driveways shall be determined based upon the posted speed limits along the parcel frontage. The minimum spacing shall be guided by Table 40-606 below, measured from centerline to centerline:

Table 40-606	
Posted Speed Limit	Minimum Separation (feet)
25	105
30	125
35	150
40	185

- 2. To reduce left-turn conflict new commercial driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset the distance indicated in Table 40-606.

-
3. For sites with insufficient street frontage to meet the above separation standards, the planning commission may require a driveway along a side street or a shared driveway or other approach to achieve appropriate and safe site access.
 4. In the case of expansion, alteration, or redesign of an existing development where preexisting conditions prohibit strict compliance with driveway spacing requirements, the planning commission may modify the requirements.
 5. For new uses or changes in uses, driveways intersecting Beacon Blvd (US-31) shall be subject to approval by the Michigan Department of Transportation (MDOT).
- G. Upon the recommendation of the zoning administrator, the planning commission may approve a site plan that does not comply the requirements of this section where local conditions make full compliance impossible, providing the distances between the new driveway from street intersections and other driveways is the greatest possible.
- H. Access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement serving a like function, and not in excess of seven (7) inches above the grade upon which it is placed, shall for the purposes of this chapter, not be considered to be a structure, and shall be permitted in any required yard.
- I. An existing nonconforming driveway may be repaired and replaced in its current location and form, provided that the degree of nonconformity is not increased.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

ARTICLE VII. SIGNAGE⁸

Sec. 40-700. Purpose and scope.

The purpose of this article is to regulate the size, number, location and manner of construction and display of signs in the City of Grand Haven. This article is further intended to protect all zoning districts from visual chaos and clutter, eliminate distractions hazardous to motorists, protect appropriately identified uses from excessive signage, provide ability for the public to identify premises and establishments, encourage creativity of sign design and enhance the aesthetics of the community.

(Ord. No. 19-07 , § 2, 3-4-19)

Sec. 40-701. General standards for all signs.

- A. All signs shall conform to all applicable codes and ordinances of the city and shall be approved by the building inspector or zoning administrator, and a permit issued.
- B. Sign area.

⁸Editor's note(s)—Ord. No. 19-07 , § 2, adopted March 4, 2019, repealed art. VII in its entirety and enacted new provisions to read as herein set out. Former art. VII, §§ 40-700—40-710, pertained to similar subject matter, and derived from the original zoning code; Ord. No. 12-05 , § 1, adopted Oct. 1, 2012; Ord. No. 13-06, § 1, adopted Dec. 2, 2013; and Ord. No. 15-07, § 1, adopted Sept. 8, 2015.

-
1. The area of a sign shall be measured within a single, continuous rectilinear perimeter composed of no more than eight (8) straight line segments which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces and/or uprights of the sign.
 2. When two (2) sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart at any point, the sign area shall be computed by the measurements of one of the faces.
- C. Sign setbacks. All signs shall be set back a minimum of one-half (½) of the front yard setback, except for sandwich board signs.
- D. Height. Sign height shall be measured as the vertical dimension from the median natural grade to the highest point of the highest attached component of the sign. A sign shall not extend above the roof line of a building to which it is attached.
- E. Where a projecting sign, marquee sign, suspended sign, or similar element projects or protrudes over any public or private sidewalk or walkway, the bottommost point of the sign structure shall be at least nine (9) feet from said walkway. Projecting signs, including brackets, shall not project more than forty-eight (48) inches from the face of a building or wall and shall not exceed twelve (12) square feet in sign area.
1. If any projecting sign or suspended sign is suspended over a public property, public street, sidewalk or alley, the owner of such sign shall keep in force a public liability insurance policy in the minimum amount of one million dollars (\$1,000,000.00). In addition, when a sign is extending over a public right-of-way, an encroachment permit must be obtained, which will require showing the insurance coverage and will have to be renewed every three (3) years. The licensee shall at all times carry liability insurance in such amounts as are satisfactory to the city, and issued by companies acceptable to the city, licensed in the State of Michigan naming the city as an additional insured on any such policy. Licensee will file with the city certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the city shall be given thirty (30) days' written notice before a cancellation in coverage may occur.
 2. If at any time the insurance policy is canceled, the projecting sign or suspended sign shall be immediately removed. In the event the sign is not so removed, the City of Grand Haven shall have the right to remove the sign and repair the facade at the expense of the property owner.
- F. Illumination. Unless further regulated elsewhere in the ordinance, sign illumination shall be opaque background with internally lit lettering, facelit channel lettering, backlit lettering or externally lit. When illumination of signs is permitted, illumination shall comply with the following requirements:
1. Illumination shall not be flashing, blinking, intermittent, or an on-and-off type of lighting; provided, however, that neon lighting shall be permitted on signs in the CB district except for projecting signs.
 2. Illumination shall be arranged so that light is deflected away from adjacent properties so that no direct sources of light shall be visible to any motorist or pedestrian located in a public right-of-way or street easement or from any adjacent property.
 3. External illuminated sign. Any external lighting of signs shall be downward facing, shielded, or otherwise directed to illuminate only the sign face.
 4. Internal illuminated sign. Sign faces shall be opaque so that individual lamps are muted and cannot be distinguished behind the sign face. Only the sign face may be internally illuminated.
 5. Backlit illuminated sign. Individual bulbs and light sources shall not be visible.

-
- G. Electronic message board signs. All electronic message board signs shall be regulated/operated by the following standards:
1. In the C district:
 - a. One electronic message board sign is permitted for each lot.
 - b. Electronic message board signs shall not flash, scroll, blink, strobe or show moving pictures.
 - c. Messages may not change more than once every three (3) seconds.
 - d. Electronic message board signs shall be fitted with automatic sensors that adjust their brightness and intensity during daylight and nighttime hours. The overall brightness and intensity shall only be enough to make the sign legible and shall not create a nuisance or a traffic hazard.
 - e. Electronic message board signs shall be secondary to a traditional stationary sign and shall not exist as the sole sign, but in no instance shall such sign exceed fifty (50) percent of the traditional stationary sign area.
 2. For all educational facilities, except for public schools under the jurisdiction of the Michigan Superintendent of Public Instruction (as defined by section 40-201.05):
 - a. One electronic message board sign is permitted when all of the following conditions are met:
 - 1) Lot is greater than two (2) acres in size and a principal use occupies the subject lot.
 - 2) Facility enrollment is greater than one hundred (100) students.
 - b. Electronic message board signs shall not flash, scroll, blink, strobe or show moving pictures.
 - c. Messages may not change more than once every five (5) minutes.
 - d. Electronic message board signs shall be fitted with automatic sensors that adjust their brightness and intensity during daylight and nighttime hours. The overall brightness and intensity shall only be enough to make the sign legible and shall not create a nuisance or a traffic hazard.
 - e. Electronic message board signs must be turned off between 10:00 p.m. and 6:00 a.m.
 - f. Electronic message board signs shall be integrated into the traditional stationary sign and shall not exist as the sole sign, but in no instance shall such sign exceed fifty (50) percent of the traditional stationary sign area.
 - g. Electronic message board signs may only be part of a ground sign.
 3. For all places of public assembly, large (as defined by section 40-201.16):
 - a. One electronic message board sign is permitted on lots greater than three (3) acres in size.
 - b. Electronic message board signs shall not flash, scroll, blink, strobe or show moving pictures.
 - c. Messages may not change more than once every 60 minutes.
 - d. Sign must have a black background with amber color lettering/text.
 - e. Electronic message board signs shall be fitted with an automatic sensor that adjust their brightness and intensity during daylight and night time hours. The overall brightness and intensity shall only be enough to make the sign legible and shall not create a nuisance or a traffic hazard.
 - f. Electronic message board signs must be turned off between 10:00 p.m. and 6:00 a.m.

-
- g. Electronic message board signs shall be integrated into the traditional stationary sign ad shall not exist as the sole sign, but in no instance shall such sign exceed fifty (50) percent of the traditional stationary sign area.
 - h. Electronic message board signs may only be part of a ground sign.
- H. Maintenance. All signs shall be maintained in a safe condition with proper bracing, anchorage and foundation and be subject to inspection by the building inspector or zoning administrator or other designated representative. Unsafe signs or those in disrepair shall be repaired or removed by the owner, or removed by the city at the expense of such owner, upon written notice by the City of Grand Haven.
 - I. Location. In addition to the required setbacks, no sign shall be located where, in the opinion of the zoning administrator, it will obstruct the clear vision corner per section 40-307.
 - J. Covering. Covering around one or more pole supports of a pole sign shall be permitted and limited to a total width of not more than fifty (50) percent of the width of the sign face. Signage or copy shall not be permitted on pole coverings.
 - K. Where a proposed sign appears to meet the definition of more than one sign, the most restrictive requirements and limitations of the defined sign types shall apply.
 - L. Wall signs. Wall signs shall not extend further than six (6) inches from the face of the wall to which it is attached. The maximum width of a wall sign shall not exceed ninety (90) percent of the width of the wall to which the sign is attached.
 - M. A maximum of one temporary pennant, searchlight, flag, feather flag, banner or bunting, but not including large, lighter than air, advertising balloons, shall be permitted on nonresidential properties in the NMU, OS, C, CB, B, CC, WF, WF-2, TI or I Districts for a period of thirty (30) days upon application and permit. No such pennant, searchlight, flag, feather flag, banner or bunting shall be redisplayed on the same premises until the expiration of an interim period of ninety (90) days. This signage is in addition to the temporary yard signage allowable under section 40-703.M.
 - N. The lower most edge of the sign face of a pole sign shall not be closer than ten (10) feet from natural grade.
(Ord. No. 19-07 , § 2, 3-4-19)

Sec. 40-702. Sign permit required.

Unless listed as an exempt sign in section 40-703, a land use permit is required for all new signs or sign replacement as set for in section 40-111.02, land use permit.

(Ord. No. 19-07 , § 2, 3-4-19)

Sec. 40-703. Exempt signs.

The following signs shall be exempt from the permitting requirements in this article. However, specific requirements of this section shall apply if noted.

- A. Any public notice, traffic control or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- B. Property address and owner identification up to one square foot in area.
- C. Any sign wholly located within a building and not visible from outside the building. This does not include window signs.

-
- D. Holiday lights and decorations with no commercial message.
 - E. Works of art that do not contain a commercial message.
 - F. Minor signs, provided the following standards are met:
 - 1. Minor signs shall not exceed six (6) square feet in area or six (6) feet in height. Minor signs may be located on adjacent property with written approval from the adjacent property owner. Signs located at drive-throughs shall not exceed forty-eight (48) square feet in area or six (6) feet in height.
 - 2. Signs on gas pumps shall not exceed three (3) square feet.
 - G. Governmental historical designation signs.
 - H. Window signs. Window sign coverage shall not exceed twenty-five (25) percent of window area provided per building elevation.
 - I. Special event signage on public property.
 - J. City way finding signs consistent with accepted graphic identity and as approved by the city manager on public or private property.
 - K. Temporary yard signs.
 - 1. A lot or parcel shall be limited to one (1) sign per street frontage.
 - 2. Extra signs are permitted during a time period of thirty (30) days prior to an election date to seven (7) days after the election date, and during times of emergency pursuant to section 40-111.01.E to allow businesses the ability to adequately advertise business practices.
 - 3. Signs shall not exceed three (3) square feet in area on residential property and twelve (12) square feet in area on nonresidential property. This size limitation does not apply during times of emergency pursuant to section 40-111.01.E.
 - L. Temporary yard signs on residential or commercial construction sites.
 - 1. A lot or parcel shall be limited to one sign per street frontage.
 - 2. Signs shall not exceed twelve (12) square feet in area in residential districts and thirty-two (32) square feet in area in nonresidential districts.
 - 3. Signs shall not exceed ten (10) feet in height.
 - 4. Signs shall be subject to a one-foot setback from any property line and right-of-way.
 - 5. Signs shall be confined to the site of the construction and shall be removed within fourteen (14) days after the issuance of an occupancy permit.

(Ord. No. 19-07 , § 2, 3-4-19; Ord. No. 2020-06 , § 6, 6-1-20)

Sec. 40-704. Prohibited signs.

The following signs shall not be allowed in any district.

- A. Signs which are obsolete, that do not relate to existing business or products for sale or available on the site.
- B. Signs which are illegal under state laws or regulations and applicable local ordinances or regulations, and which are not consistent with the standards in this ordinance.

- C. Signs that are not clean and in good repair, and signs that are out of compliance with applicable building and electrical codes.
- D. Air filled balloons, air dancer signs, and lighter than air signs.
- E. Signs not securely affixed to a supporting structure.
- F. Signs that are not official traffic signs that appear to or attempt to regulate, warn, or direct the movement of traffic, which interfere with or resemble any official traffic sign, signal, or device, or which may obstruct a motorist's vision.
- G. Signs for minor home occupations.
- H. Signs located in, projecting into or overhanging within a public right-of-way or dedicated public easement, provided the following shall be permitted with the following requirements:
 - 1. Official traffic signs posted by a governmental agency;
 - 2. Public transit signs, including bus stop signs and routing signs, erected by a public transit company;
 - 3. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
 - 4. Projecting, marquee, and suspended signs projecting over a public right-of-way as permitted and regulated in the CB, NMU, OT and S districts;
 - 5. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the right-of-way;
 - 6. Temporary signs, banners, or directional signs approved by the city council. The city council shall establish sign area standards and a time period for any temporary sign, banner or directional sign within the public right-of-way; and
 - 7. Sandwich board signs provided all other requirements of this article are met.
- I. Truck or trailer mounted signs. No sign or other advertising structure shall be painted on or be attached to a motor vehicle used primarily for the display of such sign, including, but not limited to a billboard truck. This section shall not prohibit the identification of a business or its products or services on its vehicle(s) operated and parked in a manner appropriate to the normal course of business.

(Ord. No. 19-07 , § 2, 3-4-19)

Sec. 40-705. Permitted signs.

In addition to the above standards, the following signs are permitted in the various zoning districts as follows:

Residential Districts: LDR, MDR, MFR, DR, NS, S, E, OT	
Wall Sign for Dwelling with a Major Home Occupation	
Max. Number	1
Max. Sign Area	6 sq. ft.
Illumination	downward facing external
Bed and Breakfast	
Max. Number	one (1) ground or one (1) wall
Max. Sign Area	4 sq. ft.
Illumination	Not permitted
<i>Two (2) non-illuminated directional signs are permitted and shall not exceed one and one-half (1½) sq. ft. in area</i>	

Created: 2021-12-13 14:17:44 [EST]

(Supp. No. 13)

Wall sign for a Short-Term Rental	
Max. Number	1
Max. Sign Area	4 sq. ft.
Illumination	Not permitted
Ground Sign on a Nonresidential Property	
Max. Number	1 per frontage
Max. Sign Area	32 sq. ft.
Max. Height	6 feet
Min. Setback	½ required front yard setback
Illumination	Not permitted
Wall Sign on a Nonresidential Property	
Max. Number	1 per frontage
Max. Sign Area	32 sq. ft.
Illumination	Not permitted
Non-Residential Districts: NMU, OS, CB, C, B, WF, WF-2, CC, TI, I	
Wall, Awning, and Projecting Signs	
Max. Number	No limit
Max. Sign Area for all signs	60 sq. ft.
	100 sq. ft. in C, TI, and I Districts
Illumination	Permitted
Ground Sign	
Max. Number	1 per frontage
Max. Sign Area	32 sq. ft.
	100 sq. ft. on lots of record having at least 90 feet of frontage on US-31
Max. Height	6 feet
Min. Setback	½ required front yard setback
Illumination	Permitted
Pole Sign	
Max. Number	one, in lieu of one permitted ground sign on lots of record having at least 90 feet of frontage on US-31
Max. Sign Area	100 sq. ft.
Max. Height	20 feet
Min. Setback	½ required front yard setback
Illumination	Permitted
Sandwich Board Signs: See section 40-707 for regulations	
Gas Station Canopy Signs	
Max. Number	2; one per side of canopy fascia
Max. Sign Area	24 sq. ft.
Illumination	Permitted
Bed and Breakfast	
Max. Number	one ground or one wall
Max. Sign Area	4 sq. ft.
Illumination	Not permitted
<i>Two (2) non-illuminated directional signs are permitted and shall not exceed one and one-half (1½) sq. ft. in area</i>	
Mixed Use Development or Multi-Tenant Commercial Development	
Max. Number	one wall sign per building entrance

Max. Sign Area	15% of wall area of the portion of the building that the entrance serves; max. 100 sq. ft.
Illumination	Permitted

(Ord. No. 19-07 , § 2, 3-4-19)

Sec. 40-706. Special purpose signs.

Upon submittal of a basic site plan, per section 40-115, the planning commission may consider approval of a special purpose sign which does not exceed the permitted sign area in the underlying zoning district, but such sign type is not contemplated in this section. In making its determination, the planning commission may consider:

- A. The compatibility of the proposed sign in relationship to the type and location of signage on adjacent parcels;
- B. The conformance of the proposed sign to the general standards for all signs; and
- C. The durability of sign materials, and compatibility with the building for which the sign serves.

(Ord. No. 19-07 , § 2, 3-4-19)

Sec. 40-707. Design standards for sandwich board signs.

Sandwich board signs are permitted in all nonresidential zoning districts (NMU, OS, CB, C, B, WF, WF-2, CC, TI, I) and are subject to the following requirements:

- A. Shall be no greater than six (6) square feet in size, forty-two (42) inches in height, and thirty (30) inches in width.
- B. Shall be located not more than twenty-four (24) inches from the storefront or building entrance for the use to which it serves.
- C. Shall not block pedestrian access.
- D. Shall be stored indoors outside of business hours of operation.
- E. Shall be constructed of durable materials and be clearly portable in terms of size, weight, and placements.

(Ord. No. 19-07 , § 2, 3-4-19)

Sec. 40-708. Design standards for awnings.

Awning signs shall meet the following standards:

- A. In the CB, NMU, WF and WF-2 districts:
 - 1. Awnings shall be constructed of an opaque material only.
 - 2. Lighting shall be downward facing illuminating the area beneath the awning, downward facing illuminating the awning, or upward facing directed at the sign upon the awning.
- B. In all other districts where awnings are permitted, awnings may be constructed of opaque or translucent material; however, no light shall be emitted from the perimeter edges of the awning.

(Ord. No. 19-07 , § 2, 3-4-19)

Sec. 40-709. Nonconforming landmark signs.

The planning commission may find that an existing nonconforming sign has achieved a desirable landmark status such that the sign may be fully replaced in kind, the provisions of section 40-119.04, nonconforming structures, notwithstanding. One of the following criteria must be met to be considered a landmark sign:

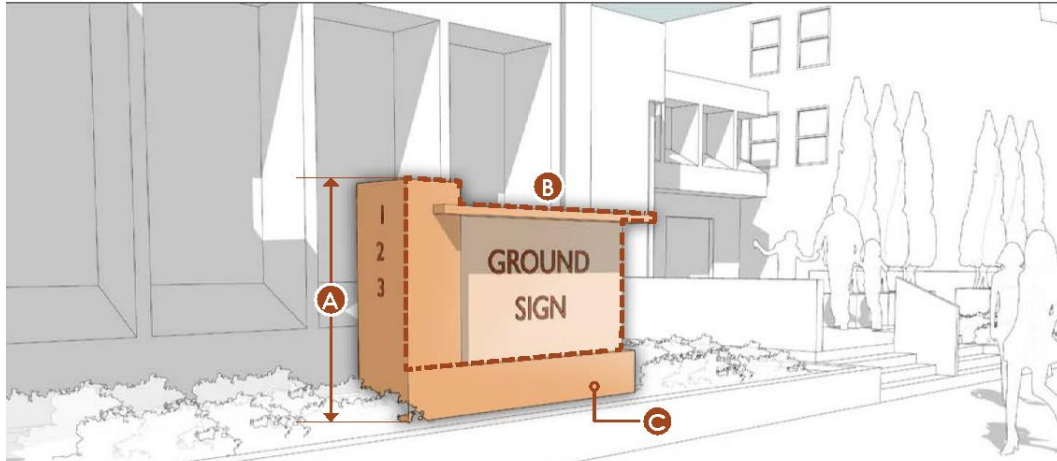
- A. Sign must be exemplary technology, craftsmanship, or design of the period in which it was constructed.
- B. Sign is integrated into the architecture of a significant building or structure.
- C. Sign demonstrates extraordinary aesthetic quality, creativity, or innovation as determined by the planning commission.

(Ord. No. 19-07 , § 2, 3-4-19)

Sec. 40-710. Sign graphics.

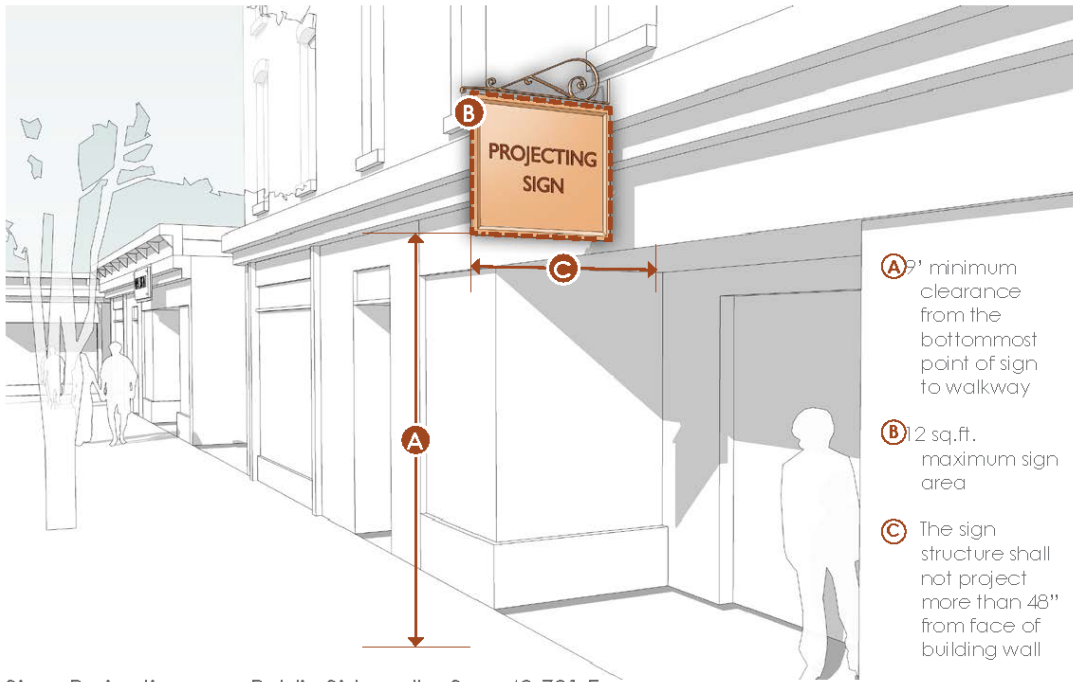


Sign Area. Sec. 40-701.B



- (A) Height is measured from median natural grade to top of sign
- (B) Measure the sign using a single, continuous rectilinear perimeter comprised of no more than 8 straight line segments to frame extreme limits of the message sign
- (C) The sign base is not included in sign area calculations

Sign Height. Sec. 40-701.D



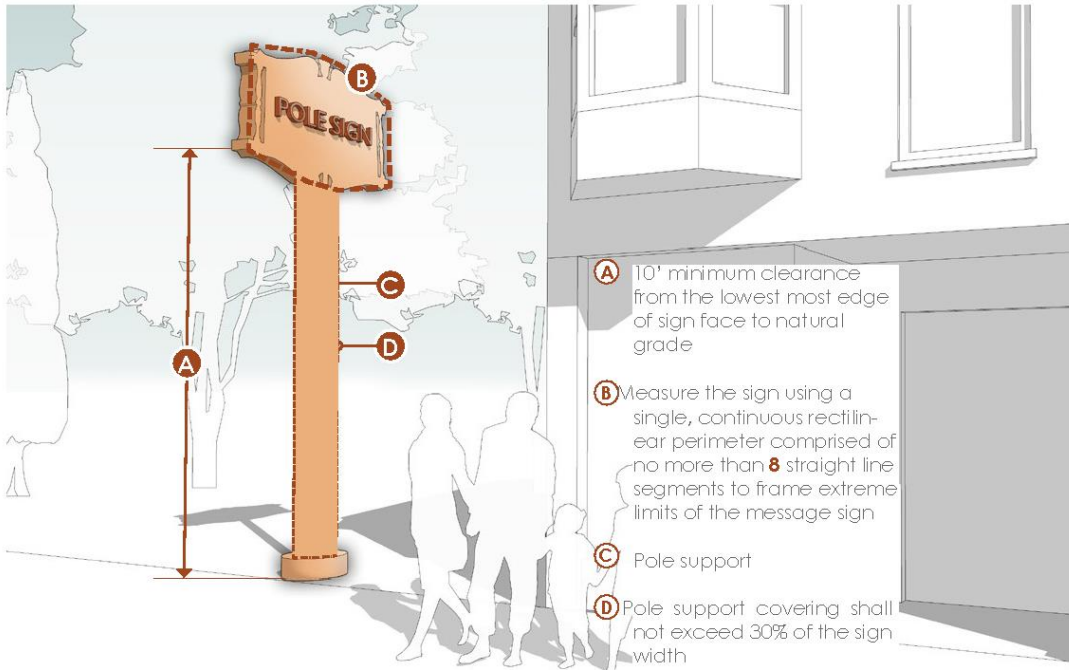
- (A) 7' minimum clearance from the bottommost point of sign to walkway
- (B) 12 sq.ft. maximum sign area
- (C) The sign structure shall not project more than 48" from face of building wall

Signs Projecting over Public Sidewalks. Sec. 40-701.E



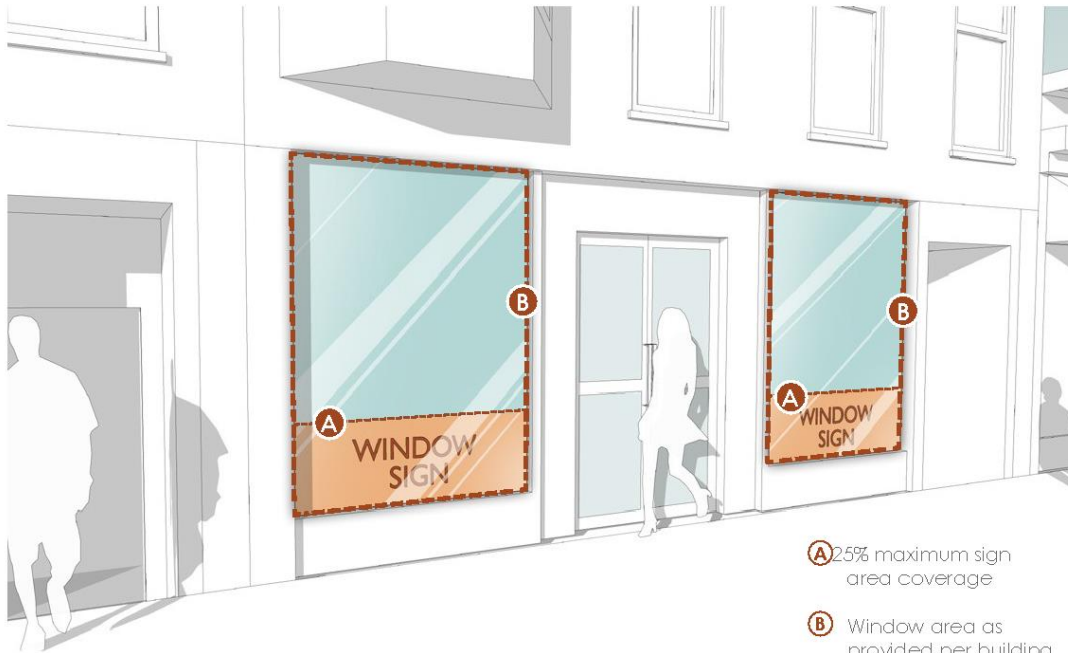
A Wall signs shall not project more than 6" from the wall to which they are attached

Wall Sign Placement. Sec. 40-701.L



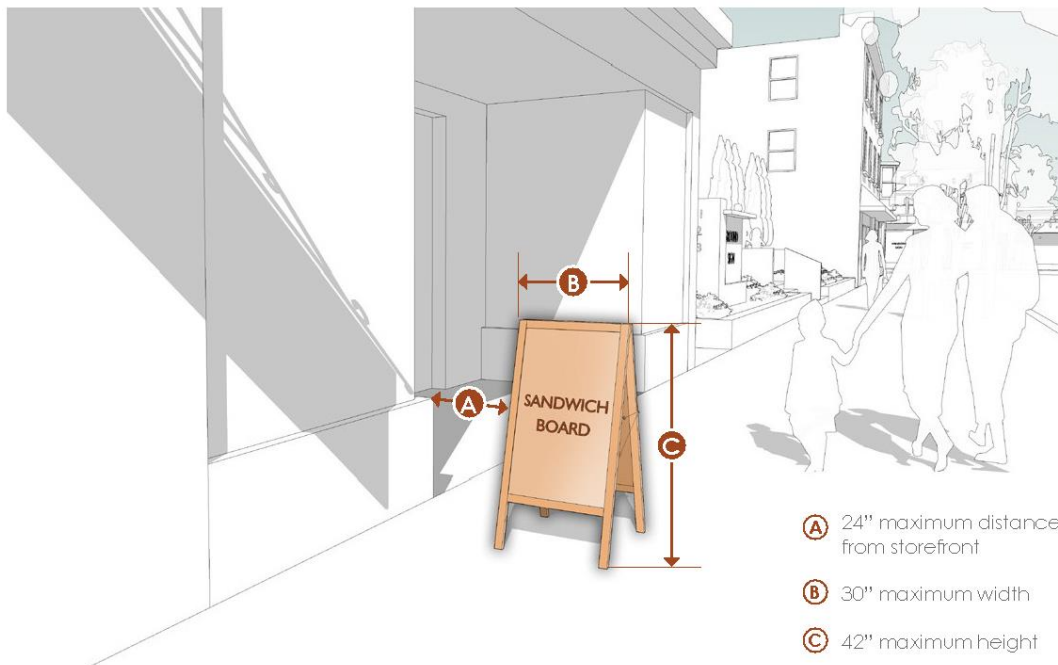
- A** 10' minimum clearance from the lowest most edge of sign face to natural grade
- B** Measure the sign using a single, continuous rectilinear perimeter comprised of no more than 8 straight line segments to frame extreme limits of the message sign
- C** Pole support
- D** Pole support covering shall not exceed 30% of the sign width

Pole Sign Design Standards. Sec. 40-701.N



Window Sign Design Standards. Sec. 40-703.H

- A** 25% maximum sign area coverage
- B** Window area as provided per building elevation



Sandwich Board Design Standards. Sec. 40-707

- A** 24" maximum distance from storefront
- B** 30" maximum width
- C** 42" maximum height

(Ord. No. 19-07 , § 2, 3-4-19)

ARTICLE VIII. LANDSCAPING⁹

Sec. 40-800. Purpose and scope.

The purpose of this article is to establish minimum standards for certain landscaped areas in the city; and to require certain landscaped areas to protect the general health, safety, and welfare of citizens of the community. It is further the intent of this article to minimize noise and site impact between adjacent districts. This article recognizes that the proper management and use of trees, plants and other types of vegetation will improve the appearance, value, character and quality of life in the city and promote resourceful site planning and creative design.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-801. General requirements.

- A. All required yards shall be landscaped with living vegetative materials.
- B. An underground irrigation system is required for nonresidential uses and multiple-family dwellings. An acceptable alternative water supply may be approved where the zoning administrator or planning commission finds that such supply would ensure the adequate coverage of landscaped areas.
- C. Where this article requires landscaping for any given amount of feet along a property or other line, and an applicant's property is a fraction of the given measurement, then the property's measurement shall be rounded up to comply with the minimum standards herein.
- D. Where a parkway exists, street trees shall be planted within the parkway along major streets and along local and private streets in all development requiring site plan approval. Trees shall be deciduous trees capable of achieving a mature canopy diameter of at least twenty-five (25) feet and shall comply with the requirements of subsection 40-805.01.B. and the City of Grand Haven list of approved street trees species and caliper.
- E. Utility structures such as electrical transformers, air conditioners, and similar features shall be screened from view by landscaping.
- F. The planning commission may lessen the requirements of this article if site conditions make the strict application of these regulations unreasonable, or may impose additional requirements on landscaping, if such modification would further the intent of this ordinance, provide for sufficient buffering between dissimilar uses and between expanses of parking and rights-of-way, if any existing landscaping meets the intent of the ordinance or if native, drought tolerant plant materials are used.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-802. Buffer areas.

⁹Editor's note(s)—Ord. No. 2021-02 , § 1(Exh. A), adopted Jan. 4, 2021, amended art. VIII in its entirety to read as herein set out. Former art. VIII, §§ 40-800—40-805.03, pertained to similar subject matter and derived from an ordinance adopted March 5, 2007.

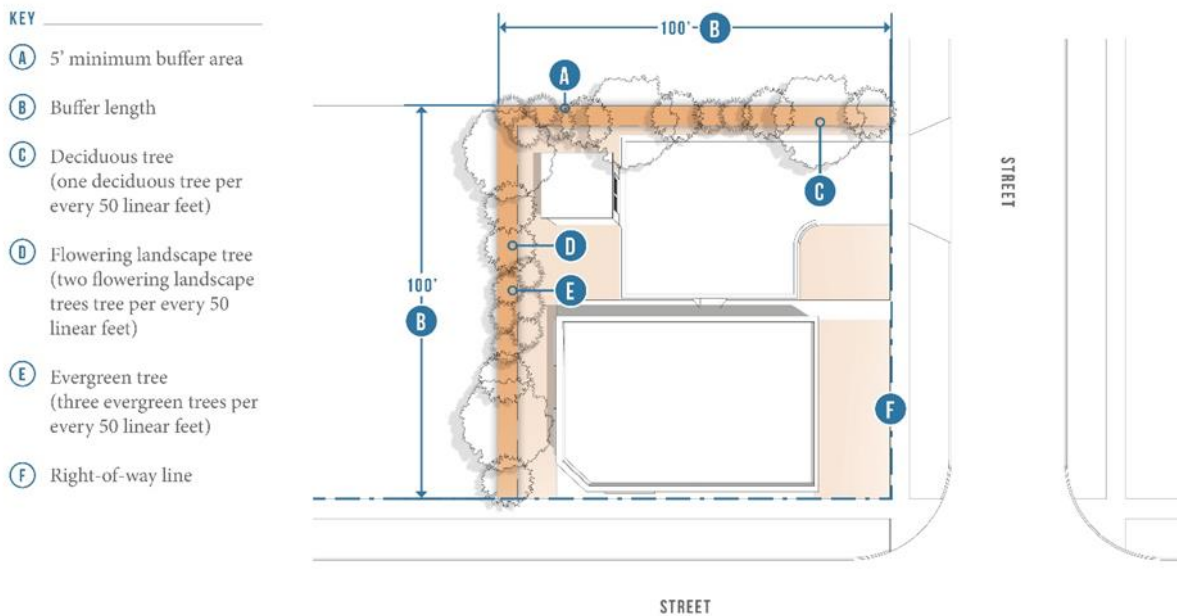
Sec. 40-802.01. Buffer areas in all districts except the B district.

Where a proposed nonresidential use, mixed use development, or multiple-family dwelling will abut a one-family dwelling or two-unit dwelling; and where a proposed nonresidential use will abut a multiple-family dwelling, a buffer area is required as follows:

- A. A buffer area shall be a minimum of five (5) feet in width and shall be provided along the common property line. A buffer area is not in addition to a required yard area.
- B. A minimum of one deciduous tree, two (2) flowering landscape trees, and three (3) evergreen trees shall be provided within the buffer area per every fifty (50) linear feet measured along the property line, as well as any additional combination of flowers and shrubs.
- C. The buffer area shall be dedicated solely to landscaping and no buildings, pavement, parking, or outside storage is permitted within that area. However, a brick or stone screen wall four (4) feet in height or a berm may be required, in combination with the required plantings. If a wall is provided, it shall be constructed of face-brick, brick, or stone on the side that faces the adjacent property; the opposite side shall be a similar non-porous masonry material, except cinder or plain concrete block may not be used.

BUFFER AREAS IN ALL DISTRICTS EXCEPT THE B DISTRICT

FIGURE 8-1



(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-802.02. Buffer areas in the B district.

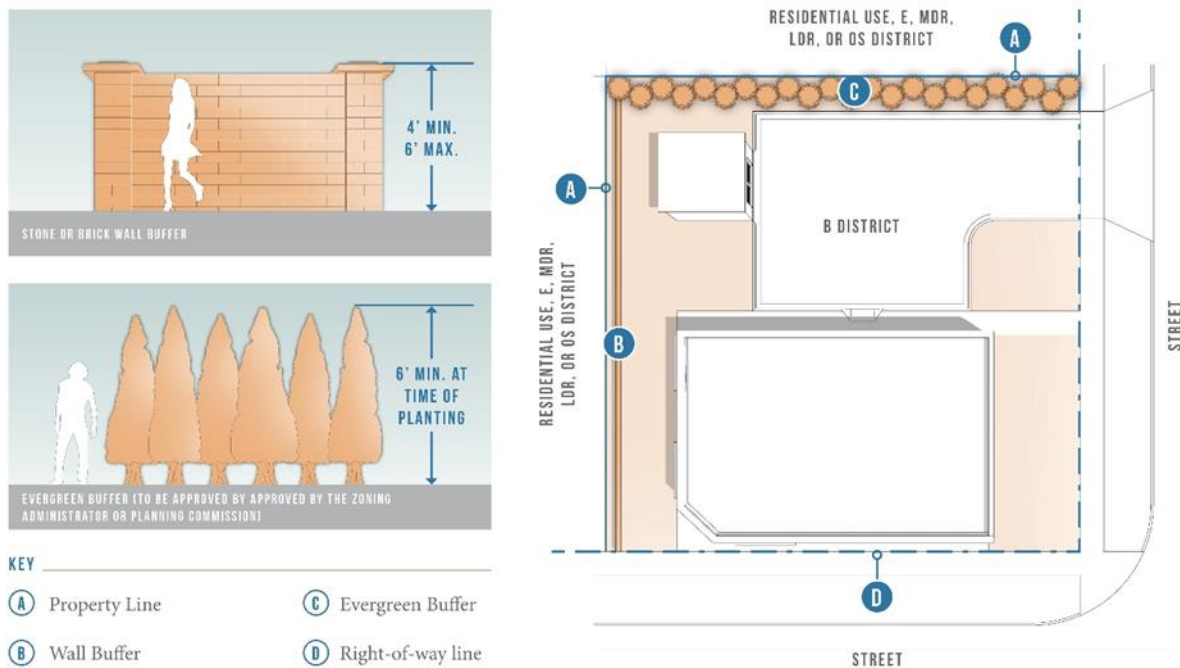
- A. Where a rear or side yard in the B district abuts a property used for residential purposes or within the E, MDR, LDR, or OS district, an obscuring wall not less than four (4) feet nor more than six (6) feet in height shall be provided in such a manner to buffer the residential use from the use in the B district. Such a wall may also

be required in any other circumstance where the planning commission or zoning administrator finds that the wall will further the intent of this article. The obscuring wall shall meet the following requirements:

1. The wall shall be constructed along the property line.
2. The wall shall be continuous, unless an opening is required by the building inspector or department of public safety.
3. The wall shall be constructed of face-brick, brick, or stone on the side that faces the adjacent property; the opposite side shall be a similar non-porous masonry material, except cinder or plain concrete block may not be used.
4. The wall shall include a proper cap to assure effective drainage.

BUFFER AREAS IN THE B DISTRICT

FIGURE 8-2



- B. In lieu of an obscuring wall, a property owner or applicant may install an evergreen landscape screen if approved by the zoning administrator or planning commission. The evergreen landscape screen shall meet the following requirements:
1. The screen shall be a minimum of six (6) feet in height at time of planting.
 2. Plantings are limited to arborvitae or another similar evergreen species that will provide full screening year-round, and shall be subject to approval by the zoning administrator or planning commission
 3. Plantings shall be arranged to provide full screening at time of planting, such as in staggered rows.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-803. Parking areas.

Sec. 40-803.01. Required trees in off-street parking areas.

- A. Trees are required within off-street parking areas to provide shade and relieve adverse visual impact of large expanses of pavement and parked cars. Quantity and distribution of trees shall be as follows, for any parking area with six (6) or more parking spaces:
 - 1. A minimum of one tree is required per each fifteen (15) spaces, or fraction thereof.
 - 2. No parking space shall be more than one hundred (100) feet from a tree.
 - 3. The minimum size of tree planters or islands within off-street parking areas shall be thirty-six (36) square feet per tree. Tree planters or islands shall be covered with living vegetative materials, such as grasses, vines, spreading shrubs, or flowers.
 - 4. At least seventy-five (75) percent of the required parking area trees shall be deciduous trees.
- B. Commercial parking facilities, when constructed as a multi-story building, shall be exempt from these requirements.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-803.02. Required parking area screening.

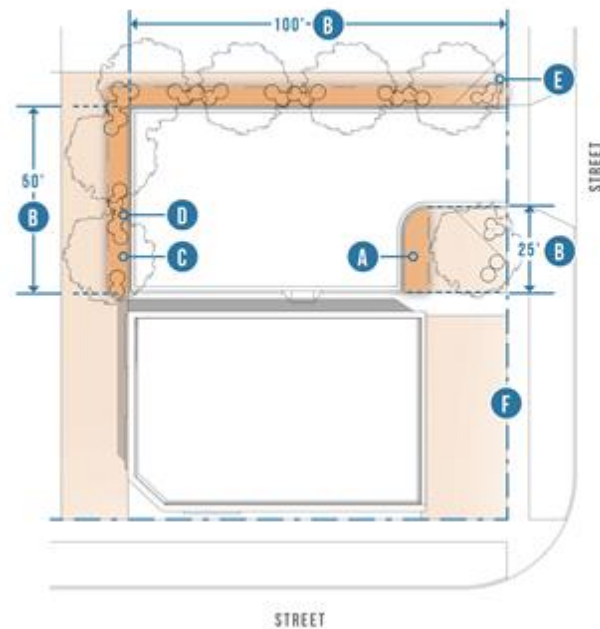
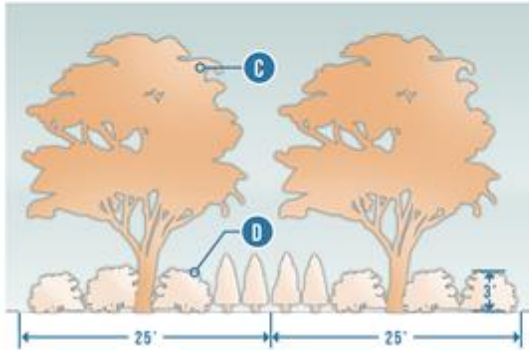
- A. A screening area not less than five (5) feet in width shall be required around the perimeter of an off-street parking lot to buffer off-street parking areas and maneuvering lanes from front, side and rear property lines, except that in the case of a shared parking lot, such screening shall not be required along the common property line. Driveways connecting to adjacent land or to a right-of-way may cross a screening area, and a sign may be partially located within a screening area, with appropriate clear vision corners. Parking shall be prohibited within the screening area. Specific requirements are as follows:
 - 1. Landscaping provided within an adjacent right-of-way shall not be counted towards the requirements of this section. Street trees required per subsection 40-801.D shall not be counted towards the requirements of this section.
 - 2. Side and rear yard parking screening areas are not in addition to the requirements of section 40-802. Where the provisions of this section conflict with the requirements of 40-802, the more stringent standard shall apply.
 - 3. For every twenty-five (25) linear feet of screening area, as measured along the property line, a minimum of one deciduous tree and three (3) shrubs at least three (3) feet in height shall be provided, as well as any additional combination of flowers and shrubs, within the screening area. The ground area shall be covered with living vegetative materials, such as grasses, vines, spreading shrubs, or flowering plants; or with properly maintained ground cover material such as shredded bark, bark chips, or landscape stone.
- B. In the C, CC, B, OS, S, E, OT, NMU, and TI districts and where an off-street parking area is located within the front yard, a brick or stone screening wall not less than three (3) feet nor more than four (4) feet, six (6) inches in height, may be provided in lieu of the landscaped screening area.

PARKING LOT SCREENING

FIGURE 8-3

KEY

- | | |
|--|--|
| (A) 5' minimum buffer area | (D) Minimum 3' tall shrub (five shrubs per every 25 linear feet) |
| (B) Screen length | (E) Clear vision corner |
| (C) Deciduous tree (one deciduous tree per every 25 linear feet) | (F) Right-of-way line |



Sec. 40-804. Application and maintenance.

- A. Where landscaping is required, a landscaping plan is required for review by the zoning administrator or planning commission. The landscaping plan at a minimum shall include the following information:
1. A scale drawing of the site and proposed development thereon, including the date, name, and address of the preparer, parcel lines and parcel area.
 2. The scale of the drawing and north arrow which shall be not less than 1" = 200' nor greater than 1" = 20'.
 3. Proposed manmade features, including proposed buildings, structures, and parking areas.
 4. Setback lines and their dimensions.
 5. Location of existing and proposed driveways and curb cuts, if any.
 6. Location of existing public and private rights-of-way and easements contiguous to and on the property.
 7. Natural features, including trees with a diameter at breast height of three (3) inches or more, water bodies and wetlands, high-risk erosion areas, beach, sand dunes, slopes in excess of twenty-five (25) percent, drainage and similar features; and an indication of which features would be preserved.
 8. Proposed location of plantings, spacing between plantings, height, and size at time of planting, type of plantings, and other elements to illustrate compliance with the standards of this article.
 9. Identification of the individual(s) or business(es) who will be responsible for continued maintenance of the landscaping.
 10. Indication of irrigation system or water connection within fifty (50) feet from each planting area.

-
11. Any other information as may be required by the zoning administrator to aid in the review of the site plan.
 - B. The plantings and features of the landscaping plan shall be installed prior to a certificate of occupancy being issued by the city; provided, that if a certificate of occupancy is issued between October and March, landscaping shall be installed by the following May 31.
 - C. The zoning administrator or planning commission may require a performance guarantee per subsection 40-115.05.I, action on application and site plans.
 - D. Landscaping shall be installed and maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced as soon as practicable.
- (Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-805. Required conditions for plantings and earth berms.

Sec. 40-805.01. Size and placement of plantings.

- A. Plant material shall meet or exceed current American Association of Nurserymen Standards.
- B. Deciduous trees shall have a minimum of two and one-half-inch caliper at time of planting, measured at four (4) feet from grade. Deciduous trees shall be spaced no more than twenty-five (25) feet apart.
- C. Deciduous shrubs shall be at least thirty (30) inches in height at time of planting with a minimum spread of twenty-four (24) inches.
- D. Spreading evergreen shrubs shall have a minimum spread of thirty (30) inches and a height of twenty-four (24) inches, unless otherwise required.
- E. Evergreen trees shall be a minimum of six (6) feet in height at time of planting and shall be spaced no less than ten (10) feet on center. Evergreen trees may be planted in staggered rows to provide space for spreading and growth.
- F. Flowering landscape trees shall have a minimum two-inch caliper at time of planting, measured at four (4) feet from grade.
- G. All landscape plantings shall be spaced a minimum of fifteen (15) feet from any fire hydrant.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-805.02. Plant materials.

- A. The following materials shall not be counted toward the requirements of this article due to their undesirable characteristics in developed areas, such as weak wood, excessive litter, expansive root structure, offensive odor, and/or disease resistance:
 1. Fraxinus (Ash).
 2. Populus Deltoids (Eastern Cottonwood).
 3. Morus Alba (Mulberry).
 4. Acer Saccharinum (Silver Maple).
 5. Catalpa spp. (Catalpa species).

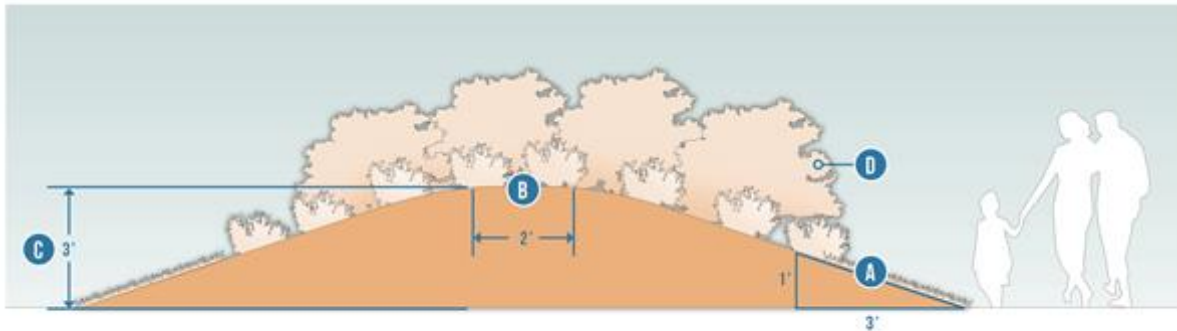
-
6. *Box Elder* (*Acer Negundo*)
 7. *Ginkgo Biloba* (Female Ginkgo)
 8. *Salix spp.* (Willow species)
- B. The planting of vegetation known to be an invasive species is prohibited. These non-native invasive species have a negative effect on fragile West Michigan ecosystems and/or human health. In addition to the prohibited and restricted species stated in Michigan's Natural Resources Environmental Protection Act (Act 451 of 1994 as amended), the following invasive plants shall also be prohibited from planting within the City:
1. *AilanthusAltissima* (Tree of Heaven).
 2. *Acer Ginnala* (Amur Maple)
 3. *Acer platanoides* (Norway Maple)
 4. *Alliaria petiolate* (Garlic Mustard)
 5. *Berberis Thunbergii* (Japanese Barberry)
 6. *Elaeagnus Angustifolia* (Russian Olive)
 7. *Lonicera japonica* (Japanese Honeysuckle)
 8. *Pinus Sylvestris* (Scots Pine)
 9. *Polygonum sahalinensis* (Giant Knotweed)
 10. *Populus nigra var. italica* (Lombardy Poplar)
 11. *Rhamnus Cathartica* (Common Buckthorn)
 12. *Rhamnus Frangula* (Glossy Buckthorn)
 13. *Robinia pseudoacacia* (Black Locust)
 14. *Rosa Multiflora* (Multiflora Rose)
 15. *Ulmus pumila* (Siberian Elm)
- C. The zoning administrator or planning commission may approve other species of coniferous and deciduous trees, shrubs, and perennial plantings if they are demonstrated to be tolerant of the West Michigan climate and disease resistant. The zoning administrator or planning commission may require alternative species in locations where leaf or seed litter or fruit/berries may create hazardous or unsightly conditions.

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

Sec. 40-805.03. Earth berms.

- A. Where earth berms are provided, such berms shall be three (3) feet in height and provide a maximum slope ratio of three (3) feet horizontal to one foot vertical.
- B. Earth berms shall have a nearly flat horizontal area at their crests of at least two (2) feet in width for plantings.
- C. Earth berms shall be covered with living vegetative materials, such as grasses, vines, spreading shrubs, or flowering plants; or with properly maintained ground cover material such as shredded bark, bark chips, or landscape stone.

EARTH BERM
FIGURE 8-4



KEY

- A** Maximum slope ratio of 3' horizontal to 1' foot vertical
- B** Flat horizontal area at berm crest of at least 2' in width
- C** Minimum berm height of 3'

- D** Living vegetative materials, such as grasses, vines, spreading shrubs, or flowering plants.
Alternatively, properly maintained ground cover material such as shredded bark, bark chips, or landscape stone may be used

(Ord. No. 2021-02 , § 1(Exh. A), 1-4-21)

ARTICLE IX. WIND ENERGY TURBINES

Sec. 40-900. Purpose and scope.

It is the purpose of this article to establish guidelines for siting wind energy turbine (WETS). The goals are as follows:

- To promote the safe, effective, and efficient use of a WET;
- To preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WET; and
- To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WET shall be governed.

Sec. 40-901. Applicability.

This ordinance section applies to all WET proposed to be constructed after the effective date of this ordinance.

Sec. 40-902. Definitions.

Ambient sound level: Amount of background noise at a given location prior to the installation of a MWET, SSMWET and/or STMWET which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.

Anemometer: A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a MWET, SSMWET and/or STMWET at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Condominium development: A development that is created under the Condominium Act, Public Act 59 of the Michigan Public Acts of 1978, as amended.

Decibel: A unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

Decommissioning: Process of terminating operation and completely removing a SSMWET and STMWET and MWET and all related buildings, structures, foundations, access roads, and equipment.

General common element: An area designated for use by all owners within a condominium development.

Grid: An electrical grid is an interconnected network for delivering electricity from suppliers to consumers.

Medium wind energy turbine (MWET): A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The MWET has a nameplate capacity that does not exceed two hundred fifty (250) kilowatts. The total height does not exceed two hundred (200) feet.

Nacelle: The encasement which houses all of the generating components, gear box, drive tram, and other equipment.

Net-metering: A special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.

Occupied building: A residence, school, hospital, church, public library, business, or other building used for public gatherings.

Off-grid systems: A wind turbine system that is not connected to a public or private electrical grid.

Operator: The person or entity responsible for the day-to-day operation and maintenance of a MWET, SSMWET and/or STMWET.

Owner: The person or entity, including their respective successors and assigns, that have an equity interest or own the MWET, SSMWET and/or STMWET in accordance with this ordinance.

Public utility: Any governmental unit, board or commission, or any person (under public regulation if a private agency) furnishing to the public, transportation, water, gas, electricity, telephone, steam, telegraph, sewage disposal or other essential public service.

Rotor diameter: The cross-sectional dimension of the circle swept by the rotating blades of a SSMWET, STMWET, and MWET.

Shadow flicker: The moving shadow, created by the sun shining through the rotating blades of a MWET, SSMWET and STMWET. The amount of shadow flicker created by a MWET, SSMWET and STMWET is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

Small structure-mounted wind energy turbine (SSMWET): A systems that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed ten

(10) kilowatts. The total height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

Small tower-mounted wind energy turbine (STMWET): A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a nameplate capacity that does not exceed thirty (30) kilowatts. The total height does not exceed one hundred twenty (120) feet.

Total height: The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the MWET, SSMWET and/or STMWET.

Tower: A freestanding monopole that supports a MWET, SSMWET and/or STMWET.

Wind energy turbine (WET): Any structure-mounted, small or medium wind energy conservation system (including MWET, STMWET and SSMWET) that converts wind energy into electricity through the use of a wind generator and includes the nacelle, rotor, tower and pad transformer, if any.

Sec. 40-903. Summary of WETS permitted.

Facility Type	Application Process	Districts Permitted	Ordinance Section
Anemometer	Permitted use	All districts	40-904
SSMWET	Special land use	All districts	40-905
STMWET	Special land use	All districts	40-905
MWET	Special land use	WF, I	40-906

Sec. 40-904. Temporary uses—Anemometers.

Anemometers are permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein, and the applicable WET regulations. The following conditions apply.

- A. The construction, installation, or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- B. An anemometer shall be subject to the minimum requirements for tower height, setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.
- C. An anemometer shall be permitted for no more than thirteen (13) months for a SSMWET, STMWET and no more than three (3) years for a MWET.

Sec. 40-905. Special land uses—SSMWETS, STMWETS.

A SSMWET or STMWET shall be considered a special land use in all zoning districts and are subject to all State of Michigan Building Codes. All SSMWETS and STMWETS are subject to the following minimum requirements:

- A. *Siting and design requirements:*
 1. SSMWET requirements:
 - a. Height: The height of a SSMWET shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

-
- b. Setback: The setback of the SSMWET shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the SSMWET is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts.
 - c. The SSMWET shall not be affixed to the wall on the side of a structure facing a street or private road.
 - d. No more than two (2) SSMWETS shall be installed on any lot.
 - e. If more than one SSMWET is installed, a distance equal to the height of the highest SSMWET must be maintained between the bases of each SSMWET.
2. STMWET requirements:
- a. Height: The total height of a STMWET shall not exceed twice the maximum permitted height for principal structures on a site within or adjacent to a residential zoning district, or one hundred twenty (120) feet on any site that is not adjacent to a residential zoning district.
 - b. Location:
 - i. The STMWET shall be located in a rear yard of a lot that has a principal building.
 - ii. The STMWET must be set back from all lot lines and rights-of-way to the center of the tower base no less than a distance equal to one-half (½) the diameter of the rotor and blades, or the minimum required front, side and rear yard setbacks for principal structures, whichever is greater.
 - c. Separation: All occupied buildings shall be a minimum of twenty (20) feet measured from the base of the tower.
 - d. Setbacks: The setback shall be equal to the total height of the STMWET, as measured from the base of the tower, from the lot line, public right-of-way, public easement, or overhead public utility lines. This setback may be reduced if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the tower height of the STMWET.
 - e. Quantity: No more than one STMWET shall be installed on any lot.
 - f. Electrical system: All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each lot at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.
- B. *Application and site plan requirements:* The application and site plan shall include the following information:
- 1. Name of property owner(s), address, and lot number shall be included.
 - 2. A scaled site plan shall illustrate the proposed location of all components and ancillary equipment of the SSMWET(s) or STMWET, lot lines, physical dimensions of the lot, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, nonmotorized pathways, streets, private roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures and buildings.

-
3. The proposed type and height of the SSMWET or STMWET to be constructed shall be set forth; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
 4. Compliance shall be documented with the noise requirements set forth in the zoning ordinance.
 5. Compliance shall be documented with applicable local, state and federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
 6. Evidence shall be submitted that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
 7. Other relevant information shall be provided as may be reasonably requested.
 8. Total proposed number of SSMWETS shall be given.
 9. A description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance.

Sec. 40-906. Special land uses—MWETS.

A MWET shall be a special land use in the WF and I zoning districts.

- A. *Siting and design requirements for all MWETS:* The design of a MWET shall conform to all applicable industry standards.
 1. MWET requirements:
 - a. Location: If an MWET is located on a commercial, industrial, or public property that has an occupied building it shall only be located in the rear yard. The MWET shall only be located in a general common element in a condominium development.
 - b. Height: The total height of a MWET shall not exceed two hundred (200) feet.
 - c. Quantity: No more than one MWET shall be installed for every two and one-half (2½) acres of land included in the lot.
 - d. Setback and separation:
 - 1) Occupied building setback: The setback from all occupied buildings on the applicant's lot shall be a minimum of twenty (20) feet measured from the base of the tower.
 - 2) Property line setback shall be equal to the total height of the MWET as measured from the base of the tower. This setback may be reduced to a distance agreed upon as part of the special land use permit if the applicant provides a registered engineer's certification that the MWET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the MWET.
 - 3) Street setbacks: Each MWET shall be set back from the nearest street a distance equal to the total height of the MWET, determined at the nearest boundary of the underlying right-of-way for such street.
 - 4) Communication and electrical lines: Each MWET shall be set back from the nearest above-ground public electric power line or telephone line a distance

equal to the total height of the MWET, as measured from the base of the tower, determined from the existing power line or telephone line.

- 5) Tower separation: MWET/tower separation shall be based on industry standard and manufacturer recommendation.

B. *Application and site plan requirements:* The application and site plan shall include the following information:

1. All MWET special land use applications shall be accompanied by a detailed site plan in accordance with article I of this ordinance.
2. The proposed number, representative types and total height of each MWET to be constructed shall be included. The information shall specifically include their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
3. Documents shall be submitted by the developer/manufacturer confirming specifications for MWET separation.
4. Documented compliance with the noise and shadow flicker requirements set forth in the zoning ordinance shall be provided.
5. Engineering data shall be provided concerning construction of the MWET and its base or foundation, which may include, but not be limited to, soil boring data.
6. A certified registered engineer shall certify that the MWET meets or exceeds the manufacturer's construction and installation standards.
7. Anticipated construction schedule shall be provided.
8. A copy of the maintenance and operation plan shall be provided, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the MWET to conduct maintenance, if applicable shall be provided.
9. Documented compliance shall be provided with applicable local, state and federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communication standards. The MWET shall comply with FAA requirements, Michigan Airport Zoning Act, as amended, Michigan Tall Structures Act, as amended, and any applicable airport overlay zone regulations.
10. Evidence shall be provided that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
11. A written description of the anticipated life of each MWET shall be provided, along with the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the MWET becomes inoperative or nonfunctional.
12. The applicant shall submit a decommissioning plan that will be carried out at the end of the MWET's useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.
13. The city reserves the right to review all maintenance plans and bonds under this ordinance to ensure that all conditions of the permit are being followed.
14. A description of the routes to be used by construction and delivery vehicles and of any street and private road improvements that will be necessary to accommodate construction vehicles,

equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to streets and private roads and other areas caused by construction of the MWET.

15. A statement shall include what hazardous materials will be used and stored on the site.
16. A study shall assess any potential impacts on the natural environment including, but not limited to, assessing the potential impact on endangered species, eagles, birds or other wildlife, wetlands and fragile ecosystems. The study shall conform to state and federal wildlife agency recommendations based on local conditions.

C. *Certification and compliance:*

1. The city must be notified of a change in ownership of a MWET or a change in ownership of the property on which the MWET is located.
2. The city reserves the right to inspect any MWET, in order to ensure compliance with the ordinance.
3. A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing any MWET to demonstrate compliance with the requirements of this ordinance. Proof of compliance with the noise standards is required within ninety (90) days of the date the MWET becomes operational. Sound shall be measured by a third-party, qualified professional.
4. The MWET owner or operator shall provide the zoning administrator with a copy of the yearly maintenance inspection.

Sec. 40-907. General requirements for all WETS.

A. *Visual appearance:*

1. WETS shall be nonreflective, nonobtrusive in color (e.g., white or gray). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the WET.
2. WETS shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for reasonable safety and security.
3. WETS shall not be used for displaying any advertising (including flags, streamers, or decorative items).

B. *Ground clearance:* The lowest extension of any blade or other exposed moving component of a WET shall be at least fifteen (15) feet above the ground and at least fifteen (15) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the WET.

C. *Noise:* Audible sound from all WETS shall not exceed 45 dB(A), as measured at the exterior of an occupied structure on a nonparticipating landowner's property.

D. *Vibration:* Vibrations shall not be produced which are humanly perceptible beyond the property on which a WET is located.

E. *Shadow flicker:* The WET owner(s) or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the WET. The analysis shall identify the locations of shadow flicker that may be caused and the expected duration of the shadow flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than thirty (30) hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a building shall not exceed thirty (30) hours per year.

F. *Guy wires:* Guy wires shall not be permitted as part of any WET.

G. *Safety requirements:*

1. If the WET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
2. The WET shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
3. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
4. Each WET shall have one sign, not to exceed two (2) square feet in area, posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:
 - a. Warning of high voltage;
 - b. Manufacturer's and owner/operator's name; and
 - c. Emergency contact numbers (list more than one number).
5. *Signal interference:* The WET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

H. *Decommissioning:*

1. The WET owner or operator shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or operator(s) of the WET, the city council may grant a reasonable extension of time. The WET will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s) and the city may require financial guarantees to assure compliance.
2. If the owner or operator of a WET fails to complete decommissioning in compliance with this section, the city may perform the required decommissioning. The actual cost, plus accrued interest at the rate of one percent per month from the date of completion, incurred by the city in its performance of any decommissioning pursuant to this section shall be charged by invoice to the owner(s) of the premises on which such work was performed. Where the full amount due the city is not paid by the owner(s) within sixty (60) days after the completion of decommissioning performed by the city pursuant to this section, the city treasurer may cause to be recorded a sworn statement showing the cost and expense incurred and the date and premises on which said work was done. The recordation of such sworn statement shall constitute a lien on the premises, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection until final payment has been made. Sworn statements recorded in accordance with this section shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done, and shall be full notice that the amount of the statement, plus interest, constitutes a charge against the premises designated or described in the statement and is due and collectible as provided by law.
3. Decommissioning shall include the removal of each WET, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.
4. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) or operator(s) of the WET.

-
5. All WET applications shall provide a decommissioning plan and performance bonds as necessary by the city.
 6. Legal agreements may be required between the WET owner/operator and the city to ensure compliance with all decommissioning requirements.

APPENDIX

Grand Landing Amended PD Plan

Sec. 1. Findings.

The city council finds that the two-page preliminary PD plan prepared by Moore and Bruggink, Inc. for Redstar Shores II, bearing Project No. 1201.8.3.1, dated September 27, 2012, with a last revision date of April 3, 2014, together with the elevation drawing labeled "12 Unit - Front and Rear Elevations," and the two carport drawings and detail pages from Carport Structures Corporation labeled "Carport Style Offset Gable" and "Carport Style Mansard Straight Back," all of which are attached as Exhibit A¹⁰ and incorporated by reference (together referred to as the "April 2014 PD Plan Amendment"):

- A. The April 2014 PD Plan Amendment meets the intent of the PD District under the city's zoning ordinance.
- B. Granting of the planned development rezoning has already occurred and the April 2014 PD Plan Amendment will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely.
- C. The type and density of use in the April 2014 PD Plan Amendment is compatible with the capacities of the public services and facilities it may affect, and does not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
- D. The April 2014 PD Plan Amendment is compatible with the master plan of the city and is consistent with the intent and spirit of with article 4 and with section 40-421 of the city's zoning ordinance.
- E. The proposed development is under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with the zoning ordinance.
- F. The proposed phasing plan is feasible and each of the proposed phases is capable of standing on its own and in conjunction with previously constructed phases in terms of the provision of all required services, facilities, open space and amenities to insure the protection of natural resources and the health, safety and welfare of the users of the PD and surrounding residents.

(Ord. No. 14-02, § 1, 4-14-14)

Sec. 2. Conditional approval.

The April 2014 PD Plan Amendment is approved subject to the following conditions:

- A. Elevation drawings for all buildings except the apartment buildings, clubhouse building(s), carports, and gazebo shall require the approval of the planning commission as part of final PD plan approval.

¹⁰Editor's note(s)—Exhibit A is incorporated herein by reference as if fully set out at length, and a copy is on file and available for inspection in the offices of the city.

-
1. The review by the planning commission shall ensure that some architectural features, roof lines, exterior materials, exterior color palette and/or other design features consistent with the currently completed Grand Landing building (other than the Culvers Building) are carried through in the commercial buildings on the site. At a minimum, commercial buildings must meet the building form standards of the commercial district. Residential buildings must meet the building form standards of the multiple family residential district.
 2. It is recognized that hotels, national or regional restaurant and retail chains, and other potential site occupants will insist upon brand identification design features. But, there shall be a blending of some features to satisfy both concerns.
 3. If the developer, either Redstar Shores or the developer of any portion of the site, is dissatisfied with the planning commission's decision, that developer may appeal to the city council by demonstrating the planning commission's action is arbitrary, capricious or renders use of a portion of the site wholly impracticable.
- B. The exterior finishes and exterior design features for the apartment buildings, the clubhouse and the gazebo shall be modified as follows:
1. Siding on all sides of all buildings shall include stone panels and siding shown on elevation drawings and consistent with development immediately south of subject property (Adams Row Townhouses). Final treatments are to be approved by community development manager.
 2. The siding shall be the product used on the Biggby Coffee Building with colors as shown on the elevation drawings.
- C. The pedestrian pathway to be constructed without cost to the city shall be constructed of concrete except where wooden sections are needed to traverse wet areas. A lighting plan shall be presented to ensure the pedestrian pathway is lighted. The lighting plan, including specifications for the light fixtures shall be approved by the city's planning director. The developer shall construct the pedestrian pathway including installation of the lights before any building permit(s) will be issued for Phase 3 of the residential apartment construction. Once installed, if the lights that are installed fully comply with city specifications and if they are installed in accordance with plans approved by the city, the city shall be responsible for operation costs and for the operation and maintenance of the lights.
- D. Landscaping for the project will include a minimum of one hundred forty-five (145) trees with a minimum two-inch caliper measurement of the trunks at five (5) feet above the surface level, generally in the locations depicted on the April 2014 PD Plan Amendment.
- E. The carports and parking spaces on the south side of the site shall be bermed, landscaped, fenced or otherwise addressed in a manner that headlights will not shine into the homes, particularly, the townhouses to the south of them.
- F. The developer shall construct a fully accessible kayak launch on the bank of the south channel similar in design to other kayak launches constructed on Ottawa County Grand River properties. The city may participate in the development of this amenity, and the city will be responsible for ongoing upkeep and maintenance of the launch as part of city recreational inventory. The developer shall construct the launch, including installation of accessible parking and lighting before any building permit(s) will be issued for Phase 3 of the residential apartment construction. The developer shall pay up to seventy-five thousand dollars (\$75,000.00) of the costs of constructing the kayak launch. The city will attempt to find grant funds to construct the kayak launch using the developer's contribution as matching funds for that grant.
- G. Building signage is limited to those shown on the plans, including the following: (i) one ground sign to serve the apartments with a maximum height of six (6) feet and a maximum sign area of thirty-two (32) square feet to be consistent with the MFR District (the location will be near the intersection of Adams

and Karlton Circle or near the community room); (ii) one pole sign at the southwest corner of the intersection of Adams and Beacon per MDOT approval, with a maximum height of twenty (20) feet and a maximum sign area of two hundred fifty (250) square feet; and (iii) wall and awning signage on the commercial buildings as permitted in the commercial district.

- H. Rough plumbing and rough electrical lines shall be provided to the portion of the site on which the public restroom is located on the PD plan, but the restroom building shall not be built until approved by the city council. The developer will have no obligation to construct that building.
- I. It is urged that the final PD plan for the hotel will relocate the hotel building further to the east of the site to provide for some parking on the west side of the hotel in an effort to reduce the size of the parking area east of the hotel and move the hotel closer to Beacon Blvd. However, no parking spaces are to be lost in that relocation. A corresponding change in the location of the hotel and parking spaces and the reshaping of the hotel footprint are minor changes in the PD plan and do not require city council approval.
- J. The clubhouse and related amenities shall be completed before any building permit(s) will be issued for Phase 2 of the residential apartment construction. The swimming pool will be substantially completed before any building permits will be issued for Phase 2 of the residential apartment construction and will be finally completed before any certificate(s) of occupancy is granted for Phase 2 of the residential apartment construction.
- K. The portion of the site east of Miller drive, and north of Adams Street may be used only by commercial uses. No apartments will be allowed on that portion of the site.
- L. Unless plans already have been approved and a building permit already has been issued for construction of the anticipated hotel, no building permit(s) will be issued for Phase 3 of the residential apartment construction until representatives of Redstar Shores have met with a committee comprised of the city manager, the city planner, the mayor or a council member appointed by the mayor, and the city attorney to demonstrate with copies of correspondence, phone logs, meeting notes and any other documentation available all of the efforts that have been made to secure development of a hotel and other commercial uses of the portion of the site east of Miller Drive and north of Adams Street so that it is very apparent that the effort has exceeded that which would be normally made by a developer earnestly seeking such commercial development. The information provided shall remain confidential and, no copies shall be retained by any of the city's representatives if the only way to ensure that confidentiality under applicable law is for the developer to retain all copies.

(Ord. No. 14-02, § 1, 4-14-14)